

**Agenda for Planning Committee
Tuesday, 25th April, 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

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(or group number 01395 517546)

Issued: Friday, 14 April 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 Tuesday, 18 April 2023 up until 12 noon on Friday, 21 April 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 the applications** (Pages 4 - 6)

2 **Apologies**

3 **Declarations of interest**

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

4 **Matters of urgency**

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

5 **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.

Applications for Determination

6 **22/0406/MOUT (Major) CRANBROOK** (Pages 7 - 241)

Land at Cobdens, north of London Road, East of Cranbrook.

7 **23/0047/FUL (Minor) BROADCLYST** (Pages 242 - 261)

The Gardens, Blackhorse, EX5 2FT.

8 **22/1377/FUL (Minor) NEWBRIDGES** (Pages 262 - 269)

Site of Spillers Cottage, Shute, EX13 7QG.

9 **22/2782/FUL (Minor) DUNKESWELL & OTTERHEAD** (Pages 270 - 284)

Holmsleigh, land and buildings, Monkton, EX14 9NP.

10 **23/0504/FUL (Minor) EXMOUTH LITTLEHAM** (Pages 285 - 294)

Queen's Drive Space, Queen's Drive, Exmouth, EX8 2AY.

****LUNCH BREAK****

Afternoon session - the applications below will not be considered before 2pm

- 11 **22/2409/MFUL (Major) BUDLEIGH & RALEIGH** (Pages 295 - 350)
Higher Hawkerland Farm, Sidmouth Road, Aylesbeare, EX5 2JW.
- 12 **22/0395/FUL (Minor) COLY VALLEY** (Pages 351 - 389)
The Oaks, Holyford Lane, Colyford, EX24 6HW.
- 13 **22/2632/FUL (Minor) COLY VALLEY** (Pages 390 - 405)
Clarkham Cottages, Swan Hill Road, Colyford, EX24 6QG.
- 14 **22/1645/FUL (Minor) OTTERY ST MARY** (Pages 406 - 431)
9 Mill Street, Ottery St Mary, EX11 1AA.
- 15 **22/2305/FUL (Minor) OTTERY ST MARY** (Pages 432 - 457)
Ottery Feoffee Day Centre, Brook Street, Ottery St Mary, EX11 1EZ.

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](#)

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Planning Committee, Tuesday, 25 April 2023, 10am

Speakers' list and revised running order for the planning applications

Morning Session

<p>Agenda item 6 Application number:22/0406/MOUT (Major) Pages 7-241 Ward: Cranbrook Address: Land at Cobdens, north of London Road, East of Cranbrook Ward Members: Councillor Kevin Blakey/ Councillor Sam Hawkins Committee Ward Members: Councillor Kim Bloxham</p>	
Agent	Jamie Grant
Ward Member	Councillor Kevin Blakey

<p>Agenda item 8 Application number: 22/1377/FUL (Minor) Pages 262-269 Ward: Newbridges Address: Site of Spillers Cottage, Shute, EX13 7QG. Ward Member: Councillor Iain Chubb</p>	
Applicant	Derek Branker
Ward Member	Councillor Iain Chubb

<p>Agenda item 10 Application number: 23/0504/FUL(Minor) Pages 285-294 Ward: Exmouth Littleham Address: Queen's Drive Space, Queen's Drive, Exmouth EX8 2AY Ward Members: Councillor Nick Hookway / Councillor Chris Wright Committee Ward Member: Councillor Bruce De Saram</p>	
Ward Member	Councillor Nick Hookway

<p>Agenda item 7 Application number: 22/0047/FUL (Minor) Pages 242-261 Ward: Broadclyst Address: The Gardens, Blackhorse Ward Members: Councillor Chris Pepper Committee Ward Members: Councillor Sarah Chamberlain / Councillor Eleanor Rylance</p>	
No Speakers	

Cont/...

Morning Session cont/...

Agenda item 9

Application number: 22/2782/FUL (**Minor**) Pages 270-284

Ward: Dunkeswell & Otterhead

Address: Holmsleigh, land and buildings, Monkton, EX14 9NP

Committee Ward Members: Councillor Colin Brown / Councillor David Key

No Speakers

Afternoon Session –

Applications below will not be considered before 2pm

Agenda item 11

Application number: 22/2409/MFUL (**Major**) Pages 295-350

Ward: Budleigh & Raleigh

Address: Higher Hawkerland Farm, Sidmouth Road, Aylesbeare, EX5 2JW

Ward Members: Councillor Alan Dent / Councillor Paul Jarvis / Councillor Tom Wright

Applicant	John Colombi Tel: 07505 004 382
Ward Member	Councillor Tom Wright

Agenda item 12

Application number: 22/0395/FUL (**Minor**) Pages 351-389

Ward: Coly Valley

Address: The Oaks, Holyford Lane, Colyford, EX24 6HW

Ward Members: Councillor Paul Arnott / Councillor Helen Parr

Objectors	Mike Eley Tel: 01297 552 983 / 07885 994 533
	Colin Pady Tel: 01297 552 316
Supporter	Marion Lamb
	David Washington Tel: 07903 127 849
Agent	Mathew Dalton Aram Tel: 01297 23 261

Cont/...

Agenda item 14**Application number: 22/1645/FUL (Minor) Pages 406-431****Ward: Ottery St Mary****Address: 9 Mill Street, Ottery St Mary, EX11 1AA****Ward Members: Councillor Peter Faithfull / Councillor Vicky Johns****Committee Ward Member: Councillor Geoff Pratt**

Objector	Dave Hart
Agent	Malcolm Gigg Tel: 01395 271 619
Ward Member	Councillor Peter Faithfull

Agenda item 15**Application number: 22/2305/FUL (Minor) Pages 432-457****Ward: Ottery St Mary****Address: Ottery Feoffee Day Centre, Brook Street, Ottery St Mary, EX11 1EZ****Ward Members: Councillor Peter Faithfull / Councillor Vicky Johns****Committee Ward Member: Councillor Geoff Pratt**

Applicant	Diane Passey on behalf of Trustees of Ottery Feoffee Charity
Ward Member	Councillor Peter Faithfull Councillor Vicky Johns

Agenda item 13**Application number: 22/2632/FUL (Minor) Pages 390-405****Ward: Coly Valley****Address: Clarkham Cottages, Swan Hill Road, Colyford, EX24 6QG****Ward Members: Councillor Paul Arnott / Councillor Helen Parr**

Agent	Mathew Dalton-Aram Tel: 01297 23261
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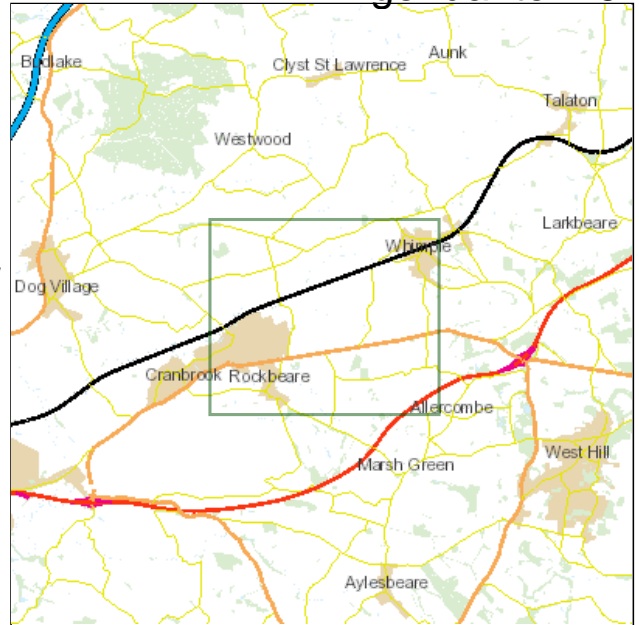
Ward Cranbrook

Reference 22/0406/MOUT

Applicant Persimmon Homes

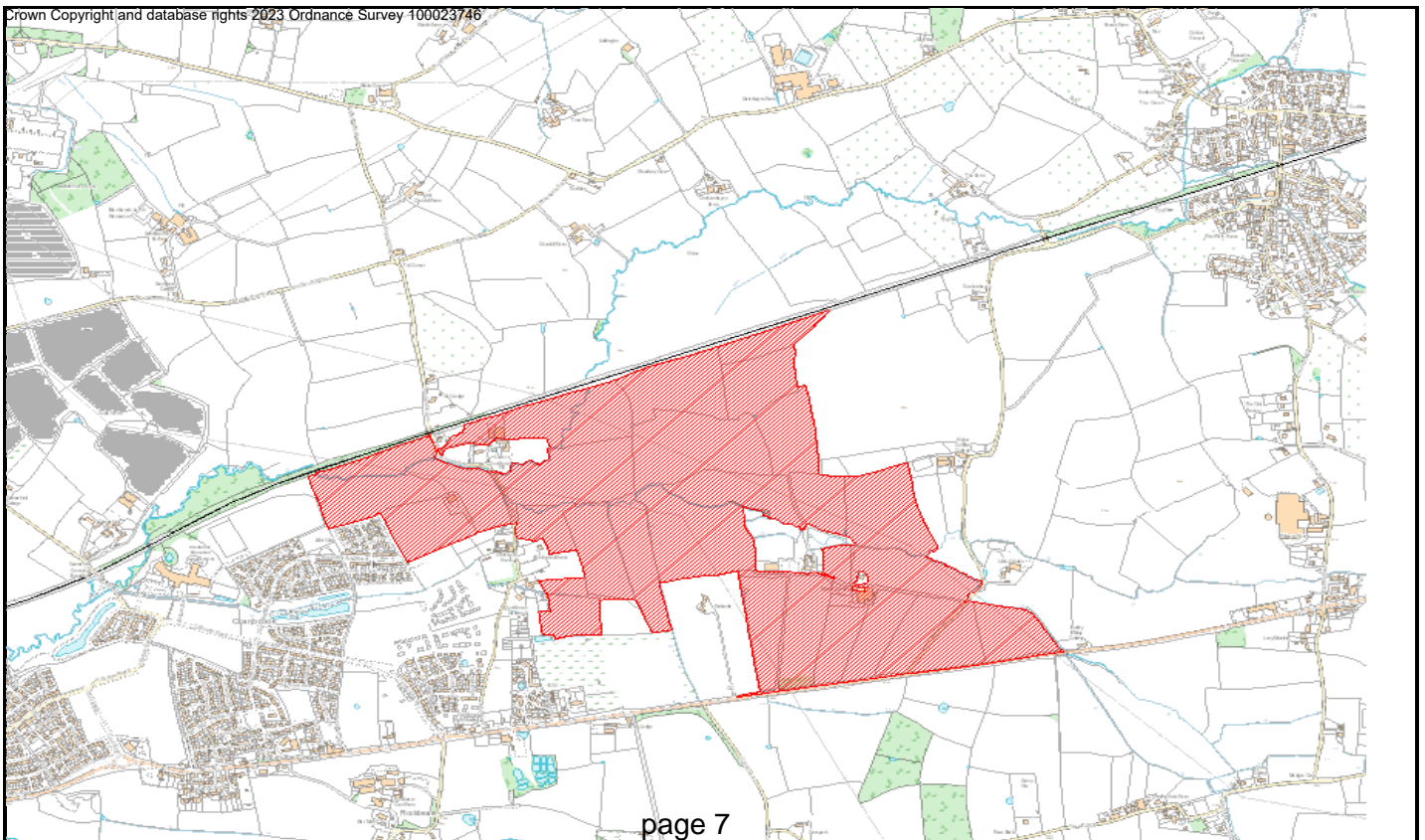
Location Land At Cobdens North Of London Road East Of Cranbrook

Proposal Outline planning application for up to 1,435 new residential dwellings, a neighbourhood centre with a maximum of 750 sqm gross ground floor space (use classes E and sui generis (Hot food takeaways and pubs/bars)), a three form entry Primary School (use class F1) with associated nursery provision (use class E) and community room (Use class F2), a 50 place Special Educational Needs School (Use Class F1), public open space, allotments, Suitable Alternative Natural Green Space, drainage basins, landscaping, place of worship (Use class F1), parsonage, cemetery, 10 serviced pitches for gypsies and travellers, demolition of 4no. barns, and associated infrastructure with all matters reserved except for principal vehicular access off London Road to the south, connection to Phase 1 to the west, and vehicular access to the serviced pitches for gypsies and travellers off London Road to the south east



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.



		Committee Date: 25.04.2023
Cranbrook (Cranbrook)	22/0406/MOUT	Target Date: 22.6.2022
Applicant:	Persimmon Home	
Location:	Land At Cobden North Of London Road East Of Cranbrook	
Proposal:	Outline planning application for up to 1,435 new residential dwellings, a neighbourhood centre with a maximum of 750 sqm gross ground floor space (use classes E and sui generis (Hot food takeaways and pubs/bars)), a three form entry Primary School (use class F1) with associated nursery provision (use class E) and community room (Use class F2), a 50 place Special Educational Needs School (Use Class F1), public open space, allotments, Suitable Alternative Natural Green Space, drainage basins, landscaping, place of worship (Use class F1), parsonage, cemetery, 10 serviced pitches for gypsies and travellers, demolition of 4no. barns, and associated infrastructure with all matters reserved except for principal vehicular access off London Road to the south, connection to Phase 1 to the west, and vehicular access to the serviced pitches for gypsies and travellers off London Road to the south east	

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 Whimple Parish Council.

The application proposes the construction of up to 1435 houses (222 in excess of the allocation) together with a 3 form entry primary school, land for a special educational needs school, 10 serviced pitches for gypsy and travellers, land for a cemetery, neighbourhood centre, POS, allotments, land for the place of worship and parsonage, and land for the delivery of required Suitable alternative

Natural Green space (SANGS). As such it is a comprehensive scheme that seeks to reflect and deliver much of the allocation Policy CB4 (Treasbeare expansion area) of the adopted Cranbrook Plan.

The scheme which sits to the east of the Town affects land between the London Road (B3174) and the Exeter-London Waterloos Railway line. On its western side it links with and joins Rush Meadow Road in Cranbrook Phase 1 and straddles upper Southbrook Lane, while to the east it extends across Cobden Lane to the triangular area of land between the Lane and London Road.

POS and play spaces are dispersed evenly across the site and the proposed SANGS land is principally found in two blocks – to the north west straddling Southbrook Lane and on the rising land to the east and north east. While principally a residential scheme other uses and infrastructure which the application proposes are located in the central and southern areas. The neighbourhood centre has a frontage onto London Road, the allotments and cemetery are in the central and central northern area and the school land proposed is to the north east of the neighbourhood centre.

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 3 primary junctions – one serving the main access into the site from the London Road, one into the Gypsy and Traveller site (again from the London Road) and the third the connection within the Rush Meadow Road where it joins with Cranbrook Phase 1. Rush Meadow Road (to the boundary if this site) is already constructed and in operation.

The 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 considerations of safety and also try to address concerns from the DCC Highway Signals team. In part, the outstanding issues relates to the exact arrangement of the cycle lane provision where this crosses the Gypsy and traveller junction. This can be made safer with minor tweaks and therefore its arrangement can reasonably be subject of a condition. Final materials and a landscaping palette for all three of the junctions is required but this too can be secured by condition in the event of approval.

In terms of other highway matters, the Local Highway Authority also consider that the safeguarding of land to allow a future increase in the size of the signalised junction is required and that a scheme to upgrade the offsite junction between Rush Meadow Road and Tillhouse Road may be required. These matters can be subject of negotiation through the section 106.

In terms of landscape and the visual appraisal which accompanies the application, this demonstrates that the site has high points at both its western and eastern extents. From the high land in the east there is a spur that runs centrally through the site dissecting the Cranny Brook and its stream tributary and dropping to the valley floor of the streams confluence close to Southbrook Lane. Land to the south is predominantly flat and of a similar level to the London Road.

Development has been kept away from the more prominent high land in the east and the stream corridors which pass through the site. This has allowed a landscape lead approach to naturally set the tone for the scheme's layout with the stream corridors in particular providing important links through the site. The identification of SANGS on the highest land is also a benefit in terms of public access to areas which are particularly attractive. As such the disposition of uses when considered in the context of landscape is considered acceptable.

Lighting is a sensitive issue and has the potential to make a material difference on wildlife – particularly bats and their feeding and foraging activity, but also on birdlife. The ecological appraisal that has been submitted with the application proposes the restriction of lighting to warm white light only which is supported and can be secured by condition.

Noise has been considered in detail as part of the application with detailed assessment having regard to the two primary noise sources that might affect the proposed development – traffic on the London Road and trains on the railway line. While the noise survey is sufficient for the purposes of the application it took its measurement from 30m into the site from both sources. It is entirely possible that development would take place (particularly on the roadside) within the excluded 30m corridor and therefore additional survey/acoustic consideration is required in order to safeguard the amenity of such properties. This can reasonably be secured by condition.

Water resources and flood risk has been the subject of detailed assessment with input from both the Environment Agency and DCC Lead Local 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 which pass through the centre of the site. However significant work has been undertaken by the developer's consultant in producing flood modelling to satisfy the EA. While not finally signed off the EA have confirmed that the modelling now gives them sufficient comfort that final modelling work to refine the identified boundaries can be subject of a condition. As this is now about refinement rather than trying to resolve substantial uncertainty, the approach that the EA propose is pragmatic and reasonable.

The delivery of the neighbourhood centre and land for a place of worship, parsonage and cemetery are beneficial. 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.

In terms of highway impacts on the wider network, these have been modelled both by the developer and separately 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. This is particularly important for junction 29 of the M5. This junction forms part of the strategic network and is managed by National Highways (NH). NH haven't objected to the scheme but currently consider that excess housing on one scheme uses up an equivalent part of the overall capacity of the junction without having regard to other allocated sites which have yet to be brought forward. Effectively this is simply a first come first served approach and risks delivery of other allocations. The evidence from DCC and from the developers themselves helps evidence that this is a low risk putting it in context of up to date approach to traffic modelling.

Having education facilities on site is a further key method by which to reduce wider vehicle movements and the scheme proposes the delivery of a 3FE primary school as well as providing land for a special education needs school. These are well located with good pedestrian and cycle access to the rest of the scheme as well as little landscape impact as a result of their location. Their delivery is a significant benefit of the development and weighs in favour of approval.

Concern has been raised by the Conservation team that insufficient evidence has been submitted to demonstrate the cumulative effects of development on the setting of Killerton and its grade II* Registered Park and Garden (RPG). In considering the application as a whole and in recognising that this scheme proposes development on the eastern side of Cranbrook, it allows a substantial distance (5km) from the boundary of the Park to the nearest edge of development. In this regard it is considered that the evidence that has been put forward is proportionate to the degree of harm which may result, particularly noting the intervening land form which sits between the areas and breaks up the potential direct lines of sight. While giving great weight to the asset's conservation, it is not considered that harm exists. Were any harm to be identified this would at worst be less than substantial and noting the significant public benefits that would be derived from the proposal it is considered that in this instance these outweigh the harm while still great weight to the assets conservation. A similar assessment is made in respect of the site's relationship with Little Cobden Farm which is a grade II listed farmhouse east of Cobden Lane

Overall it is recognised that the layout works well with the broad topography of the site. Parameter plan have been amended during the life of the application to

accommodate trees worthy of retention and the movement pattern laid out on a grid arrangement to maximise the permeability and connectedness of the site.

Delivery of key elements of infrastructure – in particular the neighbourhood centre and 3FE primary school are important benefits that weigh significantly in favour of the application. Further the scheme proposes up to 1435 dwellings (of which 216 would be affordable) which is of benefit to the Council's 5 year housing land supply.

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

CONSULTATION RESPONSES

Town and Parish Council responses

Cranbrook Town Council (13/04/2022)

Resolved to support planning application 22/0406/MOUT in respect of the development of the site but objected to the proposals for the new site access junction with the London Road, with the additional observations and comments.

Notwithstanding that the Cranbrook Plan remains unresolved, the committee feels that the plan has sufficient weight as a planning policy document to support the principle of development of the site. However, in terms of access the committee objects to the proposals for the new site access junction with the London Road. The proposals are inadequate to cater for the anticipated number of vehicle movements in and out of the site (including school transport), particularly at peak times and particularly as the majority of Cranbrook traffic heads west towards Exeter. The proposed right turn out of the site is felt to be problematic and will lead to substantial traffic queues. In essence it replicates the issues currently associated with the Station Road junction which is problematic now with Cranbrook on 25% built. The committee is of the view that a roundabout is required.

The Committee noted that whilst not a matter for this application there are a number of areas that require further discussion with the applicants ahead of any reserved matters application to resolve the following areas of concern:

1. Proposals for the ownership, management and maintenance of SANG. The Town Council does not support a management company arrangement as set out in the proposed SANGs Delivery and Enhancement and Management Strategy;

2. Proposals for the ownership, management and maintenance of other public open space. Areas of POS that are due to be adopted by the Town Council need to be clearly identified at an early stage and prior to determination of the application;
3. The mix of social housing units to deliver a more balanced community and provide a better balance between one, two, three and four bedroom social housing. The proposals in the affordable housing statement include an imbalance of one bedroom properties and no four bedroom properties;
4. The delivery of sustainable homes including ecological enhancements such as PV panels and EV charge points - after all, these are items that were conditioned in the original approvals in 2010. None of these figure in the sustainability statement;
5. The travel plan should be more specific as to how residents of the proposed development access bus services and how use of the car to commute to the train station can be minimised. The existing car park at the train station is not large enough to take a significant increase in commuting traffic.
6. The Town Council has been consistent in objecting to the proposal that the neighbourhood centre be located on London Road. This will potentially lead to parking issues and highway safety concerns for pedestrians. In addition, the proposed location adjacent to the MLR junction with London Road is unacceptable. It could also impact on town centre footfall by diverting passing trade away from the town centre.
7. The District Council halted the request for a boundary review because the Cranbrook Plan remains unresolved. This application comes forward ahead of the finalisation of the Cranbrook Plan and raises again the question of a boundary review. If the Cranbrook Plan is sufficiently advanced as to lend weight to this application. it is equally advanced to lend weight to resolving the question of the town boundary. The Town Council remains of the view that the town should be administered by one local authority. Whilst that view remains it is also considered that all Parishes including those that surround the town are entitled to some certainty of the future as that would colour their approach to this application and others that seek to expand the town to the proposed c8000 homes.

Additional/amended consultation comments (20/12/2022)

The Committee supports the principle of development of the site in accordance with the Cranbrook Plan which has been adopted.

However, with specific regard to the access, the committee OBJECTS to the proposals for the new site access junction with the London Road. The proposals are inadequate to cater for the anticipated number of vehicle movements in and out of the site (including school transport), particularly at peak times and particularly as the majority of Cranbrook traffic heads west towards Exeter. The proposed right turn out of the site is felt to be problematic and will lead to substantial traffic queues. In

essence it replicates the issues currently associated with the Station Road junction which is problematic now with Cranbrook only 25% built. The committee is of the view that a roundabout or traffic light controlled junction (as a minimum) is required. Anticipated traffic congestion at peak times will lead to adjacent residential streets becoming rat runs as residents seek alternative access to and from London Road.

Whimble Parish Council (22/04/2022)

This response from Whimble Parish Council is regarding the outline planning application for up to 1435 new residential dwellings, a Neighbourhood Centre, three form Entry Primary School, with associated nursery provision. In addition, a Special Educational Needs School, Public open space, allotments, Suitable Alternative Natural Green Space (SANGS) place of worship, cemetery, 10 serviced pitches for Gypsies and travellers, demolition of 4 barns and associated infrastructure.

The objections raised by POW+R group are very much shared by the Parish Council.

The expansion of the above provision, for this outline planning permission, far out ways the last application made that included the travellers site, which encroaches on the Parish Boundary. The current application conflicts with the agreement laid out in 2016 to cede part of the Parish of Whimble to the new town of Cranbrook, this should remain legally binding.

In 2011 The Localism Act introduced statutory Neighbourhood Planning in England. Although at its relatively early stage, Whimble's Neighbourhood Plan production for a 'made plan' is underway. The Parishioners of Whimble, following a two day consultation and evidence gathered, along with information evident in the NP Questionnaires, clearly identifies a very strong resistance to Cranbrook creeping any nearer to our Parish. The village is determined to maintain its heritage and identity.

This said, the Parish concedes, the triangle defined as the area for the Travellers site in the original planning application, the outcome of which had been delayed due to the Governance Review. Those Parishioners objecting at that time, although acknowledged they had objected, was not followed up.

This concession, has been made as the travellers, maybe want a sense of inclusion in their close neighbouring Town, as opposed to the further afield village of Whimble. This is the only concession, both now and in the future. The Parish of Whimble will vehemently object to any applications in future, East of Cobden.

Neighbour responses:

17 letters of objection, 3 letters of representation and 0 letter of support have been received. A summary of the various comments are set out below:

Objections

London Road

- London Road is already busy and the addition of 1500-3000 extra cars is ridiculous
- London Road already floods in bad weather and will be made worse by the development
- Increase in traffic and noise from the London Road would be very disruptive
- Use of old traffic survey data is used to inform capacity analysis and should be brought up to date including with the recording of update turning counts at junctions
- Traffic on London Road does not reflect the predictions in the original TA
- Signalised junction is out of keeping with the pattern of junction found along the rest of the London Road
- Roundabouts present a better traffic calming solution than lights
- Speed on London Road is excessive with many accidents and the calming as proposed will not be effective
- Care is needed on the transition at the eastern most part of the cycle path/London Road
- 30mph speed restriction on London Road would need to be extended to the east well beyond the gypsy and traveller access
- Neighbourhood centre should be located on a single side of London Road to aid place making

Other highway matters

- Insufficient parking already provided which will be repeated and made worse
- Existing road network is already congested
- Ramped access to Southbrook Lane needs to be widened to 3.5m wide
- More public transport opportunities are required
- Closure of upper Southbrook Lane could cut off the most northerly properties as a result of the low railway bridge and periodic flooding resulting in a 3 mile round trip

Town Infrastructure

- Lack of primary health provision and other social care provision for the development is short sighted and shows disregard for local population's well being
- Existing development should be completed first and infrastructure like the town centre provided
- The town needs additional facilities including a leisure centre, shops supermarket and medical practice, dentist, emergency services and a further train station
- The Town centre requires additional facilities including a 400 seat theatre/cinema

Design, landscape and wildlife

- Housing previously delivered is too small and short of minimum space standards

- Cycle parking should be located near to the front of properties and be accessible
- Scheme should be conditioned to ensure early delivery of pedestrian and cycling infrastructure
- Lack of mix of housing types e.g. bungalows and larger detached houses, housing for the elderly
- Concern about the density of further development in the eastward expansion of Cranbrook
- Development will damage local environment and wildlife
- Concern that the development would harm ecological systems
- Greater identity and distinctiveness is required in the building form and material
- Layouts at Cranbrook should demonstrate and use the concept of the Close to aid social interaction
- SANGS should be afforded the same status/protection as green belt
- Top soil on site should be retained for the benefit of future home owners
- Hedgerow along the London Road frontage would be lost as result of the development

Drainage

- Cranbrook already experiences problems with drainage and the development is located on a flood plain which will make the problem worse

Gypsy and Traveller

- Number of gypsy and travellers pitches in the areas is more than is needed
- Scale of gypsy and traveller site is too large
- Positioning of the gypsy and traveller pitches is poor and could result in future accidents

Other

- Concern about direct loss of amenity form future development
- Private right of way not reflected in the plans
- E.ON have not delivered a sustainable energy source for the town which should be addressed before their monopoly grows
- Risk of antisocial behaviour
- Impact to house prices
- Adoption of country park needs to be adopted by EDDC its burden is too great for a single community
- The proposal infringes into Whimple Parish ignoring established boundaries – the encroachment is unacceptable.
- Land south of London Road was not included in the original plan and it is surprising that this is now proposed
- Land north of the railway should have been included
- Cranbrook should be developed through a Development Corporation
- Cranbrook needs to function as a standalone town not just an urban extension of Exeter

- No provision is made for cricket
- Future neighbourhood plan will consider the whole of the Parish
- Creation of a developer led new town is a poor approach to delivery

Support

- Good use of segregated cycle paths on main roads and along the northern side of the London Road
- Good use of 3.5m wide shared paths on all secondary routes
- Good permeability

Technical consultation responses (summary)

(Full text included as appendix 1).

Technical consultee Responses	
Arboricultural Officer (East Devon)	Amendments made to the scheme since its original submission are supported. Loss of trees at the Southbrook Lane junction are noted; and although regrettable their loss is acceptable and can be mitigated
Church of England	Supportive of land for a place of worship and site for church workers dwelling. Location and site size for the place of worship needs to ensure that meets attributes appropriate for activities that may take place at the wedding e.g. weddings and funerals.
Conservation	Acknowledged that the site is limited in terms of built heritage. Farmhouses on the site are of local interest and future design/development can be sympathetic to their setting. Potential harm from cumulative impact of development likely to the Killerton Estate and Registered park and garden. Degree of harm should be evidenced through additional visual assessments.
Contaminated Land Officer	Targeted ground investigation may be required. Recommended condition.
Devon County Council	
Local Highway authority	Following receipt of updated and additional information including a Road Safety Audit (stage 1) 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; securing of land for a 3FE primary and SEND schools, and

		provision of contributions toward education infrastructure. Condition requiring surface water flow path sought.
	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 provision of 10 serviced permanent pitches for Gypsies and Travellers on a site of at least 1 hectare. This provision is consistent with the Policy
	Health and wellbeing (Public Health)	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. Completion of allotments should be made early within the delivery of the scheme
	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. BNG assessment continues to show shortfall within phase1 which needs to be addressed. No survey information has been presented for the northernmost barn.
	Environment Agency	Initial objections withdrawn provided conditions are attached to grant of permission which address matters including: <ul style="list-style-type: none"> • Flood resilience • Corridors adjacent to water courses • Water course crossing
	Environmental Health	EH do not anticipate any environmental health concerns.
	Exeter and Devon Airport	The proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria
	Green Infrastructure Project Manager	No reference to the Clyst Valley Regional Park and to LTN 1/20. Concern about lack of clarity over future use of Southbrook Lane and Cobden Lane and their potential as safe multi user routes

Historic England	The LPA need to be satisfied of the cumulative impacts on the setting of Killerton Park - the grade II* listed House, the grade II* Registered Park and Garden and various other designated assets
Housing Strategy (EDDC)	Once adopted the Cranbrook Plan will clarify the % of affordable dwellings. Future discussions will be needed on housing products and mix and tenure split. Any viability issues will need to be evidenced.
Landscape Architect	Amendments address many of the initial concerns. London Road frontage appears to lack a coherent approach and junction sizes are questioned. Adequate details through condition and at Reserved Matters stage important.
NHS Devon	In the event that a Health and Wellbeing Hub at Cranbrook is not forthcoming, request contributions of £804,518. This is requested to enhance the primary care health facilities that can accommodate the expected increase in population.
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 £920,750 to go towards the gap in the funding created by each potential patient from this development.
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.
Natural England	Proposed car parking for the SANGS is welcomed. Most other issues addressed although care will need to be taken in respect of BNG calculations and conditions required to protect soil resources.
Network Rail	No objection in principle but asset protection is required. In addition fencing is required along the length of the site to ensure that a trespass proof fence exist between the site and railway line.
Police Crime prevention Officer	Designing out crime principles must be embedded in the detailed design of the scheme.
Recycling and Contract Waste manager	No comment
RSPB	Recommend that complying with BS42021:2021 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. Care will need to be taken with waste waters resulting from construction activity and waste tankered off site.
Sport England	No objection in principle to housing growth but raise a number of points in this response that should be considered. The principles of Active Design should be

		followed in future detailed considerations. Seek community use agreement for facilities
	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 for the public realm is important.

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
15/0047/MOUT	Up to 1,750 residential dwellings, one 2-form entry primary school, local centre comprising 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, landscaping and allotments. Access from former A30, engineering (including ground modelling and drainage) works, demolition, associated infrastructure and car parking for	Not determined (closed)	07.04.2022

	all uses. All matters reserved except access.		
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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 2013-2031;
- East Devon Local Plan 2013-2031

Relevant Cranbrook Plan Policies

CB1 (Health and Wellbeing At Cranbrook)
 CB4 (Cobdens Expansion Area)
 CB5 (Grange 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 1 (Spatial Strategy for Development in East Devon)
 Strategy 3 (Sustainable Development)
 Strategy 7 (Development in the Countryside)
 Strategy 8 (Development in Green wedges)
 Strategy 9 (Major Development at East Devon's West End)
 Strategy 10 (Green Infrastructure in East Devon's West End)

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)
 EN21 (River and Coastal Flooding)
 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)

Government Planning Documents

National Planning Policy Framework (NPPF 2021)

1.0 Site Description

- 1.1 The application site covers approximately 98.44 hectares and is located to the east of Phase 1 of Cranbrook. It extends from the current edge of Cranbrook (one field to the east of the Ingram's sports pitches which is known as the Farlands site and subject of separate application) to just beyond Cobden Lane in the south east corner. Northwards the site extends up to the railway line while in the south it is bounded by the London Road. Westwards, it spreads round from its position adjacent to Farlands, crossing Southbrook Lane to the north of Southbrook House, and connecting with the boundary of Cranbrook Phase 1 at Rush Meadow Road.
- 1.2 The site more generally comprises an undulating landform with the highest land to the far eastern edge and a spur then running broadly east west down from the high point across the site to Southbrook Lane and the confluence of the Cranny Brook (from the north) with a tributary which flows through the Cobden Valley (itself crossing the site).

- 1.3 To the west of Southbrook Lane, land rises up more sharply to connect with Cranbrook Phase 1 and then wraps around the hill top with a steep drop off to the north. Here lies the Cranny Brook (still within the application site) with the railway line to the north. The flattest part of the site is located along the London Road frontage and land immediately to the north of this.
- 1.4 For clarity the site wraps around but excludes Lower Southbrook and Beckingdale, Lower Cobden (and its immediate environs) and Middle Cobden farmhouse and a single barn associated with that farm. The access track to the farm is however included within the application.
- 1.5 There are no listed buildings on the site although both Lower and Middle Cobden Farmhouses are regarded as non-designated heritage assets. To the east of Cobden Lane and north of the site is Little Cobden which is listed Grade II. There are no other listed buildings within the immediate vicinity of the site although other designated assets do lie in Rockbeare to the south, Hand and Pen to the east and Whimple to the north east.
- 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.

2.0 Proposal

- 2.1. This proposal comprises an outline application with all matters reserved except access for :
- up to 1,435 residential dwellings;
 - a neighbourhood centre with a maximum of 750sq.m gross of ground floor space (Use Class E and sui generis (hot food takeaways, pubs/bars));
 - a three form entry primary school, with early years provision (Use Class F1) and community room (Use class F2);
 - land for a 50 place special educational needs school (Use class F1)
 - public open space, including formal open space, formal play space, allotments, amenity open space and SANGS land;
 - land for a place of worship and parsonage
 - land for a cemetery
 - 10 serviced pitches for gypsies and travellers;
 - Demolition of barns on site
 - Associated infrastructure
- 2.2. In detail, 3 access points are set out within the submission, two of these creating new junctions on the London Road while the third forms the access which would join to Rush Meadow Road in the north west of the site. Additional access points for pedestrian and cyclists as well as

vehicles are indicated within the proposal including two onto the London Road, one with the junction/crossing of Southbrook Lane and a couple into residual Cobden's allocation parcels which are not subject of this application.

- 2.3. Principal access would be obtained from the London Road, to the east of the Farlands site. This would be formed as a light controlled T junction with right hand turn lane. Road narrowing, pedestrian crossing facilities, road side trees and on street parking are shown within the vicinity of this junction and would be considered in more detail at the detailed reserved matters stage.
- 2.4. The second London Road junction that is proposed in detail at this stage lies to the east of the site beyond Cobden Lane. This would be of a simple T junction style arrangement set on a raised table with carriageway surface treatment. This would serve the proposed gypsy and traveller site.
- 2.5. Within the scope of the application, both of these junctions are set within a suite of proposed London Road improvements aimed at reducing speed and ensuring that the junctions designed are safe, working toward fulfilment of policy CB24 of the Cranbrook Plan that seeks to change London Road into a street through Cranbrook, rather than a bypass to it. Assessment of this will be made in the following sections.
- 2.6. The third junction to be proposed in detail is the continuation of Rush Meadow Road into the development. This forms an extension of the existing road within the town, which is already constructed and in use.
- 2.7. Parameter Plans
 - 2.7.1. The application has been accompanied by four parameter plans that are discussed in more detail in the following paragraphs, a green and blue strategy plan and indicative masterplan which sets out the spatial distribution of uses and quantum of development. Importantly they provide the essential framework to shape and guide future reserved matters.
- 2.8. Land Use and Amount
 - 2.8.1. The first of these considers land use and amount. The plan demonstrates that it is the applicants intention to lay out the London Road frontage such that there is the place of worship to the west (adjacent to the Farlands site), part of the neighbourhood centre adjacent to the principal access into the site, a length of residential development either side of Cobden Lane with the 10 pitch gypsy and travel site located to the east. Behind the residential frontage would be the education land for both the three form entry primary school (3FE) and the special education needs school (SEND).
 - 2.8.2. Funnelled through a narrow pinch point within the site, residential development would then make up the majority of the rest of the development sweeping round to the west but all the time straddling the

stream corridors. In addition to the residential development, allotments and play facilities would lie to the east of the main route through the area (effectively to the north of Lower Cobden Farm site) and the proposed cemetery land would be provided to the far north.

2.8.3. Wrapping around the eastern extents of the area, there is proposed SANGS land which is then connected by green corridors to additional SANG land that envelops Lower Southbrook to the north of the site, crosses Southbrook Lane and sits between the development adjacent to Cranbrook Phase 1 and the railway line to the north.

2.9. Built form (and height) plan

2.9.1. The second plan focusses on building frontages and heights. It demonstrates that the applicants intend to use a perimeter block approach to layout and indicates how placement of frontages have the potential to establish routes through the development. Notably the scheme promotes the idea of placing 2, 2 ½ and occasional 3 storey buildings along the London Road frontage and main through route (including the neighbourhood centre) with a predominance of 2 storey elsewhere (allowing for key buildings on corners and other points of interest).

2.10. Movement Plan

2.10.1. The submitted movement plan is clear in demonstrating a hierarchy of road, cycle routes and footpaths around the scheme. They seek to establish a clear connected grid pattern for the development, while trying to work with the green infrastructure and in particular the retained trees and required stream crossings (of which for the main local route, there are two).

2.10.2. The plan also identifies where it expects connections to be made with the neighbouring parcels of development but which fall outside of the control of this application. It allows for three connections into the Farlands site, one into the currently-under-construction Ingram's housing site (part of Cranbrook Phase 1), three into the remaining allocated parcel by Southbrook Lane and two into the recently constructed Cranbrook phase 1 development to the east of the allotments in Rush Meadow Road.

2.10.3. Footpaths around and through the SANGS land show a variety of routes of varying degrees of sinuosity which aim to connect back into the key movement routes around and through the development. They also show a connection with two SANGS car parks located towards the east and north-west of the site.

2.11. Phasing Plan

2.11.1. This simply dissects the entire site into three key phases – development located to the west of Southbrook Lane and along the London Road frontage proposed as Phase 1, land to the immediate east of Southbrook

Lane as phase 2 with the residual land between Phase 1 east and Phase 2, forming Phase 3.

2.12. Green and Blue Strategy Plan

2.13. The green and blue strategy plan identifies the broad framework of supporting landscaping and drainage infrastructure that is necessary for the development. It locates a series of attenuation basins around the site positioning these outside of the currently identified flood zone but in the main, adjacent to the stream corridor. Landscaping shows retained trees and an indicative planting plan of additional trees. It also shows the principle for street trees on the primary route through the scheme.

2.14. Masterplan

2.14.1. 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 six plans that will be regularly referred to in the course of this report.

3.0 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

The policy context and principle of development

- 3.1.1. The East Devon Local Plan 2013-2031 (EDLP) sets out the strategic policy for development across East Devon. Relevant for this application, Strategy 1 of the Local Plan sets out the planned provision (including existing commitments) to be made in East Devon of a minimum of 17,100 new homes and approximately 150 hectares of land for employment purposes during the plan period. Chapter 7 of the Local Plan provides the strategic policy framework for the West End of East Devon and Strategy 9 sets out a number of schemes at East Devon's West End, including the major new East Devon market town of Cranbrook. Importantly Strategy 3 advocates for sustainable development and recognises that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways.
- 3.1.2. 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 an important starting point for its assessment.
- 3.1.3. The Cranbrook Plan identifies the vast majority of the application site as falling within both the Cobdens Expansion Area, identified by Policy CB4 and the built up area boundary (BUAB) identified by Policy CB8 with only two sections falling outside these boundaries – one to the far northwest of the site falling outside of both, the second to the east of the Southbrook Lane hamlet falling outside of the expansion area boundary but inside the BUAB
- 3.1.4. For the first of these, the BUAB to the north west forms a rectangular parcel that sits astride the hill top with both the Cranny Brook valley floor and railway line, lying to the north. In the adopted Plan, the Boundary was kept away from the break in slope to provide space for landscaping and to limit the prominence of housing in this elevated location. The application seeks to extend the built envelope to the north closer to the break in slope and also to the east (again closer to the break in slopes as the contours swing round to the south).
- 3.1.5. Although extending the proposed built envelope in this location the developers have sought to evidence that this causes no harm and have also reduced the degree of eastward extension from that initially proposed. This latter element was always the one which caused most concern being elevated above public vantage points from both Southbrook Lane and the rising SANGS land further east. With the changes now proposed, it is considered that the extent of visual impact is acceptable given that this is an outline application. Particular care will still be needed at reserved matters stage and a detailed landscaping scheme required to soften what could otherwise still appear as a stark and harsh developed edge. However with the evidence submitted and a decrease in the harm previously identified as a result of the reduction in the eastward extent of development, this element while technically breaching policy, is considered acceptable and without significant harm.

- 3.1.6. The second is a minor incursion beyond the CB4 boundary which would allow, at most, a handful of additional houses. Although outside the allocation boundary, this part of the site remains within the built up area boundary where the principle of development is considered acceptable under Policy CB8. Policy more generally (and the infrastructure policy CB6 in particular) makes provision for excess/unallocated houses and therefore without any harm resulting from this incursion, this part of the site remains acceptable and in accordance with the development plan – effectively as windfall housing rather than part of the allocation. It does however need to be caveated that there is a private right of way to the rear of adjacent properties that needs to be safeguarded – a comment that was submitted at both the plan making stage and has been repeated in the consultation response to this application. Ultimately it is a civil matter but can be considered in more detail at the reserved matters stage.
- 3.1.7. While minor incursions over the adopted boundaries are recognised these are not considered significant. The proposal is therefore considered to be able to draw significant benefit from this starting point.

Housing (total quantum)

- 3.2.1. In considering the housing quantum proposed it must be recognised at the outset of this section that the Council does not have a 5 year housing supply. As such 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 CB4 seeks 'around 1495 dwellings' of which this site would be expected to deliver around 1213. In fact the application is proposing up to 1435 dwellings (222 over those expected from this site). Clearly these will take time to be developed and therefore it is estimated that around two thirds 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 (in accordance with Policy CB6) 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.

- 3.2.4. Concern about density, housing typologies and housing sizes which have been raised within the consultations are recognised. It is considered that the developers have provided sufficient evidence that the quantum of houses identified can be achieved without having to resort to excessively high densities. In addition higher densities in the most sustainable locations – those that are in or adjacent to the neighbourhood centres, schools and other facilities are often a good thing as they help support the functioning of the centre. Housing typologies and sizes are matters that can be considered in more detail at the reserved matters stage having regard to the developer's commitment to broaden the housing products that are on offer. At this stage these matters do not outweigh the overriding benefit that is derived from the delivery of what should amount to sustainable housing on allocated land.

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. As a starting point it is expected that this would be split 70% rented and 30% affordable home ownership. This would be a policy compliant position that helps to meet the needs of the local community and means that the scheme would deliver up to 216 affordable homes. This is a significant number and would make an important contribution to the housing needs in the District. The final mix of house sizes remains to be negotiated although it is noted that the emerging Local Plan (recognising the latest evidence) indicates that a mix of 12% 1 bedroom, 37% 2 bedroom, 40% 3 bedroom and 11% 4 bedroom plus would meet the identified need. This will be the starting point for negotiation which will also need to recognise the importance of trying to secure some social rented units (as opposed to just affordable rent) – again based upon the latest needs evidence.
- 3.3.2 The applicant will be expected to 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.
- 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.

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.

Gypsy and Traveller Pitches

- 3.5.1 Within Policy CB4 (Cobdens expansion area) of the Cranbrook Plan, provision is also set out that the expansion area must deliver 10 serviced pitches for Gypsy and Travellers on at least 1.0ha of land . In accordance with the Policies Plan these are proposed to be located at the far east of the site – more particularly north of London Road and east of Cobden Lane. Located in this position and while a smaller area than the allocated site, the proposal meets the policy requirement of 1.0ha and provides the site with direct access from the London Road. As will be discussed in more detail later, the access in this position will require slight regrading of the adjacent land, (the field is slightly lower than the road) but this can be resolved at the detail design stage.
- 3.5.2 The point of access has been a particular concern within the submitted responses received during the consultation. These note the position of the access is on a fast straight section of road and therefore the risk of collision is high. 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 A significant issue that arose more particularly during examination of the Cranbrook Plan, is the visual impact that the site's location may have on the entry to the town – it is at the eastern gateway. Although this issue was 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.

- 3.5.4 It is acknowledged that the development of this part of the site comes with challenges, regardless of the proposed land use. However the site is close to being at grade with the London Road (or slightly lower) and is set at right angles to it. With careful boundary treatment it is considered that the site can be presented with an attractive frontage which is important for this entry point to the town. In addition, when the Grange expansion area comes forward to the south (under Policy CB5) the site is likely to feel less exposed. Overall the location is in accordance with the adopted site allocation, and should be supported.
- 3.5.5 In terms of 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.
- 3.5.6 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 CB4. 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.

School

- 3.6.1 Another key land use proposed within the application is that concerning the delivery of school land for both a 3 form entry (3FE) primary school and a Special Educational Needs (SEND) school. While the 3FE would be delivered in full by the developers, the SEND component looks to principally secure land.
- 3.6.2 The sites for these two uses are conjoined and the single area is proposed to be located towards the north of the flatter southern section where there are few landscape and visual challenges. Access would be achieved from the London Road via the neighbourhood centre. On two sides, the school site would be bounded by the Middle Cobden Farm access track and Cobden Lane. In total the school land measures a little over 4.1ha and in this regard represents a policy compliant site by area.
- 3.6.3 The site has few constraints in respect of school delivery – the most notable being the retained Middle Cobden Farmhouse located to the north of the

access track. Although a non-designated heritage asset its setting is already heavily constrained by the range of farm buildings that have been erected on land to its south. All but one of these would be demolished (including the removal of a slurry storage pit which will need careful removal and site remediation in accordance with policies EN14 (Control of Pollution) and EN16 (Contaminated Land) to make way for the school development. In so doing and while the school development would change the setting of the heritage asset it is not considered to result in any harm. There would be benefits arising from the removal of the old and very tired structures balanced against the loss of the traditional farm based setting and the introduction of new educational development and school landscaping/fencing. As such the effects on Middle Cobden Farm are in terms of the heritage asset considered to be in accordance with Policy EN8 and the NPPF.

- 3.6.4 Amenity impacts on the occupiers of the farmhouse also need to be considered in response to Policy D1 (Design and Local Distinctiveness) and CB16 (Amenity of future occupiers). In this regard the farmhouse and its rear garden where private amenity could be enjoyed is considered to be set at a sufficient distance back from the school development to ensure that while there would be a substantial change to background noise during school hours (in terms of nature and type) this would not unduly harm the outlook or privacy that is afforded to the farmhouse. Detailed design will need to be considered further but at outline stage, there is nothing to suggest that this can't be appropriately managed and therefore falls to be considered in accordance with the identified relevant policies.
- 3.6.5 In terms of the land identified for education purposes surface water flood risk needs to be also considered. While outside of the defined flood zones and therefore not at risk from fluvial flooding, save for a slither of land in the north east corner of the site (based on the published EA flood maps – which are themselves subject to further modelling and will be discussed later), it is noted that a couple of pathways conveying surface water cross the site (north south) and are primarily associated with the hedgerows. The applicants have indicated that these exceedance routes can be redirected to ensure that they do not cross the school land and therefore the school and its land would be safe from flooding. This is in accordance with NPPF.
- 3.6.6 Finally the school would cause the loss of a number of hedges running broadly north south through this part of the Cobdens expansion area. While having merit ecologically, they are intrinsically part of the local character and therefore the loss is regretted from a historic perspective as well. However their arrangement is such that it would have been difficult to design a successful scheme and retain them in place – even with an alternative land use being proposed in this location. It is notable that in the masterplan that East Devon Council prepared as an evidence document for the Cranbrook Plan examination, we too took the decision to remove these hedgerows.
- 3.6.7 What may have been achievable was to keep sections of them and try to provide legibility as to the former arrangement, but this is fraught with challenge and therefore in the interests of place making it is considered more

appropriate to accept the arrangement as now promoted and (at least in ecological terms) require additional biodiversity to be provided elsewhere within the site. Overall the loss is considered acceptable and on balance the application (in this regard at least) to be in accordance with Policy D1 and CB15 particularly as the school is well placed to meet the objectives of Policy CB13 which seeks to achieve 400m walkable neighbourhoods. While around a ¼ of the 400m radius from the school would inevitably overlap the proposed SANGS land the rest would serve residential development arising from this application that proposed in the Farlands development as well as that on land to the east of Cobden Lane and the northern part of the Grange allocation.

Cemetery

- 3.7.1 Land for the cemetery (required by Policy CB4) has been located on the edge of the proposed built development in the north eastern part of the site. It would be screened by an existing hedgerow on its southern and western sides which is already a strong and attractive feature. This would give natural privacy and help achieve a more peaceful environment. While the road network to it is less direct than some land parcels, it is appropriate for the use being considered. In addition mourners and those attending the site for quiet reflection would appreciate this more sheltered location. As such its position, access and landscape impact is considered acceptable and in accordance with Policy.
- 3.7.2 Importantly it is not appropriate to site a new cemetery on land which is in proximity of or subject to things like a high water table, within 30m of any water source or within 250m of a water source if it's used for human consumption. The applicants have already undertaken a detailed assessment which has demonstrated that the site meets all but one of the required tests and is likely to meet the last – that being that the water table sits low enough to allow for at least a 1m clearance between the grave and the top of the underlying water table. In this instance it is considered appropriate to secure delivery of the serviced cemetery land (through the Section 106 agreement) provided the applicants have first satisfied the final test. In the event that this test is failed then it should be the applicant's responsibility to secure an alternative suitable site.

Landscape and visual impact

- 3.8.1 Landscape plays a critical role for the setting and assessment of the various land uses discussed and underpinning this is the landscape and visual resources chapter (chapter 11) 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 discussed.
- 3.8.2 Fundamentally the ES recognises that the site lies within the Landscape character type (LCT) of Lowland Plains which are defined by amongst other aspects, level to gently sloping or rolling plains between the valley floor and

the start of steeper valley sides. In addition it recognises the presence of small discrete woodland blocks; semi natural habitats including roadside hedges and a surprising feel of remoteness; and that some views are marred by pylons and other infrastructure.

- 3.8.3 This summary is an accurate description of the Cobdens expansion area which is dominated by the Cranny Brook and its tributary, a network of fields bounded by hedgerows and two sets of overhead pylons which cross the site – initially on a north south axis (close to the London Road) before heading off to the north west where they approach Southbrook Lane.
- 3.8.4 The ES also references the LVIA that was undertaken to support the allocation of the site through the Cranbrook Plan. It quotes this report as recognising that although the area contains landscape features that have a high sensitivity to potential development, the more regular fields to the south and west of the site have been assessed as “Medium” and that the sensitivity is closely linked to sensitive features such as the stream corridors and category A trees.
- 3.8.5 Before turning attention to the details of the actual scheme it is important to recognise the context in which the application area lies. To the immediate south the land form has a very gentle rise in a southerly direction and save for a small number of scattered properties is a mix of tree groups and agricultural land (some of which is allocated for development through the Grange Allocation (Policy CB5) of the Cranbrook Plan. Beyond, the land falls away relatively steeply to the Rockbeare valley floor, within which is located the village itself but also a large number of heritage assets. While the impact on these will be discussed in more detail within the heritage section of this report, in landscape terms there is no relationship owing to the distance and topography. From the higher land to the south (beyond Rockbeare) and approaching Woodbury Common, views are just about discernible, but these are at such a distance that all detail is lost and the site and proposed development in particular would be seen in the context of Cranbrook and the wider countryside without causing harm.
- 3.8.6 To the east (and save for the small cluster of houses at Lower Southbrook) the scheme reads as a continuation of Cranbrook Phase 1. It must be recognised that the outlook and character of Southbrook Lane would change for users of the lane and local residents but this is in the context of an allocated site and to some extent change has already occurred as Cranbrook Phase 1 has reached the Lane and breached it at its southern end. Care can be taken at the detailed consent stage to minimise amenity harms to specific properties (something noted within the consultation responses) but in general the impact of outlook is a harm that must be seen in the context of the delivery of much needed housing.
- 3.8.7 To the east the high point in local landform near Higher Cobden Cottage is fundamental in providing containment for the urban expansion. Part in and part outside of the site, this hill provides a natural screening between the development and residents of Whimple beyond. As the crow flies there

would be a separation distance of ca. 1.3km between the nearest built form proposed as part of the development and the edge of the village of Whimble. This distance provides good separation between the village and the application site, but in addition and because of the hill they are visually separated. In this regard the proposed development doesn't have a harmful impact on the local character where this affects Whimble, nor does it harm the village's identity in accordance with Policy D1. The green wedge which separates Whimble from the proposed allocation and is secured by strategy 8, is unaffected as the application is entirely outside of its defined area.

- 3.8.8 North of the site, there is an east west aligned highway which links Knowle Cross, Southbrook Lane and Crannaford Lane. This is largely set just beyond the top of the local ridge, and affords few views back to the application site – the few that do exist being restricted to oblique and glimpsed views, access tracks and private driveways and between hedges. There are two public rights of way (PROW), towards the east which climb the hill from the Cranny Brook up to the highway. These too afford very limited opportunity for appreciation of the site due to the topography – in this instance views that do exist would result in any built form being seen in the context of the town behind and therefore not harmful.
- 3.8.9 In considering the more detailed components set out on the parameter plans and how the actual layout works within the constraints and opportunities on site, careful analysis has been undertaken by the applicants. Although in outline the scheme seeks to demonstrate through the parameter plans already described, that it can achieve an acceptable introduction of a significant amount of built form while protecting key features – particularly those associated with the stream corridor and high quality (category A and B) trees.
- 3.8.10 Notably the application has been amended both from the pre application submission that was made to the Council but also from the initial application submission made in March last year to give further attention to these assets. Notably the primary road through the site has to cross the tributary of the Cranny Brook in two places. Both of these crossing points have been revised to avoid harming particular areas of interest and these changes are welcomed. In addition the revised route which would be secured through approval of the parameter plans also avoids a number of important trees and tree groups which are inherently valuable in their own right but also for the wider biodiversity that they support.
- 3.8.11 Greatest change and arguably harm comes from the required crossing of Southbrook Lane. At this point the road is located within the identified flood zone and therefore an engineered solution is required to ensure that the road remains safe but also doesn't lead to third party flooding. Although ultimately a matter that will need to be determined through detailed applications in due course, indicative plans submitted to support this application demonstrates that the road level would be raised by almost 2m from that which is currently experienced. This results in the loss of a length of hedgerow and associated trees. This loss is made worse by the need to tie in and provide a connection

between the new road and Southbrook Lane heading north although in doing so addresses a concern that was raised in the initial consultation when no connection was envisaged by the applicants and would have left Lower Southbrook and Oak Lodge to the north only able to access their properties from the rural lanes to the north.

- 3.8.12 At this stage it is not considered necessary for a connection to be made with the southern arm of Southbrook Lane as this would require further loss of hedgerow and trees. Properties around Southbrook Lane to the south of the proposed road crossing would however not be cut off as they would be able to enter and exit their properties via the access point already formed (but not yet in use at the time of writing this report) into Cranbrook Phase 1 – principally Higher Furlong Road. In addition it is likely that additional accesses could be accommodated through the residual Cobdens allocation parcel that abuts Southbrook Lane, although this is yet to come forward – an earlier application having been withdrawn before determination.
- 3.8.13 Ultimately the character of Southbrook Lane will continue to alter and localised harm would result from this development. However the need to create a connected place is in this instance considered more important and therefore providing compensatory planting is considered appropriate. In this regard the application is considered to be in accordance with Policy CB15 and CB18 in this instance.
- 3.8.14 Overall it is considered that none of the adverse changes are particularly surprising. The developers have worked well with the Council 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 a Landscape Biodiversity and Drainage Strategy (LBDS) as required by Policy CB26. Further assessment will be made of the LBDS but at this stage in terms of landscaping it is considered that the currently submitted document forms an appropriate framework for the future, but it needs refinement and additional detail. In its current state it gives sufficient confidence that the application could be approved but it is recommended that a condition be imposed to secure an updated LBDS before development commences. This is a pragmatic means of taking it forward while still providing sufficient control of an important document that will shape future development.
- 3.8.15 In addition to the LBDS, the securing of advance planting is also recommended. This is something that has been used in other developments around the country and something that has been identified and recommended with the Treasbeare scheme locally. It not only has the ability to screen and soften key views but also allows future development to take place within an established framework of green infrastructure giving better longer term and more established character to a place. Work with the developers would be need to understand how this can best be achieved in this instance, but in the event of approval it is a mechanism that given the scale of development would be highly beneficial.

- 3.8.16 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 Codes and place making) and CB26 (Landscape Biodiversity and Drainage).

Agricultural Land and soils

- 3.9.1 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.
- 3.9.2 15 soil profiles were examined on site and compared with the previously mapped agricultural land classification mapping undertaken by DEFRA. 13 of the 15 correlated with the mapping while the remaining two showed that the soil was one grade lower than the mapping would have suggested. However the ES considered this good correlation and therefore took confidence on the ALC distribution.
- 3.9.3 The ALC maps were referenced at the site allocation stage (when the Cranbrook Plan was being prepared) and at that point 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 Cobdens site allocation was proposed, found sound and adopted as an allocation.
- 3.9.4 The current proposal now confirms that the development would result in the loss of 81.9ha ha of BMV agricultural land (grade 3a) which is found over 80% of the Site – This does however include land that is not “sealed” but used for SANGS purposes and therefore is, to an extent reversible. However as a major change to the BMV land the ES has correctly recorded this as a major adverse impact which is significant.

- 3.9.5 The ES does not address in detail the risk of damage to and loss of soils and topsoil during the construction phase if for example dissimilar materials such as subsoil or other materials were stockpiled directly on it without a separating layer or possibly through the mixing of topsoil, subsoil and other materials during stockpile placement or removal. It also only gives cursory mention of the 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. Instead it focusses simply on the permanent loss through construction phase. In so doing this fails to recognise the mitigation that to some degree is achievable.
- 3.9.6 Notwithstanding this omission and to help limit the potential effect it is possible to secure a range of mitigation measures that should be employed during development. These are most readily 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.
- 3.9.7 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. While any harm to soils is unfortunate, the reuse and proper handling of it should help to ensure that it can continue to fulfil a meaningful role within the environment.
- 3.9.8 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). Community gardens – advocated by the environment Agency are a further benefit that can make good use of quality soils and be secured through the LBDS. Overall the proposal currently proposes a policy compliant quantum of allotments centrally located with good access. This location is considered to be good and accords with Policy CB25.
- 3.9.9 Their late delivery in phase 3 of the development is however unacceptable. They represent an important community resource for which it is known that there is already demand locally – something which is expected to continue in this phase of development. While their location lies north of the stream corridor they are close to the phase 1 boundary. As such it is not considered unreasonable to flip phases 2 and 3 or to reconfigure these two phases to

bring the allotments into phase 2. It is considered that this change can be secured by a condition.

Historic environment

- 3.10.1 Cultural heritage and the historic environment 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.
- 3.10.2 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.”*
- 3.10.3 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).
- 3.10.4 The ES initially considered a 1km radius study area focussed on the centre of the site. A wider study area was also considered in relation to listed buildings and registered parks and gardens in order that the potential effects on their settings could be assessed. This exercise identified that within the site there are no designated heritage assets although a number of non-designated heritage assets are present and were duly considered.
- 3.10.5 In terms of designated assets, the closest is that of Little Cobden Farm which is located immediately north of the eastern most extent of the site. This is a 16th century and later, cob building and is believed to have originally been thatched with an open hall. It is partially screened from the site by its own boundary vegetation and lane-side hedgerows to its west. Its setting is enhanced by the agricultural nature of the surrounding landscape.
- 3.10.6 Focussing on this closest property to start, it is recognised that to introduce built development on land which is both within relative proximity of the asset and allows for some appreciation of the asset would result in some harm. The assessment made within the ES that the asset is screened is not agreed.

However the harm that is identified here and using the terminology set out within the NPPF is considered less than substantial. This is on the basis of the degree of screening that is present – retained hedgerows and trees that fall outside the application site help to break and soften any impact coupled with the fact that development will principally lie on lower ground (to the south of the heritage asset). This limited extent of built development, partial intervisibility screening, and distance means that from many vantage points the agricultural setting of the farm house would be retained.

- 3.10.7 While less than substantial harm is therefore an appropriate level of harm to ascribe to the setting of the asset, great weight should nevertheless, still be given to its conservation. In this instance it is considered that the harm that arises results from a large scale comprehensive development that would deliver in excess of 1400 houses (including affordable houses), 10 pitches for gypsy and travellers, a 3 form entry primary school and land for other community assets such as a Special educational needs school, place of worship, cemetery and neighbourhood centre. As such it is considered that the wider public benefits which are extensive outweigh the less than substantial harm identified while still giving the assets conservation great weight.
- 3.10.8 To the south and beyond the Grange allocation (CB5) lies the Rockbeare Manor complex which includes a range of listed assets including the Grade I listed Manor House, Grade II* gate piers and Grade II Registered Park and Garden. Other Grade II listed (farm) houses fall within the intervening landscape and although not considered within the ES are recognised here for completeness.
- 3.10.9 In addition the ES also identifies and considers the Grade II listed Rockbeare Court and the adjacent II* listed Church within the village of Rockbeare. Other Grade II listed buildings lie within the village, are identified within the ES and are considered more generally as part of this assessment.
- 3.10.10 The ES considers that due to the lack of intervisibility, distance, topography, access and association, the development site does not harm the setting of these assets. This assessment is considered appropriate and fairly describes the relationships that are experienced.
- 3.10.11 Listed buildings also exist to the north of the site and include Trowden, Gatehayes Farm (together with Linhay and barns) and Barnhayes. All are Grade II, have a local agricultural setting and while relatively close would have a setting that is not harmed by the proposed development due to the distance topography and screening. Any visual appreciation of any one these assets, in association with the development would be glimpsed with no harm arising.
- 3.10.12 More widely the ES recognises the presence of the Killerton estate, the Grade II* registered park and garden (RPG) and other listed assets within it including the Grade I chapel and Grade II* main house. It is noted that some concern has been raised by the Conservation team about the lack of

evidence to justify the level of harm that could arise particularly noting the cumulative effects. The views of Historic England which defer to local specialism are also noted.

- 3.10.13 While the cumulative effects of housing developments at Cranbrook and the wider West End area are noted, it is considered that development as part of this site, comprises the easternmost section of development, has the greatest physical distance from the heritage assets and the greatest degree of intervening landscape which has varied topography. The nearest parts of the designated landscape are around 5km from the edge of the site and the views attainable are considered limited and broken. As such it is considered that the response provided within the application is proportionate to the potential harm and no objections sustainable. While giving the asset's protection great weight, it is not considered that harm arises. If any harm is perceived then this is less than substantial and far outweighed by the public benefits of the application as already discussed.
- 3.10.14 In terms of archaeology and based on the results of a review of past assessment, geophysical survey and desk based assessment as well as trial trenching, the site is considered to have low potential. That being said, some finds were made including fragments of Neolithic or early Bronze Age pottery, middle Bronze Age pottery as well as a series of un-datable post holes. In addition the site is bounded along its southern extent by the suspected course of a Roman Road which follows the old A30. While there has been little evidence of significant finds whether from the geophysical survey or trenching work, (and therefore archaeology should not therefore be considered as a constraint to development), conditions that secure a further written scheme of investigation to allow for additional intrusive investigation are recommended in the event of approval.
- 3.10.15 Other notable elements include a ruined post mediaeval barn structure that lies to the east of Southbrook Lane as well as Higher Cobden Farmhouse (remodelled in the 19th Century) and Middle Cobden Farmhouse which shows components of significant age. These latter two are considered as notable non-designated heritage assets. While their immediate setting would change markedly if the development proceeds they would continue to stand as remnants (reminders) of the agricultural activity that took place on the land and therefore both for their intrinsic and cultural value should be afforded a high quality and attractive outlook whereby the proposed scheme embraces their presence.
- 3.10.16 While the scheme is indicative and farmhouses are outside of the application boundary, this level of value has been particularly well addressed in respect of Higher Cobden farmhouse where the latest layout submitted, celebrates its presence by seeking to terminate an important view with the retained building. For Middle Cobden the front elevation would continue to have a degree of enclosure caused by the one retained barn (again outside of the site therefore not subject of this application) but would enjoy an open agricultural backdrop in the form of the SANGS provided on land immediately

to the north. This is considered a successful and appropriate use of land in proximity of this retained building.

- 3.10.17 Overall the impact of the development is considered to accord with Policies EN7, EN8, and EN9 of the adopted Local Plan. Where harm does occur – most particularly to Lower Cobden farmhouse and potentially to a limited degree to the setting of Killerton RPG, this is considered less than substantial and while giving great weight to the conservation of the heritage assets, wide ranging public benefits outweigh this harm. In addition residual harm and uncertainty in respect of effects on the archaeological record can be effectively managed by condition in the event of approval.

Water Resources and Flood Risk

- 3.11.1 As has already been described the site displays an undulating landform with high land towards its eastern side and lower more level in the south. In addition two stream/river valleys cut across the site – the Cranny Brook coming from the north and arcing around Lower Southbrook before heading north again, while the more southerly one passes through the site on a south east/north west alignment joining with the Cranny Brook close to Southbrook Lane.
- 3.11.2 The two corridors formed by the river valleys have been identified by the Environment Agency (EA) as being within flood zones 2 and 3 where development should be set away from/outside of these areas. However unlike the Treasbeare site where the identified flood zones were on the periphery of the site, these dissect the site. This means that while the Environment Agency indicated that their modelling for development in this area should be considered out of date for a scheme of this scale, rather than condition additional modelling work it needed to be undertaken up front. Essentially the concern existed that even a modest change to the flood mapping for this parcel had the potential to result in a much greater change to the developable area than was the case in Treasbeare.
- 3.11.3 The developers have undertaken the required modelling work and submitted this for EA approval in January and February 2023. In reviewing the modelling the EA have noted that the revised flood mapping is now reasonably robust and while not fully signed off yet allows them to proceed with greater confidence. It is now expected that the final modelling will demonstrate that minor tweaking of the flood boundaries is required but that it would not cause fundamental change to the indicative layout of the masterplan or the parameter plans which form part of the application.
- 3.11.4 To ensure a robust approach is taken it is recommended that development is undertaken in accordance with a condition which requires further tweaking of the model and therefore the flood zone extent, and for a final FRA to be submitted for approval. The Environment Agency have only arrived at this position (which is now similar to that taken in respect of Treasbeare) following the extensive up front modelling which the developers have already undertaken and which the EA have found to be sound. In any event the

Agency want a safeguarding condition which prevents future development from being located within the updated flood zone area (zones 2 and 3) based on 1 in 100 year event plus climate change allowance. This can reasonably be secured by condition and will direct development away from areas at higher risk of flooding in accordance with the NPPF and Policy EN21.

- 3.11.5 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 calculations within this application and establishes the most cautious approach to management of surface water that can be applied.
- 3.11.6 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 silt laden) therefore with the higher risk of causing flooding.
- 3.11.7 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. This can be captured and managed through a submitted Construction Environment Management Plan.
- 3.11.8 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 drainage attenuation basins – whereby 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 Lead Local 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. 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.

- 3.11.9 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).
- 3.11.10 Water quality is a notable component of biodiversity and the ecological status of an environment and it is noted that the EA have identified the quality of the Cranny Brook in 2019 as “Moderate” overall, with an ecological classification of “Moderate” and a chemical classification of “Fail”. It was identified that the reasons for this derive from
- Point sources of pollution from urban areas and transport infrastructure.
 - Diffuse sources of pollution from poor livestock management and poor soil management.
 - Ecological discontinuity (barriers) impacting the movement of fish.
- 3.11.11 While with care the first can, if properly managed be resolved - at least in respect of this site, by the careful management of activity within its control (i.e. by the implementation of conditions such as Construction Environment Management Plan), and the second would naturally fall away (again in respect of this site), the third requires more consideration. In particular it is noted following a site visit that there are a number of blockages or partial blockages along the Cranny Brook and its tributary where it passes through the site. These are from manmade bridges structures and culverts, a number of which are broken and partially collapsed. It is considered reasonable and identified within the ES (12.114) that as part of this development such instances of blockage are removed or replaced with suitable structures that avoid the identified discontinuity. These should be picked up in an updated version of the Landscape Biodiversity and Drainage Strategy (required by Policy CB26) and which can be secured by condition. It is expected that the detail for the actual works to each structure would then be addressed within a Reserved Matter application that is relevant to that particular part of the site. This approach would be in accordance with Policy CB26 of the Cranbrook Plan. In addition any new culverts can be secured to be over sized and/or designed with wildlife passing routes created. It is also recommended that headwalls as far as possible are designed to be attractive and reflect the more rural characteristic that the stream corridor it is trying to present. Again this element can be managed by condition and supported by Policy D1 of the Local Plan and CB15 of the Cranbrook Plan.
- 3.11.12 Foul drainage is also 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. As recorded within the Treasbeare application , 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 it is understood should otherwise have capacity to deal with all foul flows that could be generated.

- 3.11.13 In terms of this application foul drainage has been considered briefly within chapter 17 of the ES. 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.
- 3.11.14 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. In any event and with the likely timescales for first occupations not arising from this proposal until 2025 is considered that gives SWW additional time to complete their current investigations and further resolve the identified issues
- 3.11.15 However to help further control flows from the site and in recognising the downstream effects that are experienced within the Clyst area, it is considered precautionary to impose conditions on this scheme to ensure that surface water and foul drainage is managed in way that is (properly) being promoted and which helps to reduce the risk of foul water flooding. 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.
- 3.11.16 Taken together, it is considered that the application has suitably demonstrated that it can address issues in respect of flood risk, surface water runoff and foul drainage. With the imposition of conditions to further secure remaining points of details, the proposal is considered to accord with relevant guidance in the NPPF and policies in adopted development plan in respect of drainage and water resources.

Transport and Access

- 3.12.1 There are several components to this aspect of consideration – not least the primary accesses which form part of the 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 impact on both the local and wider network including the strategic network (comprising the A30 and M5 and the associated junctions). The impact on the Crannaforde Lane level Crossing (more commonly known as the Crannaforde Crossing) has also been raised within consultee responses. These aspects will be addressed in turn.
- 3.12.2 Access and junctions
- 3.12.3 As previously described, 3 primary junctions are proposed - the main access into the site from London Road (that passing through the neighbourhood centre); the entrance in to the Gypsy and Traveller site in the east; and the continuation of Rush Meadow Road in to the western side of the expansion area.
- 3.12.4 The largest of these junctions is the one accessing the site from London Road and passing through the neighbourhood centre. This is set out as a T junction with right hand turn lane provided for west bound traffic. In many ways its simple form is not unattractive but it is likely to have to cope with a significant amount of traffic (although less than at the western end of the network between Treasbeare and Bluehayes).
- 3.12.5 To achieve a safe junction the junction, which would have three arms would be signalised. In addition the junction would also include a light controlled toucan crossing (a crossing which is suitable for pedestrian and cyclists). It is considered that the traffic lights are likely to perform an important function in managing the volume of traffic in this location and also help to limit queuing - particularly for that entering and exiting from the development, noting that eventually this access route will form an alternative way to reach the town centre and the services and facilities that it offers as well as the education campus.
- 3.12.6 Concern has been raised by the Local Highway Authority that the junction while adequate in its own right is likely to be significantly complicated when the Grange development (under Policy CB5) comes forward. To help minimise this and ensure a balanced junction that functions well into the future, the Local Highway Authority have requested that land is safeguarded on the north side of junction to allow for future junction improvements if these are deemed necessary. This requirement can be negotiated (and captured) through any future section 106 agreement.
- 3.12.7 The other aspect of safety on the main London Road junction that affects not only the placement, height and location of the signal heads is speed. All the junctions are being designed to 20mph speeds with proposed signage of 30mph but that doesn't in itself address the fast straight section of road this

scheme proposes to connect onto. To help bring speeds down more generally, 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 reduced. In this instance traffic calming proposed to be delivered by the developer includes the provision of central ghost islands and raised tables with clear gateway signage. These measures have been through a road safety audit assessment and for this level of detail and at this stage are considered sufficient to make the road speed slower and as a result the junctions acceptable. On this basis the proposed primary junction is considered to be 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.

- 3.12.8 As part of the junction design the applicants have indicated a landscaping and surface treatment scheme. This involves some detail but doesn't provide all details necessary (nor is it all agreed). As these junctions are in detail it is therefore appropriate to impose a condition on any grant of permission which allow further consideration of these details in the future.
- 3.12.9 The second primary access proposed as part of this application is that which would serve the gypsy and traveller site. This would be located towards the far east of the site close to Bodley Bridge but inside the speed gateway and outermost traffic calming measures deployed by this proposal. This junction too takes the form of a simple T junction but would not benefit from a right hand turn lane. This approach is considered appropriate noting the limited number of vehicle movements that it would have to cope with. The means by which cyclists cross the junction and interact with the main carriageway is the only matter outstanding here and this can be dealt by way of condition in the event of approval.
- 3.12.10 Three other secondary vehicle accesses are indicated along the London Road frontage serving the proposed place of worship land as well as two of the residential parcels. Details for these are not part of the application and other than a general intention to provide a connection in the approximate positions indicated, it is not considered that these form an integral part of the proposal. At this stage there has been no consideration of their interaction within the highway network nor a road safety audit assessment undertaken, and as such their deliverability must be cautioned. To do this it is recommended that a condition is imposed that would only permit such accesses to be delivered where an acceptable assessment and audit has been submitted and agreed by the Local Planning Authority in conjunction with the Local Highway Authority.
- 3.12.11 Other access into the site are proposed and include those from the adjacent Farlands land, Ingram's development (part of Cranbrook Phase 1) and the remaining allocated land (that being land subject to an application from Mrs Holland in 2019 which was later withdrawn). The remaining secondary connection but which is not to be approved as part of this application is the

connection with Southbrook Lane. This would connect as a T junction providing access up to Lower Southbrook, but would not connect to Higher Southbrook. As already discussed these properties would have to take their access through the Taylor Wimpey Cranbrook Phase 1 development (Higher Furlong Road) until access points through Mrs Hollands land are connected. As a worst case scenario and assuming no more convenient connection can be made this is considered to be an inconvenience and harm to their amenity. However any such closure is a long way off, and would need to be considered in greater detail as part of a future reserved matters application. At this stage and in recognising the current evidence that has been received which seeks to demonstrate why a southerly connection cannot be readily achieved and importantly the wider planning benefits from the scheme as a whole it is not considered that this should prevent the scheme from being taken forward. Importantly the local residents would continue to have safe and suitable access to the property in accordance with Policy TC2 of the Development Plan.

- 3.12.12 The third primary access and remaining one that needs to be considered in detail is that from Rush Meadow Road in the west of the scheme. In many ways this would form a continuation of the existing road and is the most straight forward junction. The challenge with it however is the change in standards associated with LTN 1/20 which now promotes segregated footways and cycleways. This means that to comply with current guidance there needs to be a transition between the two road typologies. This is proposed to be set just into the site and would see a change from both sides of the road having a 3.5m wide shared facility, to a 2m wide footway south of the road, and a 2m footway and 3m cycleway to the north. This arrangement is considered acceptable.
- 3.12.13 Finally in terms of impact on the town centre, it has been identified that the junction between Rush Meadow Road and Tillhouse Road will see an increase in traffic. This was always predicted and the junction's design allowed for roundabout reserve land in the event that volumes became such that a roundabout was required. The Local Highway Authority have advised that safeguarding of works are required in case the junction reaches/exceed predicted capacity. However it is noted that the land is neither highway adopted (yet) nor within the control of the applicants. It is therefore recommended that works for junction improvements are costed (as a worst case solution) and an obligation for the facility secured within the section 106. This would either be for the developer to undertake the works (or in the event that land is not highway adopted at the time of delivery) that an equivalent financial contribution is passed to the Local Highway to undertake the works. This is a reasonable and pragmatic way to address this issue.
- 3.12.14 In exploring this with the developers, they have suggested that any financial contribution required for this junction improvement come from the budget line within the Cranbrook IDP and Policy CB6 which secures London Road Upgrade works. This line specifically excludes junction improvements and while sympathy exists that this issue was raised somewhat late in the application process by the Highway Authority, it is not related to London

Road improvements. Importantly the risk of junction improvement in this location has been known about for a considerable period of time. Overall the works if required form a junction improvement scheme required by this application and should therefore be delivered by the applicants.

3.12.15 Strategic Road Network

3.12.16 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 well placed with access from the primary internal routes and school as well as its relationship with the London Road. High levels of internalisation - that is trips that can be made within the expansion area and or within the town rather than having to out commute, help demonstrate the sustainability of the town and support its ongoing and growing prosperity. Such trips also 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.

3.12.17 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 areas (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) be brought forward.

3.12.18 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.

3.12.19 In this instance the work by DCC, while not corroborating the exact inputs used within the Developer’s Transport Assessment, supported both the general approach that has been advocated and importantly the overall findings. This is that with increased internalisation as a result of a wider breadth of services and facilities in the town, 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 and is required by Policy CB18), 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 and that had been previously used to ascertain a level of development at which no further improvements to the SRN would be required. Modelling undertaken by DCC has considered the excess housing that is currently proposed by other expansion areas and the anticipated additional town centre housing and this too has been considered as falling within the overall movement parameters previously established for the total of 4170 dwellings.

- 3.12.20 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 both 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

- 3.12.21 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 Whimple to the north east.
- 3.12.22 While highway and rail safety must be an absolute priority, there is little evidence that trips generated from the Cobdens expansion would make use of the Crannaford Crossing. The developers indicate within the TA that the increase of trips over the crossing would be negligible - an assessment that was made before the northern connection onto Southbrook Lane was brought back into the application. That connection provides a safer alternative and more direct route up onto Sandercroft Road and therefore to Broadclyst should people wish to make that journey. Particularly with this alternative in place it is not considered that the expansion area would make a material difference in the number of vehicle and pedestrian movements over the crossing to warrant further exploration.
- 3.12.23 It is noted that with the Treasbeare application, which is arguably less well connected to the Crannaford Crossing than the Cobdens site that Network

Rail sought closure of the crossing. They have not done so in the consultation response for this application but if they were to pursue closure then this should be directed to Devon County Council (DCC) rather than one of the respective expansion area application. DCC could consider the request through due process at the appropriate time.

- 3.12.24 Networks Rail's consultation response does however amongst other things seek a condition to secure fencing along the northern boundary of the site to prevent access to the railway line and associated infrastructure. This is reasonable and can be secured in the event of permission being granted. In addition Policy CB9 seeks that land adjacent to the Exeter to London Waterloo is safeguarded for a possible future station. This can be secured through this application and an accompanying Section 106 agreement in the event of approval.

Travel Planning

- 3.12.25 As already recognised 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 in the neighbourhood centre. 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.

Air Quality and Odour

- 3.13.1 Development has the potential to affect air quality - particularly during construction but also as a result of air pollution from activity that occurs from the completed development. This aspect of the development's potential impact has been tackled in a specific chapter within the Environmental Statement which recognises the national legislation and policy basis as well as Cranbrook Plan 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).
- 3.13.2 In terms of Nitrogen Dioxide and Particulate matter, it is considered that most receptors would experience a negligible impact. Assessed against a predicted baseline of 2019, pollution measures have been assessed both as a result of the proposed development and those affecting future occupiers.

Subsequently assessed against predicted 2031 levels (the end of the plan period – and recognising the 2030 DEFRA produced maps) the report recognises that in taking a conservative approach there is a slight increase recorded against all pollutants at all locations. Importantly the data shows that concentrations of all pollutants however still remain well below the annual mean objective limits at all receptor locations assuming a cautious approach. In addition the report also recognises that based on professional judgement, evidence from DEFRA and the change in vehicle type (to non-polluting cars) there would in fact be a reduction in air borne pollution compared to the 2031 predictions.

- 3.13.3 At the construction stage of the project 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 including residents in Southbrook, 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). A draft of this has been submitted and accompanies the application but a final version can be secured by condition in the event of approval.
- 3.13.4 While dust is less of an issue once the development is operational, the greatest risk to air quality arises from traffic and any energy plant. Emissions from these sources can be reduced by comprehensive and effective travel plans (secured as part of the Section 106), good cycle and pedestrian connections and extensive on site open space for recreational activity close to people's homes. All of these are recognised within the ES and can be delivered as part of this application. In this regard the application is considered to be in accordance with Policy CB16.
- 3.13.5 It is noted that the ES also recognises that air source heat pumps are a further way of reducing emissions although as discussed elsewhere within the report Policy expects heat and hot water to be generated and delivered through the District Heat network (DHN) rather than air source heat pumps. Given that the DHN is set to be decarbonised and have its primary source of energy being derived from an Energy from Waste plant, it is considered this remains a valid conclusion and doesn't affect the conclusion reached in the preceding paragraph.

Noise

- 3.14.1 Noise is addressed within the ES having regard to amongst others, the Control of Pollution Act 1974; Environmental Protection Act 1990; the NPPF; and Local Plan Policies Strategy 17 (Future development Near Exeter Airport), D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) as well as CB 16 (Amenity of Future Occupiers), of the adopted Cranbrook Plan.

- 3.14.2 The ES rightly recognises existing residential properties and communities that are located on or close to the surrounding transport network as well as future occupiers of the development including those in residential properties, and the proposed school. A cautionary note is included within the ES that advises the noise survey work was undertaken immediately prior to the first National Lockdown, but after the first collapse of Flybe. Historic data has therefore been used to further reference and inform the measured baseline data.
- 3.14.3 From the baseline assessment it is apparent that the prevailing noise sources affecting the development site are those emanating from the London Road (traffic) and the Exeter Waterloo railway line (along the northern boundary of the site). The primary change that is expected to occur during the life of the development (but excluding development) is that of Traffic on the London Road. Despite the omission of flights associated with Flybe, airport noise was considered limited and rightly excluded from the main part of the assessment.
- 3.14.4 The ES has presented a detailed assessment of the likely effects of noise in respect of both the education establishment (albeit the location has varied since the ES was originally drafted) and the residential development.
- 3.14.5 Centrally located within the site, the education land is free of significant constraint that would not otherwise be mitigated by normal building fabric. In addition intervening development is likely to further improve the findings set out within the ES. As such it is considered that the introduction of a school in this location (and in respect of noise) is acceptable when considered against Policy CB1.
- 3.14.6 For residential properties the ES (at paragraphs 9.139) identifies that the vast majority of the site is capable of providing appropriate levels of internal sound levels during the day and night through normal construction and glazing. However the ES also recognises that these findings are based on assessment locations which are set 30m in from the edge of the railway line and the edge of the London Road respectively. If development were to come forward within these areas it is considered reasonable that relevant Reserved Matters applications are accompanied by a further detailed noise report considering mitigation that might be required to ensure a good quality of environment for such properties. This can be controlled by condition and would accord with Policies CB1 (Health and Wellbeing at Cranbrook) and CB16 (Amenity of future Occupiers).
- 3.14.7 The ES further recognises that if residential gardens were to be placed adjacent to or directly exposed to the railway line without the benefits of screening afforded by the massing of development, an acoustic screen extending 2m above the height of the railway line would be required. From a landscape, place making and amenity perspective such a screen would be unacceptable. It is noted that the parameter plans show a residential set back from the railway line of a little over 30 metres (to accord with offset identified in the preceding paragraph) but care will still need to be afforded

at the Reserved Matters stage to ensure that the layout is appropriately prescribed to avoid the need for such a screen. An informative can be added to encourage the layout to follow this approach.

- 3.14.8 Noise and vibration associated with the construction activity can be properly controlled by a Construction Environmental Management plan which is secured by condition. This would conform to the expectations of Policy EN14 (Control of Pollution) and help to ensure that the application itself can be seen as being in conformity with the expectations of this policy.

Ecology and Nature

- 3.15.1 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.
- 3.15.2 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. A phase 1 habitat survey was conducted in May and June 2020 which updated earlier surveys between 2011 and 2019. Phase 2 Habitat surveys were also undertaken together with an updated Hedgerow survey taking place in February 2021.
- 3.15.3 As well as recording and assessing direct impacts on site flora and fauna, the report also recognises that within the site's 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.
- 3.15.4 Non statutory sites around the application site include Newhayes Orchard County Wildlife Site (CWS) (located 1.7km to the north) which is a traditional orchard and the candidate CWS at the Grange in Rockbeare located just 0.6km south of site.
- 3.15.5 Importantly in respect of Habitat mitigation the ES 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. The ES identified that a SANGS management strategy would be submitted at Reserved Matters stage. Alongside further details of phasing,

this is something that can be secured through the Section 106 agreement in the event of approval.

- 3.15.6 The ES records the risk of pollution incidents 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, identified within consultation responses and can be secured through the CEMP.
- 3.15.7 In terms of habitats, the site is currently considered to be predominantly made up of improved or modified grassland. While some local farming practices have modified this, it was nonetheless recorded that these areas remained largely devoid of species richness. These areas are largely managed under a combination of hay silage and grazing. Semi Improved grassland was identified typically as narrow verges along the water courses and hedges (field margins).
- 3.15.8 The Upper Cranny Brook which is of regional importance flows through the northern parts of the site entering and exiting it through culverts under the railway line. It is important as a salmonid watercourse and for the migrating eels. Its course while flowing within the site is of mixed character – ranging from being tree lined, open with direct access to grazing cattle and having vertical sides where it passes along the side of Southbrook Lane. It is recognised that a number of barriers exist along the watercourse in the form of broken culverts and bridges.
- 3.15.9 Referred to as “The Stream” within the ES, there is an important tributary of the Cranny Brook which flows east-west through the length of the site joining with the primary watercourse at Southbrook Lane. This stream is considered of County importance offering a number of similar environments and habitats as that of the Cranny Brook.
- 3.15.10 Three on site ponds were identified. While the ES considered that all were of sub local importance due to their small size and lack of management, it is considered that for two of these, their value was down played. Having undertaken a detailed site visit with the District ecologist, ponds referenced as P2 and P5 within the ES were sought for retention and are now identified within the proposed parameter and master plans. It is considered that while these may have suffered neglect in recent years they have the potential to play an important biodiversity role within the proposed development, sustaining additional interest for future residents and particularly in the case of P5, the mature trees that exist alongside it.
- 3.15.11 A little over 18% of the existing on site hedgerows would be lost as a result of the proposed development. From this figure it is recognised that while hedgerow loss is modest, some loss is inevitable. The greatest loss of an

individual length of hedgerow occurs in the south where, as already described earlier in the report, the field site and hedge alignment means that it is difficult to retain these hedges and design an integrated and connected place for people. The hedgerow loss that is proposed is therefore considered necessary to accommodate the scale of development. However, the scheme advocates judicious replanting such that (the scheme could result in a net gain of 13.5% of hedgerow) the impacts of the loss can be properly contextualised. Overall and given that the losses have been minimised where possible, 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 (required by policy CB26) and can therefore be taken forward at the reserved matters stage.

- 3.15.12 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 likely to be present and the potential impact that the development might have. These findings are summarised by species in the following paragraphs:
- 3.15.13 Bats – The ES and its update, identify buildings on site that are due for demolition as comprising those known as B1 and B3. In the case of B1 it rates the value of this building for roosting potential to be low – the building having no roof with potential only derived from its ivy cladding – for the building being described this is considered appropriate. In respect of B3 it considers the potential to be negligible due to the modern form and lack of roosting opportunities. However some potential confusion appears to have arisen here as the plotting for B1 and B3 appears to be reversed. Assuming this is the case then the description of the buildings, their ecological value and required mitigation is appropriate.
- 3.15.14 However further buildings located within the proposed SANGS area and which are also proposed for demolition, have not been assessed at all giving rise to some uncertainty as to their bat roosting (and barn owl) potential. Admittedly, these structures are in a poor state of repair, are metal sheeted and with significant openings/holes allowing exposure to the elements. Based on Natural England's standing advice it is therefore considered that due to the nature and type of construction these buildings would demonstrate low ecological potential although this has not been evidenced by the applicants. Until such time as sufficient evidence of the ecological status of the barns is provided, their demolition should not be presumed – the benefit here being that as the barns are located within the proposed SANGS area (which would benefit from the buildings removal), it is not an absolute necessity.
- 3.15.15 It is therefore recommended that in the event of approval of the application, a full protected species survey for these buildings is included within the

relevant reserved matters application to fully evidence their actual roosting potential together with any mitigation as necessary.

- 3.15.16 31 trees were identified as having some potential bat roosting opportunities and these were predominantly located within hedgerows and around the site boundaries. It is likely that many of these can be retained by the proposed layout although a small number along the London Road frontage may need to be lost due to the need to bring forward a development scheme that allows for a successful place based scheme. While further survey work is recommended and any loss is regretted it is not considered that the roost potential exceeds more than local importance and could be adequately mitigated where necessary.
- 3.15.17 Bats – foraging opportunities are significant and 9 species were identified during the activity surveys that were undertaken including three that are listed as Annex II species under the Habitat Regulations (i.e. species of community interest whose conservation requires the designation of special areas of conservation). Surveys undertaken showed that the activity was greatest to the west of the site and focussed around the more mature trees along and to the south of Southbrook Lane. Overall the bat assemblage was considered to be of County importance.
- 3.15.18 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.
- 3.15.19 In mitigation and as has already been discussed the majority of mature trees/trees with notable roost potential are to be retained and to supplement this, artificial roosts are proposed such that there is at least 1 box for every 2 dwellings (40% to be sited on trees). A sensitive lighting strategy is also advocated 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. These are welcomed and in general provide an important role in biodiversity and Green infrastructure but more particularly for bat foraging.
- 3.15.20 Badgers – 6 setts were identified in the 2019 survey although none had evidence of recent activity. A follow up survey in 2020 found a similar result although an additional outlier sett was noted. 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 and inactive sett distribution 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.
- 3.15.21 Breeding birds – good opportunities are present within and around the site and a number of notable birds in and around the site were recorded. 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. To help avoid potential effects, clearance works must be taken outside of the nesting season. In addition nest boxes/nesting opportunities in hedgerows and on dwellings are recommended in the ES and supported here.

- 3.15.22 Dormice – this species have historically been found at Cranbrook and this expansion area is no exception with 5 nests found on the site in 2019. The developer’s ecological report considers there to be a breeding population and that through loss and fragmentation of hedgerows that there is a risk of decline in the dormouse population. The greatest risk of harm would occur through hedgerow removal, which would have to be undertaken under licence and at the correct time of year. Once developed, appropriate hedgerow and woodland management would be provided to ensure populations were maintained and supported. The installation of additional dormice nest boxes would further support appropriate mitigation and could be secured as part of the Natural England licence that will be required.
- 3.15.23 Amphibians – the site falls within a Devon Great Crested Newt (GCN) consultation zone. DBRC records identifies two results of GCN within 2km of the Site boundary - the nearest being approximately 420m south of the Site. However eDNA surveys were undertaken of 4 ponds in 2020 (2 ponds on site and 2 on site); 3 returned negative results whilst the ephemeral pond was at the time of survey dry. GCN are not considered to present a constraint on development.
- 3.15.24 Riparian Mammals – Previous evidence of otter has been recorded along the Cranny Brook and further evidence was noted during the 2019 surveys. Given the nature and number of findings, it is considered that this part of the Cranny Brook is most likely to be part of a single larger territory. As a result the Upper Cranny Brook is considered to be of County importance. New bridge crossings would need to be undertaken sensitively and be of a design which did not impede the movement of otter along the Brook. Detailed designs can be considered at the reserved matter stage but a condition directing that such passes are incorporated within the design is not unreasonable. While not addressed within the ES it is considered that carefully designed/planted margins would also help to prevent harm. Such mitigation could be secured through future landscaping which would help to limit access to the water in key areas. In particular this could deter access to the water by dogs which have the potential to disturb Otter and their feeding areas. 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.
- 3.15.25 Reptiles – potential is confined on this site due to the intensive management of the fields. As a result suitable habitat only exists on small areas of rough grassland and some field boundaries. 10 slow worms were identified in the 2019 survey and represents numbers similar to those seen in earlier survey work. 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.

- 3.15.26 Other notable species that may be present include Hedgehog. It is considered that 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. A similar level of importance is ascribed within the ES to Toad and polecat. 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 can be secured in the LBDS itself secured by condition in accordance with Policy CB26.
- 3.15.27 Taken together it is recognised that for a number of species – those being bats, dormice, and potentially barn owls and badgers, the proposed works and demolition of the barns would require a European Protected Species Licence from Natural England.
- 3.15.28 In these circumstances the Local Planning Authority has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercise of its functions when dealing with cases where a European Protected Species may be affected.
- 3.15.29 The species protection provisions of the Habitats Directive, as implemented by the Habitats Regulations, contain three ‘derogation tests’ which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would otherwise lead to an offence under provisions protecting species in the Habitats Regulations: The Woolley court judgment makes it clear that the Local Planning Authority must apply these same three tests when determining a planning application.
- 3.15.30 The three tests are:
- i. the activity must be for imperative reasons of overriding public interest or for public health and safety;
 - ii. there must be no satisfactory alternative
 - iii. favourable conservation status of the species must be maintained
- 3.15.31 In this case it is considered that the imperative reasons of overriding public interest can recognise the comprehensive nature of development that is proposed – that is the delivery of over 1400 houses, including a percentage that are affordable; the provision of 10 serviced pitches for gypsy and travellers; the delivery of a range of community infrastructure including a 3 form entry primary school, special needs school, neighbourhood centre, allotments and cemetery as well as the open space typologies that together support the development.

- 3.15.32 In considering whether there is a satisfactory alternative it is noted that the development is of strategic significance to the District's 5 year housing supply – and the real world component of this in providing homes for people. As explored already within the report, changes to the scheme have been made to reduce where possible the likely ecological impact through the rerouting of the Main Local Route (to avoid important trees), and the retention of 3 ponds originally proposed to be lost. However removal of the various lengths of hedgerow together with the demolition of the various barns (albeit with the caution applied to the one as already addressed) means that there are no other satisfactory alternatives available.
- 3.15.33 To mitigate for the loss of the dormouse habitat significant additional (new) habitat is being created across the site focussed along the stream corridors and in the SANGS areas - itself located to both the east and north west of the site. For bats (and birds) there is a proposal to install boxes on the retained trees and on the dwellings as well as ensuring that dark corridors are provided to maintain feeding routes. The full suite of mitigation will be brought together in a Landscape Biodiversity and Drainage Strategy which will secure delivery of the mitigation.
- 3.15.34 While at this stage there is not expected to be a need for a licence for barn owl or badger (noting the apparent ecological status of the barns including the one which has not been surveyed) there is ample opportunity within the SANGS area and stream corridor to provide additional mitigation if required. As part of the scheme the developers have committed to provide 10% Biodiversity net gain which can support habitat creation for the protected species and therefore further secure their ecological status on the site.
- 3.15.35 With appropriate conditions to secure details of the mitigation in advance of, and through the reserved matters applications which would follow (in accordance with an agreed Landscape Biodiversity and Drainage Strategy), it is considered that the ecological status of the protected species can be maintained in a favourable condition. It is also noted that the build programme for the development that would be consented by this scheme could take up to 10-12 years. On this basis (and as wildlife moves around) further up to date protected species surveys at subsequent reserved matters stages will also be required (these can be secured at the validation stage of such application using the validation checklist and there is no need for further conditions on this application).
- 3.15.36 Having regard to the above assessment, it is considered that the three tests can be met and that Natural England are likely to grant an EPS licence.
- 3.15.37 More generally and in a similar way to that of the Treasbeare development considered under application 22/1532/MOUT, cumulative effects in respect of ecology and nature 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 other proposals in the local area, is considered to limit or offset potential cumulative effects.

- 3.15.38 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. This has been updated with additional commentary provided following earlier observations by the District Ecologist. The assessment is largely considered to comply with Policy CB26 (Landscape Biodiversity and Drainage) and is achieved having regard to the habitat, hedgerow/linear features found on site. It does however overtly omit the river/stream corridor. It is considered that this falls short of what is reasonable given the intrinsic importance that the stream corridors have on the development in Cobdens and therefore will need to be addressed.
- 3.15.39 The updated BNG assessment clarifies that at this outline stage, it 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 and as such double counting is avoided.
- 3.15.40 One concern that is highlighted within the BNG assessment is that attributable to phasing. Currently and save for the river assessment which has been omitted but can be properly addressed at Reserved matters stage when updated detailed assessments are required in any event, the assessment identifies that across the development as a whole, 10% net gain can be achieved. However when this is broken down and looked at on a phase by phase basis, it is recognised that particularly the first phase has a significant shortfall. The suggestion made by the applicant's ecologist is for a financial bond to be put in place which is payable if later phases fail to materialise or fail to adequately make up any shortfall from earlier ones. This is not a particularly satisfactory way of addressing this aspect but does at least ensure that the development is ultimately accountable. Unless through S106 negotiation, phasing is varied this fall back is considered acceptable. As such the Section 106 would need to not only secure 10% (and financial bonds if required) but also the long term retention and maintenance of the resource that is being provided. Householder information packs highlighting the green infrastructure and the importance of these would assist with the long term maintenance – they are a useful means of disseminating information to local residents who can take an interest in it future management and maintenance and can also be secured as part of the legal agreement.
- 3.15.41 As previously discussed 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.

- 3.15.42 In this instance the LBDS proposed for the Cobdens development presents itself as an overarching document that can be secured by condition. Its simple overview style is something that was advocated by Officers having used an LBDS for Cranbrook Phase 1. However it lacks detail and with such a document a careful balance is required between creating a document that is cumbersome and too detailed/prescriptive and something that is very broad brush and general in its approach. Unfortunately the framework LBDS currently submitted leans towards the latter end of the spectrum and in particular lacks detail and proper consideration of both biodiversity/ecology and drainage. The additional work required however is not considered to necessitate a pausing of the application. There is suitable detail contained in other documents it has just not been brought together in a clear and robust way. This can be resolved by condition in the event of permission being granted. In addition the condition can also capture the policy expectation in CB26, that the LBDS is reviewed and updated every 5 years.
- 3.15.43 The ES also identifies the need for an LEMP (Landscape Ecological Management Plan). This is a more specific document that focusses on the actual scheme delivered as part of relevant Reserved Matters. It is therefore advocated that a condition be imposed on any grant of permission which secures an acceptable LEMP with each RM application. This will allow a tailored LEMP to be prepared for the specific species and ecological features within that particular application.
- 3.15.44 The development as proposed is considered to be in accordance with policy EN5 of the adopted Local Plan having proper regard for the wildlife, ecology and in particular protected species. It adequately addresses the need for BNG in accordance with Policies CB6 and CB26 as well as the LBDS (also required by Policy CB26). With appropriate conditions and requirements through the section 106 agreement (for BNG) it is considered that the proposal is acceptable in respect of ecology and nature.

Climate change

- 3.16.1 Rather than addressing climate change as a discrete chapter, each key topic within the ES has given thought to Climate change, its likely impact on the particular topic/discipline and how this might need to adapt in the future. For example Chapter 8 (air quality) references “Road to Zero Strategy” (2018) and “Clean Air Strategy” (Defra 2019). These are brought together in an appendix to the ES (2.3).
- 3.16.2 The report in appendix 2.3 considers both the effect of development on climate change and the likely risks to development from climate change. It references The Climate Change Act 2008 as amended by the 2050 Target

Amendment Order 2019 which came into effect on the 27 June 1990 and commits the UK government to reducing greenhouse gas emissions by at least 100% of 1990 levels by 2050 (a net zero carbon target for the UK), and recognises the creation of a framework for setting a series of interim national carbon budgets and plans for national adaptation to climate risks.

- 3.16.3 The Clean Growth Strategy published by the National Infrastructure Commission in 2017 sets out priorities relevant to planning for new residential development of:
- improving the energy performance standard of new homes;
 - making walking and cycling the “natural choice for shorter journeys”;
 - requiring provision of electric vehicle charging points; and
 - deploying heat networks and improving the standards of boilers to decarbonise heating
- 3.16.4 While it is recognised that the strategy is at a very high level, policies that stem from it have already filtered down into the NPPF and at a local level the Cranbrook Plan – specifically Policy CB12 (Delivering Zero Carbon).
- 3.16.5 In considering the inherent CO₂ equivalents (CO₂e) in development the appendix references “The RICS guide and CLF” database which suggests an average of around 450–550 kgCO₂e/m². Applying appropriately evidenced CO₂e for other parts of the proposal including school and neighbourhood centre, the report predicts a total of embodied carbon from construction of the development to be between 87,000 - 105,000 tCO₂e.
- 3.16.6 Greenhouse gas emissions for the change in land use is considered by the ES to be negligible with no significant effect noting that the existing use is agricultural (grassland). This is queried noting the significant Carbon storage potential that soils have and the risk to this resource as a result of ground disturbance from the development. However as the ground has to be disturbed to accommodate development, mitigation in the form of careful soil management is appropriate.
- 3.16.7 Operationally the report recognises that the development would generate a range of additional greenhouse gas emissions including that from space heating. It identifies three ways in which this can be mitigated including the connection to the District Heat network required by Policy. The report also addresses transport and the likely vehicle movements.
- 3.16.8 The report also identifies the benefits of a sustainability statement that should accompany future reserved matters applications and commit the developer to the ensuring that as many of the materials used as possible are sourced from and have low embodied energy Carbon values. In addition it advocates that the CEMP goes further than traditionally has been the case and ensures that, where possible, construction activities generating GHG emissions are undertaken efficiently in order to minimise emissions. It has already been identified that a condition securing a CEMP is required and this additional information can be incorporated into it through the condition.

- 3.16.9 The report details a range of implementation measures including those associated with landscaping and transport (travel planning) to further promote the reduction in embodied Carbon and sustainability more generally. Even in the lifecycle of a landscaping scheme there is inherent carbon in propagation and transport that can be reduced if there's retention and reuse on site and local sourcing of suitable species.
- 3.16.10 In considering this approach against adopted policy, (CB12) it is recognised that since originally drafting the policy, a number of requirements have been set into Building Regulations 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.

Lighting

- 3.17.1 Lighting plays a key role in making places attractive and safe but it can also cause a nuisance for existing residents and if not treated carefully have a detrimental effect on local wildlife – particularly bats.
- 3.17.2 The ES has considered lighting as a specific topic and also included a report from lighting consultants who have modelled a scheme based on the indicative masterplan (this being the original rather than updated version of the masterplan) and through this, considered the effect on a range of receptors including existing residential properties and key ecological receptors.
- 3.17.3 Although this is a large scheme, save for the educational and neighbourhood centre development, it is predominantly residential in nature. This allows for a relatively conventional lighting scheme to be modelled for assessment.
- 3.17.4 The findings of the report outline the case that with use of warm white LED lighting; with the use of columns at zero degree tilt and with the use of screens, shield and baffles as appropriate, lighting can be managed so that it does not have a significantly harmful effect on existing residential receptors or local wildlife. It appears that while the lighting report particularly advocates the use of warm white light which has a colour temperature of less than 3000K the modelling work uses a 4000K temperature which is a much whiter light. While the output of lamps with a warmer white light is less than the equivalent for cooler white light, this reduction is in the order of 10-14%, the reduction can be compensated for by the number of LEDs within a particular lamp head or by increasing the wattage. This modest increase in energy usage is considered to be more than compensated for by the benefits to the environment and wildlife. For clarity the requirement to use warm white can be controlled by condition.

- 3.17.5 To further minimise harm, the report recommends a bollard lighting solution where dark corridors are identified. In the past this has presented challenges for DCC adoption's team but is something that can be explored further in due course given the justification for the use in this instance.
- 3.17.6 In a similar manner to other aspects considered within this report, 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 playing a key role in ensuring effects are limited.
- 3.17.7 Cumulative effects are properly 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 but it considers that in-combination effects are limited to receptors where there is a close association/relationship between adjacent schemes. While this conclusion is not particularly well evidenced it is considered valid. To help minimise in combination effects arising, it is incumbent upon all schemes to properly implement mitigation and in this regard the application 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 that can be secured in accordance with policy EN14 of the Local Plan and CB16 of the Cranbrook Plan.

Neighbourhood centre

- 3.18.1 Policy CB4 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 requirement for a minimum of 1250sqm of which this application proposes 750sqm. Given the neighbourhood centre straddles different land ownerships and part of the centre is therefore within the control of the adjacent application site (14/2945/MOUT still under consideration) the quantum proposed here is considered appropriate and in accordance with policy.
- 3.18.2 The 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 now 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.

- 3.18.3 In considering the actual composition of the E class and appropriate sui generis uses within the centre, Policy CB4 includes policy wording (as is found in other area allocations) which limits the number of fast food takeaway's in the recognition that proliferation of these can have a harmful effect on people's health and wellbeing. Although such matters can be considered at reserved matter stage (and subsequent applications), hot food takeaways are specifically referenced in the description of development. For the avoidance of doubt therefore it is better that a condition is imposed to limit such a use within 400m of the school land (in accordance with Policy CB4) to clarify the terms of the of the permission.
- 3.18.4 In addition it is also considered reasonable that a further condition is imposed to control future changes of use (after first use) where a move away from retail to that of office or light industrial is proposed. While compatible in amenity terms with a residential environment they are less focussed towards visiting members of the public and therefore less conducive to vibrant and active neighbourhood centres – something advocated by Policy E12 (of the Local Plan). Within the “E” Use Class, uses such as cafes, estate agents, hair dressers and health services are considered active and appropriate uses and therefore it is proposed that the restriction solely be away from retail (E(a)) to (E(g)) comprising offices, research and development and light industrial while all other E class uses continue to be permitted unrestricted.
- 3.18.5 As already discussed the scheme proposes the delivery of a place of worship on land that sits within the neighbourhood centre. While there is a risk that delivery of the place of worship could be some time in coming forward, it is nevertheless in a location where it can play a meaningful role within the community. Meanwhile uses will be important to ensure that the space is not simply left vacant and these can be secured through the Section 106 in line with Policy CB4. Observations by the Diocese following the initial submission note that the site needed to be of a suitable size and have sufficient off road stopping/parking to ensure that funeral or wedding cars did not hold up traffic. This observation has been addressed within the amended plans which are now considered acceptable.
- 3.18.6 Overall the layout arrangement and access of the neighbourhood centre are considered well placed to become a successful and vibrant place in accordance with Policy CB15 and one that attracts and benefits from passing trade. It is located in a position where it can meaningfully connect with the residual parts of the neighbourhood centre which are set to be delivered in Grange opposite and on the Farlands site to the immediate west. In this regard the proposal is considered to be in accordance with Policy CB5. In addition the prospect of delivering a mobility hub in the centre together with good traffic calming measures and pedestrian crossing points on the London Road means that the scheme is also considered in accordance with Policy CB1, CB18 and CB24.

Design

- 3.19.1 Much of the discussion around disposition of uses and the interaction of the development within the site has been brought together by the applicants in a single detailed Design and Access Statement (DAS). This meets not only the national requirements for such a document but has also been informed by a self-assessed Building for a Healthy Life critique (in accordance with Policy CB15), has had regard to the National Design Guide and been informed by work undertaken with the independent Design Review Panel - something strongly supported by Officers.
- 3.19.2 The DAS not only charts the journey of the application but also puts into context the proposed scheme looking at the constraints and opportunities and picking up the key themes identified in the preceding sections of this report – including heritage and archaeology, biodiversity and ecology, arboriculture, flood risk and drainage, visual amenity and access movement. The document also embeds the approved parameters plans within the document.
- 3.19.3 Although updated through the life of the application it needs a limited amount of refinement/updating from outstanding consultee comments and late changes to the proposal. These comprise:
- Changes to the phasing plan (as already discussed)
 - the highway plans/junction arrangements onto the London Road;
 - the late relocation/subdivision of the 5th LEAP;
 - the final flood modelling required by the EA and which has the potential to refine the extent of the built development; and
 - Refinement to the disposition of/description of details for particular character areas.
- 3.19.4 However, with the changes identified above the DAS provides a solid framework for the development of this expansion area and can be secured by condition in the event of the permission being granted. Future compliance statements with it which build in a review mechanism should also be secured by condition to allow a review given the longevity of the development and the risk of future changes in style approach and guidance/legislation.

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, but importantly for this site it is one of safety in relation to the risk of bird strike.
- 3.20.2 Policy TC12 of the Local Plan seeks to ensure that development proposals in locations such as this application do not prejudice the safe operation of the airport. This policy builds on “The town and country planning (safeguarded aerodromes, technical sites and military explosives storage

areas) direction 2002, (Updated 22 December 2016)”. This guidance identifies that in order to protect aerodromes against the risk of Birdstrike, safeguarding maps include, a 13 kilometre radius (in the case of civil aerodromes), centred on the safeguarded aerodrome. This indicates the area within which developments likely to attract birds require consultation.

- 3.20.3 In this instance the application site falls within the 13km radius of the airport and therefore consultation has taken place with the airport safeguarding team. Focussing on water bodies and SUDS features, they have set out that if the proposals for the Sustainable Urban Drainage System (SUDS) are delivered as proposed (1/100 year storm, 14 days to drain, and annual storm 1-4 days), then mitigation (bird exclusion) measures will not be required. However, they recognise that 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 need to be implemented. To capture this and allow further control at the detailed stage it is considered appropriate to impose a condition on the development which requires the submission of a wildlife hazard management plan. This will allow further consideration of particular tree species as well as capturing requirements in respect of drainage features and their management. This condition would be in accordance with Policy TC12.

Health

- 3.20.1 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 particularly in respect of connectivity and legibility associated with the highway network and general layout. In so doing the scheme is trying to address the requirements of the first policy of the plan CB1.
- 3.20.2 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.
- 3.20.3 As part of the consultation for this application, the NHS ICB (Integrated Care Board) and the Royal Devon University Healthcare Foundation Trust (RDUH) have separately submitted requests for contributions. The ICB have confirmed their support for a proportionate part of ca £7m of funding identified in the Cranbrook Plan IDP for a Health and Wellbeing Hub (HWH) or as a fall back, a calculated sum of £804,518. The RDUH are seeking £920,750 for acute and community care – principally aimed at addressing gap funding for the first year of occupation of each dwelling.
- 3.20.4 In terms of the ICB request this has to be seen as an “either-or” request when considered against the contribution already identified in the Cranbrook IDP and Policy CB6 for the HWH as both options would be essentially for the same types of care provision. However the HWH contribution is identified as

being for development that would specifically take place in the town. It is clearly set out in Policy CB6 of the adopted Plan and forms an intrinsic part of the expected Town Centre offer. Its need is considered to be robustly evidenced and justified and therefore the risk of unpicking this approach is not appropriate. In addition, introducing a fall-back position within any future agreements for different schemes and at different financial rates could result in confusion or worse the fragmentation of the monies available for a health and wellbeing hub in the Town. In this instance it is not considered appropriate to accede to the ICB request.

- 3.20.5 The RDUH identified their contribution 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.
- 3.20.6 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.
- 3.20.7 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.
- 3.20.8 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.
- 3.20.9 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 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.

- 3.20.10 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.
- 3.20.11 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 used for the Leicester NHS Trust 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 a local level.
- 3.20.12 Clearly more work needs to be undertaken within East Devon and between this Council and the RDUH to understand the implications of this decision and how it relates to the local NHS funding formula 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.
- 3.20.13 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).
- 3.20.14 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.
- 3.20.15 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 is not dissimilar to the combined figure of the separate requests identified above. Set against

the per-dwelling value of the HWH at £1859 per dwelling it is considered that HWH contribution is substantial. 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.

Sustainability

- 3.21.1 The application is supported by a sustainability statement which recognises that a number of important aspects have been incorporated into the design. In particular the following are noted as being important and weigh in favour of the application:
- Maintenance of the sites ecological value and achievement of in excess of 10% BNG
 - Site waste management and commitment to minimise construction waste
 - Effective surface water management
 - Incorporation of energy efficiency measures and commitment to connect to the District Heat network or install Air source heat pumps as means of providing heating and hot water to the homes*
 - Providing a legible well connected site to encourage walking, cycling and public transport.
- 3.21.2 Point 4 marked above with an asterisk (*) is highlighted to clarify that in policy terms (CB 12), the default position should be that developers connect to the District Heat Network and only use alternative means of space and water heating if they can satisfactorily demonstrate that it is unviable or technically not feasible to do so. Work has already started with the developers to procure a new ESCo (Energy Service Company) to allow the timely delivery of space and water heating through the DHN.
- 3.21.3 Of particular importance and of merit to draw out is the identification that the scheme provides for over 32ha of SANGS and over 15ha of open space. Together these spaces and facilities will help support mental and physical wellbeing of new and existing residents in accordance with CB1. It is an approach that is at the heart of the policies of the plan and in this sense the proposal embraces the approach that is advocated.
- 3.21.4 Sustainability is however more than just consideration of the environment where there are benefits and dis-benefits. The application correctly considers aspects of the economy and the community - and in so doing thereby recognises the three components that make up sustainable development.

- 3.21.5 The proposal would provide jobs transferable skills and training during the construction period of the development as well as in the longer term (more permanent) jobs through the employment opportunities that would exist within the neighbourhood centre.
- 3.21.6 For community, the proposal is more strongly weighted delivering (or facilitating the delivery of) a new primary school and special needs school, place of worship land and cemetery as well as the neighbourhood centre and open space – something that is important for the health of the whole community and which is recognised through Policy CB1. The provision of up to 1435 houses, (15% affordable) and 10 permanent pitches for gypsies and travellers is also an important social benefit that would make a significant contributions to the community aspirations that through the Cranbrook Plan, exist for the town.
- 3.21.7 As a whole the application and themes headlined within the Sustainability statement help demonstrate that the proposal 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.

Infrastructure obligations and Section 106 requirements

- 3.22.1 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 would be 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.
- 3.22.2 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.
- 3.22.3 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
- 3.22.4 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.
- 3.22.5 In the case of the Cobdens expansion area, and in accordance with Policies CB4 and CB6, the applicant here represents a lead developer. This means that while not being in control of the whole expansion area, they control sufficient proportion of it such that they are expected to deliver the full suite of open space typologies (play areas, formal and informal open space, and allotments) for the expansion area. In addition the following specific infrastructure requirements (previously discussed within this report) also fall to this developer to deliver:
- 3 Form Entry (3FE) primary school
 - Land for a special educational needs school
 - Land for 1ha Cemetery (serviced and landscaped/fenced)
 - Financial contribution towards the Upgrading of London Road
 - Land for a parsonage
 - Land for the Place of worship
- 3.22.6 While proportionally lower than the Treasbeare allocation considered by this Planning Committee in February 2023, this list amounts to a fairly high Category 3 infrastructure load. This being the case, the equalised category 4 contribution for the allocated housing is by comparison with the Bluehayes expansion area, relatively modest. Based on 1Q 2020 figures, the allocated Category 4 contribution equates to £3.23m (or £2,660 per dwelling). This contribution would be used for any of the Category 4 infrastructure projects listed in Policy CB6 which includes the Health and Wellbeing Hub, Leisure centre or children and youth centre fit out.
- 3.22.7 As discussed earlier, the scheme seeks to deliver up to 222 dwellings in excess of the allocation. Based on Policy CB6, these are expected to make proportionate contributions to unfunded or not fully funded infrastructure as well as addressing on site requirements such as SANGS provision (and its maintenance) as well as providing adequate open space for all typologies. In respect of categories 3 and 4, the financial contribution is expected to be £14,948 per dwelling which is expected to be used towards category 3 and 4 projects including education and other town centre infrastructure.
- 3.22.8 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. There is no reason to suggest that these projects would not be funded in accordance with amounts set out in

the IDP but sitting within category 4 they will receive disproportionate contributions from the various expansion areas based on the equalised approach already described.

3.22.9 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 (5 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 (financial contributions)

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

Category 3 infrastructure (on site direct delivery)

- 3FE primary school
- Land for a special educational needs school
- Land for 1ha Cemetery (serviced and landscaped/fenced)
- Financial contribution towards the Upgrading of London Road
- Land for a parsonage
- Land for the Place of worship

Category 4 infrastructure (off site contributions)

- £3,226,582 (1Q2020) from allocation housing

3.22.10 Contributions towards items in categories 1 and 2 are expected from all development proposed, items set out in 3 and 4 are for the allocated housing and then additional financial contributions on a proportionate and per dwelling equivalent are required from excess housing, totalling £3,318,456 should all 222 excess dwellings be delivered.

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 relating to health and wellbeing at Cranbrook and 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, some of which are allocated as forming part of the Clyst Valley Regional Park (Strategy 10). The scheme demonstrates a landscape led approach which in this location is important and helps to also meet the objectives of Local Plan Strategy 10. It also provides for links into Cranbrook phase 1 with a connection to Rush Meadow Road and to the Ingrams development and sports fields as well as the adjacent (separately controlled land parcels).

4.2.2 The London Road scheme put forward by the application also provides for a well-placed pedestrian and cycle crossing point over the London Road. Along with the main junction accesses, these are considered safe (or can be made safe) through both the applicants independent safety audit assessment (RSA stage 1) and the review of this by Devon County Council.

4.2.3 Taken as a whole it is considered that the proposal demonstrates a sound 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, this proposal has a significant proportion of infrastructure on site 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, neighbourhood centre and a new 3FE school. Overall the site helps to deliver a range of infrastructure meeting the needs of its community now and in the future.

4.3.2 Comments made during consultation regarding the timing of delivery of essential community services and facilities are recognised. Within the s106 triggers for delivery can be negotiated and will seek to ensure that an appropriate balance is struck to secure timely delivery of on-site assets and off-site contributions while recognising the impacts of front-loading upon viability. The Council will also look to progress the proposed Cranbrook Infrastructure Fund, the principle of which was endorsed by Cabinet in July 2020. This would provide a potential tool to forward fund the delivery of essential infrastructure for the town.

- 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 within 400m of the school site then the principle of hot food takeaways is unacceptable.
- 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. The neighbourhood centre is in a policy compliant position along the London Road and allows for good and varied access to it from all part of the expansion area and from passing trade derived from the London Road itself. The school located a little further north remain well located with good access for both the Grange and rest of Cobdens expansion area. In this location it is considered to allow good integration and sustainable access.
- 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. The loss of a large proportion of the existing hedgerow along the London Road is the single most significant regret in this regard but it is a loss that must be balanced against the diversified and safer movement corridor that the scheme is trying to deliver. In this regard it is not considered to outweigh the benefits already identified.
- 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 Cobdens will ultimately have a couple of key community buildings – the 3FE and SEND school. Both require detailed design to be fully considered

against this policy, but both are shown in 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 but is considered to have been set up by the parameter plans, and Design and Access Statement which accompanies this proposal.

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 While greater refinement of this can be achieved the broad framework set up and articulated in the design code allows for this approach to be achieved. Particularly on the high land to the north west and north of the site there is the opportunity for softening development edges. In addition the softening at the approach to green corridor breaks is also achievable and together helps with the conclusion at that this point is fully addressed.

4.9.3 Taken together the scheme is considered to accord with Policy CB1. Recognising the weight of benefits that would be derived from the housing, community infrastructure and public open space as well as the ability for it to be delivered in a holistic and coordinated manner, on an allocated site and in a location which through the development itself can be made sustainable, means that negatives identified in the report are substantially outweighed such that the application is considered to accord with the development plan and should be supported.

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. 10 fully serviced permanent pitches for gypsy and traveller provision
- e. Delivery (including phasing) of the neighbourhood centre
- f. SUDS and open space delivery and management
- g. The timing of the delivery of the primary vehicular access points (including their internal connection), Gypsy and Traveller access, NMU access points, any signalised/controlled crossing points and full and appropriate NMU access thereto on London Road and Rush Meadow Road are to be secured through a S106, in a written agreement with the Highway Authority.
- h. To submit and secure a TRO for
 - the required posted speed limit
 - any signage required; and
 - any other mitigation measures requiredon London Road, 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 of any dwelling which have access onto London Road to the satisfaction of the Local Planning Authority
- i. A parcel of land to be safeguarded in the event of necessary future alterations to the consented signalised junction on London Road as a result of neighbouring schemes allocated in the Cranbrook Plan coming forward. Full detail and its extents to be agreed in writing, in conjunction with the Highway Authority
- j. To pay a commuted sum for the maintenance of the consented signalised junction onto London 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
- k. Provision of safe and suitable NMU access to bus stops on London Road
- l. The timing and delivery of the potential mitigation measures on the MLR intersection involving, Kingfisher Rise and Rush Meadow Road, including any alterations to NMU access points. (It is expected that no development that is accessed from Rush Meadow Road should take place, until the applicant has designed an appropriate mitigation and improvement scheme at the MLR crossroad intersection and that this has been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority). If an agreed trigger point/timetable for the delivery of obligation be missed by the

applicant, a full financial contribution will be provided to DCC for the mitigation works).

- m. Safeguarding of land adjacent to the Exeter-London Waterloo line for a station
- n. Monitoring fees
- o. Proportionate contributions for dwellings in excess of the allocation of 1213 units
- p. 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 (set up costs)
- Formal open space
- Play provision (5 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 (financial contributions)

- SANGS management and maintenance contributions
- Offsite habitat mitigation
- Travel planning (Travel plan)

Category 3 infrastructure (on site direct delivery)

- 3FE primary school
- Land for a special educational needs school
- Land for 1ha Cemetery (serviced and landscaped/fenced but subject to completion of suitability tests)
- Financial contribution towards the Upgrading of London Road
- Land for a parsonage
- Land for the Place of worship

Category 4 infrastructure (off site contributions)

- £3,226,582 (1Q2020) from allocated housing

Equality Assessment

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including

from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that this application would not have any significant adverse impact upon different groups or implications for the Equality Act 2010.

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 ten 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) Approved Plans list

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 (save for any revisions required as result of final flood modelling work required by condition 5):

9009-L-01 Rev D Site Location Plan
9009-L-13 Rev M Parameter Plan 1 - Land Use
9009-L-14 Rev M Parameter Plan 2 - Movement
9009-L-15 Rev L Green and Blue Infrastructure Strategy Plan
9009-L-16 Rev L Parameter Plan 3 - Built form

Reason – To clarify the terms of the planning permission and in accordance with Policy CB4 (Cobdens expansion area) of the adopted Cranbrook Plan 2013 – 2031.

To be agreed prior to first Reserved Matters being submitted

4) Phasing Plan

Prior to the submission of the first reserved matters application a revised phasing plan shall be submitted to and agreed in writing with the Local planning Authority. This shall be based on submitted (but not approved) plan 9009 L-17-E but make provision for

- i. the subdivision and clarification of the two areas of phase 1; and
- ii. allow for the delivery of the allotments in a revised phase 2

Reason: To bring clarity to the phased delivery of the development and ensure that an important amenity is delivered in a timely fashion in accordance with the NPPF and Policies CB1 (Health and wellbeing at Cranbrook) and CB7 (Phasing) of the adopted Cranbrook Plan 2013-2031.

5) Flood modelling (Flood Resilient Design and Layout)

In advance of the first reserved matters being submitted, a scheme to ensure that the development is flood resilient shall have 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 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 (1 in 100 year) plus climate change flood extents will not be developed, (except where essential infrastructure is proposed).

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 location of SuDS features (other than for conveyance) shall also be outside of the 1 in 100 plus climate change flood extent.

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

6) Strategic Design Code

Prior to the submission of the first reserved matters application, an updated Design and Access Statement (DAS) which performs the role of a Strategic Design Code (based largely on the submitted Design and Access Statement dated November 2022) shall have been submitted to and agreed in writing by the Local Planning Authority.

The DAS must reference both the parameter plans hereby approved (by condition 3) and the updated phasing plan agreed as part of condition 4, building upon these and the supporting masterplan which accompanied the outline planning application with plan reference 9009-L-18 Rev N.

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) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and the NPPF Foul Drainage

To be agreed prior to first Reserved Matters in each phase

7) Foul Sewage

In advance of the first reserved matters application in each phase, an on-site scheme shall have been designed and agreed in writing by the Local Planning Authority for the appropriate management of foul sewage arising from that phase. This shall include details regarding network capacity and propose measures as necessary to ensure that the network as a whole is not overloaded as a result of development in that phase. For the avoidance of doubt the scheme shall demonstrate that it has had regard to peak flows within the downstream (off site) network and shall include full design details of the proposed measures, how they will address capacity issues, details of the environmental impacts of those measures as well as a timetable for their implementation. The development shall only be undertaken in accordance with the agreed details.

Reason – To ensure that foul sewerage from the development is appropriately managed and that there is adequate capacity for the volume of waste arising, in the interests of residential amenity of downstream properties and in accordance with Policies D1 (Design and Local Distinctiveness) EN14 (Control of Pollution) and EN19 (Adequacy of foul sewers and adequacy of sewage treatment) of the adopted East Devon Local Plan 2013 – 2031.

To accompany the first reserved matters application

8) Landscape Biodiversity and Drainage Strategy (LBDS)

A revised and updated Landscape Biodiversity and Drainage Strategy (LBDS) shall be submitted prior to or no later than the first Reserved Matters application. The strategy shall be approved prior to the applications determination.

It shall be based on the framework contained in the submitted but not approved LBDS dated November 2022 and provide additional detail and prescriptive requirements for the delivery of Landscape Biodiversity and Drainage features (capturing in a single document amongst other things the key measures and mitigation outlined in the separate reports produced for the different disciplines) and demonstrate how these will work together.

For the avoidance of doubt it shall amongst other things, document:

- An 8 metre wide maintenance and wildlife corridor adjacent to all main watercourses
- how ecological discontinuity (arising from manmade structures/bridges over both the Cranny Brook and its tributary stream) shall be removed; and the nature and likely form of any replacement structures
- the location of key dark corridors where light levels will be maintained at no greater than 0.5 lux
- a commitment to provide a lux level contour plan (which shall accompany reserved matters applications)
- delivery of community gardens
- principle for the delivery of attractive and suitable headwall designs
- the provision of hedgehog holes within garden boundaries
- how surface water flow paths which currently cross the school land will be redirected
- landscaping and screening around the periphery of the school land

The development shall be implemented and subsequently maintained in full accordance with the agreed strategy for the lifetime of the development.

For the period of construction of the development, the LBDS shall be reviewed and updated as required by the Local Planning Authority to ensure that it remains up to date, and that it complies with current policy and guidance and reflects the approved development. Each update shall be submitted to and approved in writing by the Local Planning Authority so that at no time during construction works, is the approved LBDS 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, fully addresses all landscaping requirements and integrates this with ecological protection and mitigation in accordance with Policy CB26 (Landscape Biodiversity and Drainage) of the adopted Cranbrook Plan 2013 –

2031 and Policy EN5 (Wildlife habitats and features) of the adopted East Devon Local Plan 2013 2031.

To accompany the first reserved matters application in a respective phase

9) Design Code

Prior to or no later than the submission of the first reserved matters application in each phase, a detailed design statement which addresses components of materials, character and landscaping within the respective phase shall have been submitted to the Local Planning Authority. This shall be agreed prior to the determination of the first reserved matters application in the relevant phase.

Amongst other aspects, the statement 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.

The statement must reference and have regard to the agreed Strategic design code (DAS secured by condition 6) 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 subsequent 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 (DAS) 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.

10) Wildlife Hazard Management Plan

Prior to or no later than the submission of the first reserved matters application in each phase, a detailed Wildlife Hazard Management Plan shall be submitted to the Local Planning Authority. The Plan shall be agreed prior to the determination of the first reserved matters application in the relevant phase.

The plan 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.

Subsequent applications within the phase 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.

To accompany all or relevant Reserved matters applications

11) Landscape Ecological Management Plan (LEMP)

A detailed Landscape Ecological Management Plan (LEMP) shall accompany each reserved matter application where landscaping is considered, 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.

12) Finished floor levels

Accompanying each reserved matters application shall be finished floor levels (where relevant) and in all cases, existing and proposed ground levels in relation to a fixed datum. Details of all under build, tanking and retaining walls (including sections where relevant) shall also be included.

Development must be carried out in accordance with the 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.

13) Surface water drainage

Accompanying each reserved matters application shall be a detailed drainage scheme that shall include a timetable for its implementation and which evidences how the scheme conforms to an approved Flood Risk Assessment (FRA) - either that accompanying the application with reference 195173 (Nov 2022) or in the event that it is updated, the FRA secured and approved by Condition 5. Specifically the drainage scheme will have regard to the Drainage Strategy contained in the relevant FRA, (currently referenced as 195173_PDL-01 Rev P05).

The detailed scheme shall evidence how surface water is managed and conveyed through at least 2 above ground SUDS features before discharged to an attenuation basin as well as evidence for appropriate exceedance routing.

Details for the design including profiles levels and composition 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

14) 8m wide Wildlife and maintenance corridor

Accompanying all reserved matters applications which include land identified as falling within the 8m wide maintenance and wildlife corridor identified through the Landscape Biodiversity and Drainage Strategy (LBDS), a detailed scheme that shall include a timetable for its implementation) and which fully addresses the relevant part of the corridor subject of the reserved matters application shall be submitted. The scheme shall include:

- Plans showing the extent and layout of the part of the corridor;
- Details of any proposed planting scheme (for example, native species);
- Details demonstrating how the corridor will be protected during development and managed over the longer term; and
- 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 in accordance with Policy CB26 (Landscape Biodiversity and Drainage) of the adopted Cranbrook Plan 2013 – 2031 and Policy EN5 (Wildlife habitats and features) of the adopted East Devon Local Plan.

15) Landscape Biodiversity and Drainage Strategy (LBDS) compliance

Accompanying each reserved matters application and to be approved in writing by the Local Planning Authority, shall be an Landscape Biodiversity and Drainage Strategy (LBDS) compliance statement, that shall include a timetable for the relevant part of its implementation and which demonstrates the proposal's conformity with an up to date LBDS (in accordance with Condition 8).

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.

16) Tree Protection

Accompanying each reserved matters application which has on or adjacent to it retained trees and/or hedgerows, and to be approved in writing by the Local Planning Authority, shall be details 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.

For the avoidance of doubt and in accordance with the agreed details, tree protective fencing and any other protective measures agreed, must be erected/ fully installed before development associated with the respective application commences. The fencing and other protective measures shall remain in place (unless otherwise stipulated in the terms of the agreed details) until development associated with the particular reserved matters is completed.

In addition and 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 - The condition is required as a pre-commencement condition to protect the trees before development commences, 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.

17) 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 Cranbrook 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 CB4 (Cobdens expansion area) of the adopted Cranbrook Plan 2013 – 2031.

18) Railway fencing

Accompanying each reserved matters application where land within the application falls adjacent to the London Waterloo - Exeter Railway (to the north of the site) details of the boundary fencing and a timetable for its installation shall be provided. The fencing shall be designed to prevent access to the railway line while still maintaining a margin for maintenance and renewal of the fence from within the application site.

Development shall be undertaken in accordance with the agreed details.

Reason – to ensure that adequate protection is provided for the railway line and its assets and to protect future occupiers of the site in the interest of health and safety and in accordance with guidance in the NPPF.

19) 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.

20) 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 Plan 2013 – 2031.

To be agreed before first commencement in the interests of ensuring a properly coordinated and sequenced development

21) Junction design

No development shall take place in respect of any individual junction hereby approved, until detailed plans for the respective junction has 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 and cycle access:

- Extension of Main Link Road into the Site - 195173/A06 D
- Proposed London Road Scheme - VD20342-100 B

For the following junction details shall also comprise all pedestrian and cycle infrastructure, traffic calming and any other directly related alterations to London Road, being broadly in accordance with the following drawing:

- Cycle Lane Arrangement near Traveller Site Access - 195173A/SK01

Through the updated drawing pack(s) final details of proposed signage, kerbing, parking spaces, traffic islands and road markings on the London

Road shall also be included, submitted to and approved in writing by the Local Planning Authority in conjunction with the Local Highway Authority.

The approved access and crossing shall be laid out and constructed in accordance with the agreed drawings.

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.

22) Junction materials and landscaping

Notwithstanding the plans hereby approved and before any development first begins in respect of a particular junction, 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. Extension of Main Link Road into the Site - 195173/A06 D (joining with Rush Meadow Road)
2. Proposed London Road Scheme - VD20342-100 B (signal controlled access into the site from the B3174)
3. Traveller Site Access - 195173A/SK01 (T junction arrangement serving the gypsy and traveller site from the B3174)

Development must only take place in accordance with the agreed materials, 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.

23) Noise

No development shall commence in respect of any dwelling within 30m of the London Road (B3174) or 30m of the Exeter – London Waterloo Railway line, until an additional noise report has been submitted to and agreed in writing with the Local Planning Authority in respect of that dwelling(s). The report shall evidence how internal noise levels of <35 dB LAeq,16-hour by day and <30 dB LAeq,8-hour by night, as well as <45 dB typical LAFMax by night, as defined in BS 8233 shall be achieved in the respective properties. The report shall clearly document all mitigation required to ensure that these levels can be achieved.

Development shall be undertaken in accordance with the agreed mitigation and all mitigation must be provided and be fully operational before each respective dwelling is first occupied.

Reason – The current noise report does not provide adequate assurance that development which is located within the identified zones would achieve the identified criteria with a consequential risk to the quality of living for future occupiers. As a result additional mitigation may be required - all in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031 and Policy CB1 (Health and well-being at Cranbrook) of the adopted Cranbrook Plan 2013 – 2031.

24) 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. 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

25) 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 – Details are required prior to the commencement of development 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 CB15 (Design Codes and Place making) of the adopted Cranbrook Plan 2013- 2031.

26) Phasing of Road, Services and Facilities

No development shall take place within a 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 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, street furniture,
- Drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation together with details of the right to discharge surface water

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 – Details are required prior to the commencement of development to ensure adequate information is available for the proper consideration of the proposals, the site is developed in an appropriate sequence and 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.

27) Demolition of barns

Notwithstanding the submitted details, demolition of barns within the application site shall only take place after an up to date wildlife survey (including barn owl and bat emergence surveys) has taken place in respect of the relevant barn(s) and a report(s) documenting the findings has been submitted to and approved in writing by the Local Planning Authority.

The report(s) shall also contain a method statement and timetable for the demolition works and any mitigation identified as being necessary to maintain as far as reasonably practical the ecological status of the barns/area in which they are located. Demolition works shall be undertaken in accordance with the approved report.

Reason – The submitted appraisal appears to confuse the location of some barns and omits those located to the north of Lower Southbrook. Additional survey work is therefore specifically required before the demolition of these structures which while considered to be low ecological value nevertheless present some opportunity for wildlife. In accordance with Policy EN5 (Wildlife habitats and features) of the adopted East Devon Local Plan 2013-2031.

28) Site Investigation and Remediation

No development within a respective phase of development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each have been submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: Details are required prior to the commencement of development to ensure that risks are properly managed for and from the development from the outset. The proposal must give full regard to potential risks and in particular those that could result in water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Prior to commencement of development in each phase

29) 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 CEMP 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 production of wastes with particular attention being paid to activities that generate greenhouse gases, as well as the constraints and risks of the particular site. The CEMP shall also include:

- A detailed soil resources management plan.
- Details of how construction activities generating Greenhouse gas emissions are undertaken efficiently in order to minimise emissions
- A site waste management plan and waste audit statement
- Measures to prevent discharge of soil/silt to adjacent watercourses
- 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 – Details are required prior to the start of development to ensure that adequate measures are in place from the outset 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.

30) Construction Traffic Management Plan (CTMP)

No development within each respective phase of development shall take place until 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

31) 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.

32) 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, colours and design

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

33) Archaeology

The development of each 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 secured under condition 24; 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.

General stipulations/compliance requirements

34) Secondary Accesses

Notwithstanding the Parameter plans hereby approved under condition 3, secondary accesses onto the London Road (B3174) shall only be brought forward where it can be demonstrated that they are safe (in accordance with a Road Safety Audit Stage 1 assessment, as a minimum) and where it can be evidenced that they do not significantly prejudice the effective operation of the local highway network.

Reason – To clarify the terms of the permission and ensure that additional access points along the London Road are safe and effective in accordance with Policy TC7 (Adequacy of Road network and site access) of the adopted East Devon Local Plan 2013-2031.

35) 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.

36) 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 16.1 – Revised Lighting Assessment, of the update to the ES submitted December 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 incongruent 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.

37) 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 replacing 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 CB4 (Cobdens expansion area) of the adopted Cranbrook Plan 2013 – 2031.

38) Retail units (restriction on future changes of use)

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 unit originally approved for retail use (Class E(a)) after it is first used as such, shall at any time be used for any use falling within use Class E(g) of the Order without the express consent of the Local Planning Authority. Changes of use away from Class E(a) without the need for express planning permission are limited to those within use Classes E(b, c, d, e and f) only.

Reason – To allow future consideration of the impact of uses which are likely to attract fewer visiting members of the public to the neighbourhood centre in the interest of the centres proper function and its vitality and viability in accordance with Policy CB4 (Cobdens expansion area) of the adopted Cranbrook Plan 2013 – 2031 and Policy E12 (Neighbourhood Centres and shops) of the adopted East Devon Local Plan 2013 - 2031.

39) Restrictions on hot food takeaways

Notwithstanding the terms of development hereby permitted, no hot food takeaways shall be provided/established within 400m of the external periphery of the school land as identified on the approved parameter plan 9009-L-13 Rev M Parameter Plan 1 - Land Use.

Reason – To clarify the terms of the permission in accordance with Policy CB4 (Cobdens expansion area) of the adopted Cranbrook Plan 2013 – 2031.

40) Garage retention

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 (which internally shall measure a minimum of 6m x 3.3m) 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 (Parking at Cranbrook) of the adopted Cranbrook Plan 2013 – 2031

41) 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.

42) Tree and hedgerow retention

No existing tree or hedgerow shown as being retained on site in the Landscape, Biodiversity and Drainage Strategy (LBDS) 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.

Informatives

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.

Advice – Flood Risk

The applicant will be aware that the Environment Agency has been reviewing the flood modelling submitted to support this application. This has helped to refine the flood extents shown on the flood map for planning. The Agency reached a point where there are no fundamental concerns with the submitted flood modelling. However it has noted that the modelling has not yet been formally signed off by the national flood modelling team and further reviews may result in small changes to the modelling which may impact upon the site layout. Once the modelling is formally

agreed, the final layout must show that there will be no development within the 1 in 100 plus climate change flood extent.

Document 'Flood Model Report Addendum' (24/01/2023) discusses the use of Bunds. It is the Agency's understanding that bunds are not being proposed and have only been used within the modelling as a tool to demonstrate conveyance. This should be clarified in the final layout.

Regardless of the flood extents, the Environment Agency consider that all watercourses must have an 8m easement from the top of each bank. This is to allow the watercourse to function naturally and provide an adequate maintenance zone. When providing details of the final layout, the applicant should provide a drawing that demonstrates this easement area. Where any watercourse crossings are required, it is recommended that these are clear span bridges.

Safe access and egress during the design event has not been covered within the flood risk assessment. This should be addressed in subsequent iterations and will help Emergency Planners provide informed advice on these issues.

Advice – CEMP

The Environment Agency advise that the CEMP should contain the following:

- 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. Will there be silt fencing, an attenuation pond or access to a silt buster or similar if required?
- Plans are required 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.
- 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.
- Details of any existing land drainage measures to prevent discharge of soil run off via these.
- Incidents which involve the contamination of the ground or unconsented discharges to ground or surface water should be reported to the Environment Agency via the
- Incident Hotline number: 0800 807060.
- Confirmation that the ground works company and the construction site will be fully conversant with the plans to prevent unauthorised discharges of silt laden water from site.

Advice – Contaminated Land

The Environment Agency have reviewed the Geo-Environmental Phase 1 Desk Study report, (Ref.10292/DS/01, dated 11/12/14 and the Cranbrook East, Devon Geotechnical and Geoenvironmental Interpretative Report Revision 1. Ref. CGE/16421 A, dated August, 2020) submitted in support of this application. The Agency note that due to limited access some areas of the site were not investigated.

Accordingly they agree with the recommendations in section 7.2 of the Geotechnical and Geoenvironmental Interpretative Report that once access is permitted, additional ground investigation is completed at the site to cover all areas of the site and to further refine the conceptual site model.

In addition and within the information submitted to discharge condition x, it is recommended that specific attention is given to the slurry storage facility that is known to exist to the south of Middle Cobden Farm. There is a high risk of pollution from this facility and therefore a specific strategy for its containment, removal and remediation will be required.

Advice – Layout

Layout of any residential parcel that is to the north of the site, should ensure that primary essential amenity space associated with its respective dwelling is not placed to the north of the property where there is no other intervening massing of other development between it and the railway line. This is to avoid the need for an unsightly and uncharacteristic acoustic screen or noise mitigating barrier.

Advice Exeter Airport

During construction and commissioning, developers and contractors must abide by:

Airport Operators Association (AOA) advice notes -
Wildlife Hazards around Aerodromes
Cranes and other Construction Issues.

And, Civil Aviation Authority (CAA) CAP1096 Guidance to crane users on crane notification process and obstacle lighting and marking

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

Technical Consultations

Arboricultural Officer (EDDC)

Overall there are a relative low number of significant tree constraints on site and the majority of trees appeared to be retained which is appropriate. However the relative low number of trees on site means that it is even more important to retain those trees present. There are currently two main concerns which involve the proposed loss of important trees:

1) proposed removal of T68, Oak: Category B tree. The tree itself under BS5837 categorisation is only considered a B, but the tree contains many features typically found with veteran trees and is therefore even more important to retain: significant deadwood, splits, hollows, ivy etc make it a valuable specimen. Incorporating the adjacent pond and tree group (TG52) this is considered an important feature as a whole and one that should be retained. Required: re-orientation of MLR to east to allow for the retention of the tree and valuable wildlife habitat.

2) proposed removal of 2 large Ash within group, TG27 Cat A: group of Alder, Willow, Oak and Ash along brook. The proposed MLR route appears to be directly where two large significant ash trees are located. It is likely that the Ash will decline due to ash dieback in the long-term. However, the rate of decline is still currently not easy to predict and therefore the trees may have many years of safe useful life expectancy. Furthermore not all ash trees will succumb. It is considered appropriate that the trees are retained and allowed to decline naturally thus providing a valuable wildlife habitat alongside the brook. Future management should focus on restricting access beneath the trees. Required; reorientation of MLR to the west where impact on trees is considerably less.

Note on trees: T2, T5, TG1 & TG5: Due to the lack of alternative viable locations for the MLR in proximity to Southbrook Lane, though not desirable, it is considered acceptable that these trees are proposed for removal. The trees are considered to be mainly young replaceable trees or not standout specimens. Furthermore, in the immediate local vicinity there are many other trees which will reduce the impact of the loss of these trees.

Further comments:

It appears from the amended master plan (9009-L-18 L) that the amendments to the scheme in relation to points 1 & 2 below have been made which is supported.

Comments below from 27/05/2022

Overall there are a relative low number of significant tree constraints on site and the majority of trees appeared to be retained which is appropriate. However the relative low number of trees on site means that it is even more important to retain those trees present. There are currently two main concerns which involve the proposed loss of important trees:

1) proposed removal of T68, Oak: Category B tree. The tree itself under BS5837 categorisation is only considered a B, but the tree contains many features typically found with veteran trees and is therefore even more important to retain: significant deadwood, splits, hollows, ivy etc make it a valuable specimen. Incorporating the adjacent pond and tree group (TG52) this is considered an important feature as a whole and one that should be retained. Required: re-orientation of MLR to east to allow for the retention of the tree and valuable wildlife habitat.

2) proposed removal of 2 large Ash within group, TG27 Cat A: group of Alder, Willow, Oak and Ash along brook. The proposed MLR route appears to be directly where two large significant ash trees are located. It is likely that the Ash will decline due to ash dieback in the long-term. However, the rate of decline is still currently not easy to predict and therefore the trees may have many years of safe useful life expectancy. Furthermore not all ash trees will succumb. It is considered appropriate that the trees are retained and allowed to decline naturally thus providing a valuable wildlife habitat alongside the brook. Future management should focus on restricting access beneath the trees. Required; reorientation of MLR to the west where impact on trees is considerably less.

Note on trees: T2, T5, TG1 & TG5: Due to the lack of alternative viable locations for the MLR in proximity to Southbrook Lane, though not desirable, it is considered acceptable that these trees are proposed for removal. The trees are considered to be mainly young replaceable trees or not standout specimens. Furthermore, in the immediate local vicinity there are many other trees which will reduce the impact of the loss of these trees.

Church of England

The Diocese of Exeter is supportive of the inclusion of the site for the place of worship and the site for a resident church worker's dwelling in the application and draft heads of terms for the S106, the need for which we see as arising from the development of the second half of Cranbrook up to around 8000 dwellings. In conjunction with provisions relating to the first half of Cranbrook, we see this as provision that is proportionate to the overall scale of the town and suitable for the development of services and facilities to serve the community in the long term.

There are some issues of detail in relation to the above provisions on which we would seek discussion at this stage, in order to ensure that services can be delivered from them efficiently and effectively. In respect of both provisions the locations and sizes of the sites will have a material, long term impact. Particularly in respect of the site for the place of worship, useful attributes include a close relationship with a mixed used centre and other facilities (such as a primary school), which can generate efficiencies (for example in relation to car parking) and organisational synergies. It is also important that the site is of sufficient size and of an appropriate shape to enable the convenient future usage of any facility constructed upon it. For example, there needs to be sufficient space to enable wedding cars and hearses / funeral cars to approach the building, and for people exiting them and entering a building in an appropriate fashion. It would not be helpful for vehicles to have to draw up at the side of a busy road, blocking the traffic and hurrying to get out of the way (the vehicles also need somewhere to wait and then to be in a position to pick up

again afterwards). So the site needs to be big enough to accommodate a smooth entry, waiting and exit for vehicles carrying people who with good reason may be more than usually concerned about the appropriateness of the setting. It is really for this reason that a site size of 0.5 ha is often as a benchmark for new communities of above 3000 dwellings. An awkwardly shaped or located site might need to be larger."

Conservation (EDDC)

In response to the amended Heritage and Archaeology Section within the Design and Access Statement submitted in December 2022, it is acknowledged through assessment that the site is limited in built heritage and those structures that do fall within the parameters of development are farmhouses of local interest, to which the design is to be sympathetic to their settings, which is subject to further detail.

However and to reiterate the concerns raised by Historic England, this outline application is a substantial expansion of residential development which would inevitably result in harm, as a result of the potential cumulative visual impact to the wider views from more substantial heritage assets, such as Killerton House a grade II* listed House, the grade II* RPG and various other designated assets.

Assessment of this harm should be considered through a thorough impact assessment and any harm identified. Where harm is identified this should be minimised or avoided as far as possible, with the potential use of creative landscaping as discussed in the Visual Amenity Section of the Design and Access Statement, the detail of which is yet to be considered.

Recommendation: Further detail required on actual visual harm to the character and views of the wider landscape with creative solutions to overcome any visual harm identified.

Contaminated Land Officer

Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

Devon & Somerset Fire And Rescue Service

I have reviewed the above application and we have no objections to the proposal but want to highlight a few things below:

- The proposal should comply with Approved Document B Vol 1 & 2 as appropriate, in particular access for emergency vehicles and hydrant provision

- Early consideration of installing sprinklers for some of the development is recommended.
- We will be happy to pre-consult on any part of this development where compliance may be difficult to achieve, or compliance is not achieved.

I also clarified with James Brown (EDDC Planning) that discussions have been taking place over emergency services provision within the town of Cranbrook due to its continued expansion, they have with Kevin Mills (DSFRS Estates team).

Devon County Council

Thank you for providing the opportunity to comment on this planning application. This response provides the formal views of Devon County Council and is separated into sections covering the following topics:

- 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

Devon County Council provides the following view on this 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 highways, 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 endorses a robust policy basis to deliver infrastructure necessary to mitigate the impact of development and is broadly very supportive of the Cranbrook Plan. While the Cranbrook Plan is yet to be adopted, this response identifies requirements as if this is a standalone application. If the Cranbrook Plan is adopted in advance of the determination of this planning application, we would need to have the opportunity to update our response to accord with the development plan.

Consistent with the above, planning contribution calculations have been identified presuming this planning application is determined in advance of adoption of the Cranbrook Plan and its associated Cranbrook Infrastructure Delivery Plan. 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. We understand that this planning application currently comprises 1213 allocated dwellings and 222 over-allocation dwellings ($1213 + 222 = 1435$). Prior to adoption of the Cranbrook Plan, we are therefore requesting planning contributions made up of two elements as follows:

- a. A basic contribution relating to the number of allocated dwellings within this development, which results in a proportionate contribution rate of 29.1% of the relevant Cranbrook Expansion Area (CEA) contributions identified within the Cranbrook Infrastructure Delivery Plan, based on the proposed total of 4,170 dwellings from the emerging Cranbrook Plan ($1213/4170 = 29.1\%$); 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 ($1/4170$ th). For the current number of 222 over-allocation dwellings, this equates to an additional contribution of 5.3% ($222/4170 = 5.3\%$) of the relevant CEA contribution.

To aid clarity, this response also indicates the contributions required following adoption of the Cranbrook Plan: (a) the basic contribution for the allocated dwellings would be the equalised contribution in line with Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan, and (b) the additional contribution for the over-allocation dwellings would be the same as detailed in bullet point b. above.

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 site proposed is situated at the eastern end of the existing Cranbrook development, accessed from predominantly London Road, (the old A30) now the B3174, with a secondary access into the existing Cranbrook area of development. The expansion area of Cranbrook, including this site, has been allocated in the East Devon Local Plan 2013-2031, as well as detailed in the Cranbrook Plan and subsequent masterplan currently under Planning Inspectorate examination. The

concept layout proposed under this application is a slightly different layout to the Cranbrook expansion master plan due to technical constraints however the principles of the plan have been maintained.

London Road

As part of the overall eastern expansion of Cranbrook, London Road will be subject to infrastructure works to reduce the speed limit to 30mph within this zone, however it is acknowledged that supplementary works will also be required to enforce this speed change, in which a Cranbrook gateway and street design will be encompassed to change the character of this road from its former National Highway use to one more much compatible with the town environment. The additional dedicated cycle/footway commuter link East-West along London Road will also assist with this effect as well as provide an effective means of sustainable travel. Junction details supplied for London Road give the Main Link Road (MLR) a signalised junction access from London Road with the dedicated right-hand turn. An indicative secondary access is also proposed and the existing Cobden Lane access will remain. Additionally, there is a separate Gypsy and Traveller access also onto London Road, created with a raised flush table. The MLR connection internally with the existing Cranbrook development will provide through-connectivity and continuity for the cycle/footway provision already present as well as the street parking bays to strengthen the lower-speed environment.

The multiple accesses onto London Road have been noted but this will help reduce the speed of traffic along London Road, therefore the Local Highway Authority (LHA) is happy with this.

We are aware that the application is still lacking a signalised pedestrian/cycle crossing on London Road to provide a safe linkage to the potential parcels of development coming forward south of London Road, particularly with this application providing the education establishment, a North-South desire line will be present and needs to be accounted for. As such, the Local Highway Authority recommends that the following planning condition is imposed on any grant of planning permission for this development:

‘No occupation of any hereby approved dwellings shall take place until a foot and cycle crossing of London Road has been approved by the LPA in consultation with the LHA and provided on site.’

Southbrook Lane

The LHA believes the design will be sympathetic to the low classification lanes of Southbrook and Cobden. Some trees will be lost to road access, but the site intends to provide a net gain in trees once fully built-out. Following on from a site meeting with the developers, Southbrook Lane will now remain as a through-route albeit a minor junction arm rather than severed at the MLR point of connection.

Internal site connectivity

The MLR will allow for the connection of the site through the existing Cranbrook built up area, as well as facilitating a route for bus services. Shared footway/cycleways

along the MLR will encourage sustainable travel, a more leisurely aimed cycle circular route around the site boundary is also proposed, in addition to secondary and tertiary cycle connections within the development itself. Therefore the LHA is happy with the infiltration and connectivity of the cycle/footway links.

The concept layout comprises a street hierarchy of Primary, Secondary and Tertiary streets that will help strengthen our low signs and lines policy for Cranbrook and aid right of way for both non-motorised users and vehicles alike. The roads are designed for 20mph though speed is enforced at 30mph, through this the layout itself will restrict vehicular speed.

Cycle storage and electric charging points are proposed for the site and will be detailed within subsequent reserved matters applications. This is something the LHA is happy to accept.

Following on from our pre-application advice (20/0144/PRE), parking forecourts are now only planned to facilitate private parking for MLR frontage properties, in line with the generic design principle of Cranbrook. Side streets have also been reduced, instead creating an increased amount of secondary and tertiary streets, allowing for a staged parcel delivery. Plans have also been updated showing access within a 400m walking distance to a bus stop is achieved for the majority of the site. Therefore the LHA is happy with the future bus links.

Cranbrook second train station

Land has now been safeguarded to ensure the possibility of a second Cranbrook railway station remains, however it is noted that some of the planning application plans are still missing the area to be safeguarded.

Additionally, whilst it is appreciated that a secondary train station would be much more of a metro style station, vehicular access and at least some parking will be required for maintenance, dropping-off and disability parking etc.

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)¹.

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 2020² 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.

This Cobdens expansion area is located beyond the existing Cranbrook developments, which are served by bus services 4, 4A and 4B. At present the combined bus services provide a twenty-minute frequency as far as the new roundabout at the junction of Yonder Acre Way and the B3174. Beyond this point only one journey per hour, that operating to Axminster via Ottery and Honiton, passes along the B3174 adjacent to the development. Of the other journeys, one terminates at Cranbrook town centre and returns to Exeter and the other continues via Rockbeare village to Ottery and Honiton. It is therefore vital that the funding for an improved bus service as requested above is provided. This will enable an increased level of service to be made available, by providing additional vehicle resources to enable the Cranbrook terminating journeys to extend to the Cobdens development.

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, if this application is determined in advance of adoption of the Cranbrook Plan, the county council requests s106 contributions from this development towards public transport, walking and cycling routes, shared mobility and travel planning comprising:

- a. a basic contribution of 29.1% of the CEA contributions for each of these infrastructure items (index linked) for the 1213 allocated dwellings; 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.

If this application is determined following adoption of the Cranbrook Plan, the county council requests provision of 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).

Further details are contained in Tables 1 and 3 of Appendix 1 to this letter.

Summary

The Local Highway Authority has no objection to this application subject to the imposition of the planning condition stated above requiring to a foot and cycle crossing point of London Road, and provision of the requested s106 contributions.

LOCAL EDUCATION PROVISION (INCLUDING EARLY YEARS)

Introduction

Devon County Council is the Local Education Authority (LEA) and therefore has a statutory duty to ensure that all children have access to statutory early years and school education. The manner in which the County Council undertakes school place planning is set out in our Education Infrastructure Plan³ and the Education Approach for Developer Contributions (December 2021)⁴. In accordance with the above, the Department for Education and County Council position is that new education facilities required to serve development should be fully funded by development.

Primary education and early years

An assessment of education capacity for Cranbrook, which includes nearby primary schools at Rockbeare and Whimble, identifies that there is currently little available capacity at the existing primary schools when taking into account approved but unimplemented development. As such, there is the need for the early delivery of new primary school provision (age 2 – 11) within the Cranbrook expansion areas. If a new primary school is not delivered early to serve the Cobdens area, the County Council as the Local Education Authority would be unable to fulfil its statutory responsibility to provide sufficient pupil places.

We welcome that this revised planning application for the Cobdens expansion area identifies an education site which includes 2.9 ha for a 630 place primary school, providing for the new homes associated with this planning application and adjacent proposed housing development. The school site is planned to include 80 places of early years provision for 2, 3 and 4-year olds and incorporate a community room of 150m². The provision of 80 early years places is the usual requirement at a three-form entry primary school.

DCC understands that two primary schools are due to be 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 wishes the Cobdens primary school to be the first primary school delivered for the expansion areas, with early provision of the entire 4.1 hectare school site including the SEN land.

Determination before adoption of the Cranbrook Plan

If this application is determined in advance of adoption of the Cranbrook Plan and its associated Cranbrook Infrastructure Delivery Plan, DCC would need to ensure that the developer meets the primary infrastructure need of this development through direct provision or financial contributions. The LEA would require S106 contributions for primary and early years based on Devon County Council's Education Approach for Developer Contributions (December 2021). These contributions would be required on the same basis for the allocated and over-allocation dwellings included within this application. As such the contributions required for this application are set out for the total 1435 dwellings as below:

- Based on 1435 dwellings it is calculated that the development would generate 358.75 primary pupils of which 2% (7.18 pupils) will require Special Education provision. This therefore only seeks a contribution towards the remaining 351.57 pupils.
- The primary contribution based on the 351.57 additional places required is £7,138,628.85 (based on a new build rate of £20,305 per pupil place).
- Early years provision is also requested to ensure delivery of statutory provision for 2, 3, 4 year olds. Based on £250 per dwelling, the Early Years contribution would be £358,750 (1435 x £250).

It is recognised that delivery of a 630 place primary school on a 2.9 ha site would be overprovision of school land and delivery costs compared to the requirement to mitigate the impact of this planning application. DCC would need to discuss with the developer how to deal with this overprovision and the mechanisms and timescales for delivering the primary school on this site.

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. 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 primary provision that they need to mitigate their development, DCC would need to discuss with the applicant how this could be done in conjunction with DCC to future proof the Cobdens primary school for expansion up to the size of school required for the wider expansion of Cranbrook. The s106 agreement would specify mechanism for agreeing the specification for the school design and the trigger of when the completed school must be delivered. For the LEA to meet its statutory duty to provide school places for this development, it is expected that a suitable school would need to be delivered before the first occupation of the 30th dwelling within the Cobdens expansion area.

Determination after the Cranbrook Plan is adopted

If this planning application is determined following adoption of the Cranbrook Plan, DCC would need to have the opportunity to update its response in accordance with the development plan. In advance of doing so, we are able to make the following comments about education provision by this development in the context of an

adopted Cranbrook Plan. This provision of a 630 place primary school with 80 early years places and a 150m² community room complies with the requirements of Policy CB4 of the Cranbrook Plan (Main Modifications version January 2022). 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 1213 allocated dwellings and 222 over-allocation dwellings. Any over-allocation housing growth (222 dwellings within this Cobdens 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.

Further details are contained in Tables 2 and 4 of Appendix 1 to this letter.

Secondary education

Determination before adoption of the Cranbrook Plan

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 LEA requires this proposed development to make a proportionate contribution towards this cost. As stated above, the number of dwellings which takes this application up to the Cobdens allocation number is 1213 dwellings. This provision of 1213 dwellings is equivalent to 29.1% of the total proposed 4,170 expansion area dwellings (based on the emerging Cranbrook Plan) and therefore would be required to make a s106 contribution of £751,778 (29.1% of £2,583,429) with indexation to the point of payment.

Any over-allocation dwellings (currently 222 dwellings within this development) would require further secondary education infrastructure s106 contributions in accordance with DCC's Education Approach for Developer Contribution (December 2021). 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).

Determination after the Cranbrook Plan is adopted

If this application is determined following adoption of the Cranbrook 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 of £23,540 per pupil place (secondary extension rate) in accordance with DCC's Education Approach for Developer Contribution (December 2021) with indexation to the point of payment.

The additional contribution is requested as it is necessary to mitigate additional impacts from over-allocation dwellings relating to secondary education.

Further details are contained in Tables 2 and 4 of Appendix 1 to this letter.

Special Education Needs

The County Council welcomes the provision of a 1.2 ha site for the delivery of a 50 place Special Education Needs school within this development. DCC expects to deliver the SEN school.

Determination before adoption of the Cranbrook Plan

If this application is determined in advance of adoption of the Cranbrook Plan, the LEA would require s106 contributions for Special Education Needs provision based on DCC's Education Approach for Developer Contributions (December 2021). These contributions would be required on the same basis for the allocated and over-allocation dwellings included within this application. As such the contributions for this application are set out for the total 1435 dwellings as below:

- Approximately 2% of children require a specialist placement and therefore a development of 1435 houses will generate the need for 11.48 special school places. This is calculated as 2% of 1435 x 0.4, with the 0.4 being the combination of primary (0.25) and secondary (0.15) pupils generated from each new dwelling.
- The cost of special schools, due to their unique nature, are significantly higher than the costs involved in providing mainstream education facilities and it is assumed that provision in Cranbrook will support children with high end needs. Based on £89,974 per place, the proportionate contribution this development is required to make is £1,032,901.52.

In advance of adoption of the Cranbrook Plan, DCC would request early provision of the serviced SEN school site to allow the council to ensure timely delivery of the SEN provision. The freehold interest of the fully serviced and accessible site must be transferred to the LEA before construction commences on any dwelling. Details of access to the site including permission to access for surveys and construction will be detailed in the section 106 agreement. DCC recognises that the identified 1.2 ha SEN school site has a capacity larger than needed to mitigate the impact of the housing growth included in this planning application. We would discuss how to deal with this with the developer.

Determination after the Cranbrook Plan is adopted

If this planning application is determined following adoption of the Cranbrook Plan, DCC would need to have the opportunity to update our response in accordance with the development plan. The provision of a 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 provides for the 4170 dwellings in the Cranbrook Plan. There would need to be further discussion with the developer about the triggers contained in the s106 agreement for the provision of the land.

In addition, DCC would require contributions for any over-allocation housing growth (currently 222 dwellings within this Cobdens 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 Tables 2 and 4 of Appendix 1 to this letter.

Payment method (if not included above)

If the application is determined in advance of the Cranbrook Plan, the County Council will require financial contributions towards education provision to be paid in the following instalments (as per DCC's Education Approach for Developer Contributions, December 2021):

- 50% payment on occupation of 10% 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 notes that there are currently areas of flood zone which run through the proposed school site resulting from runoff from land to the south-east. The LEA would require this surface water runoff to be captured and redirected into an associated attenuation basin to ensure the flow paths are no longer present within the school site. Should the school be constructed before the residential parcel to the south-east, the LEA would require a temporary interception ditch to be provided to divert the flow path around the school site. The Environment Agency will need to approve the details of the strategy to manage flows which influence the flood zones.

DCC requests that an appropriate condition is attached to the outline permission to ensure measures to divert this flood zone from the school site are approved at reserved matters stage.

Figure 4 and Table 5 of Appendix 12.1 – Flood Risk Assessment sets out the utilisation of an attenuation basin to manage surface water runoff from catchment 5, the school site. The LEA have safeguarding concerns in relation to an open water body being proposed on the school site and therefore propose that alternative solutions should be considered (e.g. an attenuation tank). An attenuation basin would also reduce the amount of land for the school's facilities.

The overall layout of the scheme should ensure that the ability of each school to be delivered does not impinge on the other, and that there is potential for joined up dual use if this is considered appropriate. In addition, the layout should take into account the safeguarding of children attending the schools. The juxtaposition of housing and the school buildings should ensure that there isn't a clear view/overlooking into the school buildings/playgrounds from residential properties. The illustrative plan identifies screening in the form of planting along all boundaries between the school and residential land. This planting scheme is required to support the safeguarding of the school and needs to be conditioned within this outline permission to ensure that any reserved matters application provides for this.

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. We would need to have the opportunity to update our response once the Cranbrook plan is adopted.

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, if this application is determined in advance of adoption of the Cranbrook Plan, the county council requests s106 contributions comprising:

- a. a basic contribution of £10,539 ($£36,218 \times 29.1\%$) index linked for the 1213 allocated dwellings; 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.

If this application is determined following adoption of the Cranbrook Plan, the county council requests provision of contributions:

- 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).

Further details are contained in Tables 1 and 3 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, if this application is determined in advance of adoption of the Cranbrook Plan, the county council requests s106 contributions comprising:

- a. a basic contribution of £10,539 (£36,218*29.1%) index linked for the 1213 allocated dwellings; 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.

If this application is determined following adoption of the Cranbrook Plan, the county council requests provision of contributions:

- 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).

Further details are contained in Tables 1 and 3 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, if this application is determined in advance of adoption of the Cranbrook Plan, the county council requests s106 contributions comprising:

- a. a basic contribution of £139,680 (£480,000*29.1%) index linked for the 1213 allocated dwellings; 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.

If this application is determined following adoption of the Cranbrook Plan, the county council requests provision of contributions:

- 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).

Further details are contained in Tables 1 and 3 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.

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.

As such, if this application is determined in advance of adoption of the Cranbrook Plan, the county council requests s106 contributions comprising:

- a. a basic contribution of £1,018,500 ($£3,500,000 \times 29.1\%$) index linked for the 1213 allocated dwellings; 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.

If this application is determined following adoption of the Cranbrook Plan, the county council requests provision of contributions:

- 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 $£3,500,000 / 4170$).

Further details are contained in Tables 1 and 3 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 10 serviced permanent pitches for Gypsies and Travellers on a site of at least 1 hectare. DCC considers the level and location of this provision acceptable as it is consistent with the Policy CB4 of the Cranbrook Plan Submission Draft.

HEALTH AND WELLBEING

We welcome the applicant's approach to promoting health and wellbeing within this development as outlined in the Health Impact Assessment (Environmental Statement Appendix 6.3). This includes provision of a neighbourhood centre and community facilities; a focus on accessible and inclusive design; encouraging active lifestyles through active travel; and provision of open space and allotments. It is pleasing to see that the final sentence of Appendix 6.3 indicates that ways to protect and promote good health and wellbeing will remain a priority during detailed design. DCC is also pleased to see that the Building for a Healthy Life document is one of the best practice documents that has been used to inform the Design and Access Statement. We do note, however, that there are limited references to health within the Design and Access Statement and the Planning Statement.

Health Baseline data

In DCC's consultation response to the revised EIA Scoping opinion request (dated 7 December 2020), we requested 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 area and help to recognise the differences in Cranbrook's population structure compared to the wider East Devon area. The submitted Health Baseline Assessment (ES Appendix 6.2) has used 2017 data which is based on Broadclyst and Whimble Wards; both of which are rural and have limited comparisons to urban areas such as Cranbrook. Since this 2017 data was produced there has been significant development within Cranbrook, which will have impacted on the demographics of the town. We would expect to see the most recent JSNA Cranbrook data used as the evidence in Appendix 6.2. as this informs the growing infrastructure of the town.

As stated in our rescoping response on 7 December 2020, we still believe that the links between the health effects and climate change are within the scope of the EIA and the way the development is designed and materials used to address issues around the climate should be outlined clearly within the Environmental Statement with reference to the Interim Devon Carbon Plan¹⁰.

Neighbourhood centre

We note the proposals include provision of a neighbourhood centre, new primary school, SEN school and public open space, all providing positive health impacts. Provision of these facilities should be made in accordance with Policy CB4 of the Cranbrook Plan.

We are pleased to see the delivery of the primary school will be a priority within the expansion area including the community room which will give a focus to the residents and reduce isolation, therefore helping to improve mental wellbeing. The national GP profiles¹¹ shows 34% of those registered at the Cranbrook practice are under 18 and 28.7% are of primary school age. Suitable space for service delivery to meet the needs of the young population should be prioritised within the phasing of the expansion.

Currently there is very limited access to a choice of food provision with only one local convenience foodstore within Cranbrook. The nearest low-cost supermarket is 3.9 miles away. DCC hopes that the provision of a neighbourhood centre within the Cobdens development will allow increased access to a choice of food provision, particularly shops selling local fresh healthy foods. The Health Impact Statement (ES Appendix 6.3) section 1.18 discusses the potential for local independent stores to trade in the town and these could give a wider choice of food provision. DCC requests that the LPA ensures any provision of hot food takeaways within the neighbourhood centre is in accordance with Policy CB4 of the Cranbrook Plan which restricts their number and location, based on Public Health England guidance. A Healthy Streets Approach should be followed, with shade and shelter and regular seating to enable the less able people in the community to rest.

Active and sustainable travel

DCC supports the applicant's commitment to sustainable travel and to provide walkable neighbourhoods and 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. This provision should meet the requirements of the relevant Cranbrook Plan policies including sufficient and safe storage facilities for bicycles and electric vehicle charging. It would be helpful if the bicycle storage could be designed so it could be used for storage of electric 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 due to be provided by this development, which will provide for natural play, active recreation and healthy living, and help to combat climate change. We are pleased to note the proposed provision of corridors of locally distinctive orchard trees will be integral within the public open space as stated in the Design and Access Statement page 58. Open space should include provision of shade to protect from sunlight with design of any sports provision of pitches to specifications that are mindful of extreme weather conditions caused by climate change. Seating for less active residents within the country park and near to the play spaces will support inclusive access to enjoy the outdoors.

Public Health would like to see the completion of the allotments prioritised within the Cobdens development to give opportunities not only for physical fitness but also improved diets from producing healthy food in a sustainable way. There are currently

28 allotments for the whole of Cranbrook, which are all occupied with a waiting list, thus proving the need for the allotments.

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”¹⁴ (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 Affordable Housing and the CB15 requirement for homes for everyone providing a mix of housing types and tenure in order to provide a balanced community. We would encourage consideration of the volumes of adaptable housing to fully consider the future needs of the population.

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, if this application is determined in advance of adoption of the Cranbrook Plan, the county council requests s106 contributions paid to the body who delivers the town centre Health and Wellbeing Hub comprising:

- a. a basic contribution of £2,037,000 ($£7,000,000 \times 29.1\%$) index linked for the 1213 allocated dwellings; 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.

If this application is determined following adoption of the Cranbrook Plan, the county council requests provision of contributions:

- 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).

Further details are contained in Tables 1 and 3 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/0406/2022)

DCC is pleased to note that the applicant's submission has included a number of requirements which were discussed at pre-application stage. However, DCC as Lead Local Flood Authority requires the applicant to submit the additional information detailed below before determination of this outline application.

The applicant has proposed to manage surface water within swales and detention basins. These features are not proposed to contain permanent water levels. It is understood that a Landscape, Biodiversity and Drainage Strategy is required at this stage of planning in line with the requirements of the Cranbrook Plan. A 300mm freeboard must be maintained within all above-ground storage features. The applicant has proposed to implement swales within each catchment. One swale per catchment has been depicted on the Proposed Drainage Layout. The applicant should confirm that multiple swales will be constructed within each catchment. The applicant has confirmed that surface water features upstream of each basin will be considered. These features will need to be confirmed at this outline application stage.

The applicant must confirm how critical infrastructure, such as main access roads, has been assessed. It appears that roads will drain to each catchment. Will the levels of the roads allow this and will the roads be constructed within sections/phases? Or will the main roads across the site be constructed first? If all of the main access roads will be constructed first, then all of the drainage systems will need to be constructed at the same time as the roads.

If catchment 6 will be managed by 1 flow control, then the discharge rate must be relevant to the positively drained area. The applicant has currently modelled catchment 6 with a discharge rate above the equivalent greenfield runoff rate. Above-ground storage features should not be located within flood zone 2 nor 3. Exceedance flow routes should be depicted on a site plan. We cannot see these routes on the Proposed Drainage Layout.

Existing Ordinary Watercourses (including field ditches) should remain open. Suitable maintenance access should be designed along these watercourses.

Summary

At this stage, the County Council as Lead Local Flood Authority maintains a holding objection on flood risk grounds until the information requested at outline stage is submitted in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered. The Council would be happy to provide a further substantive response when the applicant has formally submitted the additional information requested above to the Local Planning Authority.

HISTORIC ENVIRONMENT IMPACTS (DCC HET ref: ARCH/DM/ED/37483)

The area subject to this proposed development has been subject to a comprehensive programme of archaeological geophysical survey and field evaluation, and no further archaeological work is required to support this planning application. However, the archaeological investigations did identify areas where truncated Bronze Age and earlier prehistoric archaeological deposits survive within the application area and these will be affected by the scheme.

The County Historic Environment Team would therefore advise that the impact of the development upon these heritage assets should be mitigated by a programme of archaeological work undertaken in advance of any development commencing. 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, or such other details as may be subsequently 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.

The County Historic Environment Team would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine an accurate extent of the areas of prehistoric activity identified by the initial evaluative investigations. Based on the results of this work the scope of the archaeological mitigation can be determined and implemented in advance of construction works. This archaeological mitigation work may take the form of targeted area excavation of areas of archaeological sensitivity in advance of groundworks. In addition, a programme of monitoring and recording (a watching brief) would need to be implemented within a 50m corridor either side of the Roman road upon which the current B3174 is aligned to enable any road-side Roman-British archaeological deposits to be identified and recorded prior to development in that area. 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 would be happy to discuss this further with you, the applicant or their agent and 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 an appropriate planning condition, 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 are content with the information submitted within the Waste Management Assessment (Appendix 2.2 of the Environment Statement) at this outline application stage. However, in order to meet all the requirements of Policy W4 of the Devon Waste Plan, and as mentioned in the covering letter, the following information needs to be provided:

- We note that Table 5 in paragraph 5.1.6 of the document sets out the predicted amount of construction waste in tonnes likely to be generated by the

development. However, we would request that the type of material this waste will arise from is addressed.

- Provide an estimate of 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.
- Identify the management methods for each waste stream.

It is recommended that a condition is attached to any consent requiring the submission of this information at reserved matters stage. We note that the applicant intends to prepare single document combining a Site Waste Management Plan & Waste Audit Statement for each phase - we are content with this approach to be taken to provide the additional information required.

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.

DCC Further comments

[In respect of the comments below, those from the Lead Local Flood Authority and the Local Highway Authority need to be read in conjunction with the additional and separate comments that were subsequently submitted. These are listed following this section]

Thank you for providing the opportunity to comment on this 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 20th June 2022 apart from revisions to highways and flood risk comments, minor changes to our historic environment and 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 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 was 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 1213 allocated dwellings and 222 over-allocation dwellings ($1213 + 222 = 1435$).

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 a per dwelling rate of 1/4170th. For the current number of 222 over-allocation dwellings, this equates to an additional contribution of 5.3% ($222/4170 = 5.3\%$) of the relevant (Cranbrook Expansion Area) CEA 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 revised submission of detail for the outline application, given its scale and nature is presently under an ongoing assessment by the Local Highway Authority (LHA). Discussions are expected to evolve with the applicant, in conjunction with the Local Planning Authority (LPA) with regards to access and impact on the Local Highway Network. Once this has been better understood to allow the LHA to make further and more formal comments, these will be provided at the earliest opportunity to the LPA.

This updates the position as stated in the previous highway's comments provided in our letter dated 20th June 2022.

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 20202 (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.

This Cobdens expansion area is located beyond the existing Cranbrook developments, which are served by bus services 4, 4A and 4B. At present the combined bus services provide a twenty-minute frequency as far as the new roundabout at the junction of Yonder Acre Way and the B3174. Beyond this point only one journey per hour, that operating to Axminster via Ottery and Honiton, passes along the B3174 adjacent to the development. Of the other journeys, one terminates at Cranbrook town centre and returns to Exeter and the other continues via Rockbeare village to Ottery and Honiton. It is therefore vital that the funding for an improved bus service as requested above is provided. This will enable an increased level of service to be made available, by providing additional vehicle resources to enable the Cranbrook terminating journeys to extend to the Cobdens development.

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:

- 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.

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

Summary

Devon County Council as Local Highway Authority will provide a formal Highway Consultation response as soon as possible following further discussion with the applicant and your council. In the meantime, the County Council requests the provision of the requested s106 contributions.

LOCAL EDUCATION PROVISION (INCLUDING EARLY YEARS)

Introduction

Devon County Council is the Local Education Authority (LEA) and therefore has a statutory duty to ensure that all children have access to statutory early years and school education. The manner in which the County Council undertakes school place planning is set out in our [Education Infrastructure Plan](#) and the Education Approach for Developer Contributions (December 2021). In accordance with the above, the Department for Education and County Council position is that new education facilities required to serve development should be fully funded by development. Primary education and early years

An assessment of education capacity for Cranbrook, which includes nearby primary schools at Rockbeare and Whimble, identifies that there is currently little available capacity at the existing primary schools when taking into account approved but unimplemented development. As such, there is the need for the early delivery of new primary school provision (age 2 – 11) within the Cranbrook expansion areas. If a new primary school is not delivered early to serve the Cobdens area, the County Council as the Local Education Authority would be unable to fulfil its statutory responsibility to provide sufficient pupil places.

Policy CB4 of the Cranbrook Plan requires the provision of a 630 place primary school with 80 early years places and a 150m² community room. We welcome that this revised planning application for the Cobdens expansion area identifies an education site which includes 2.9 ha for a 630 place primary school, providing for the new homes associated with this planning application and adjacent proposed housing development. The school site is planned to include 80 places of early years provision for 2, 3 and 4-year olds and incorporate a community room of 150m². The provision of 80 early years places is the usual requirement at a three-form entry primary school. 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 wishes the Cobdens primary school to be the first primary school delivered for the expansion areas, with early provision of the entire 4.1 hectare school site including the SEN land. 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 1213 allocated dwellings and 222 over-allocation dwellings. Any over-allocation housing growth (currently 222 dwellings within this Cobdens 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 630 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. 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 630 primary school is the second new primary school to be delivered by the 1650th expansion area dwelling). 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.

As such, 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 County Council welcomes the provision of a 1.2 ha site for the delivery of a 50 place Special Education Needs (SEN) school within this development, as required by Policy CB4 of the Cranbrook Plan. DCC expects to deliver the SEN school.

The provision of an 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 1213 allocated Cobdens dwellings contained in this application. There would need to be further discussion with the developer about the triggers contained in the s106 agreement for the provision of the land.

In addition, DCC would require contributions for any over-allocation housing growth (currently 222 dwellings within this Cobdens 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

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 notes that the location of the school site is now proposed to be slightly further east than in the previous submission. On balance, we are happy with this amendment.

Even with this change, we see that there are currently areas of flood zone which run through the proposed school site resulting from runoff from land to the south-east. The LEA would require this surface water runoff to be captured and redirected into an associated attenuation basin to ensure the flow paths are no longer present within the school site. Should the school be constructed before the residential parcel to the south, the LEA would require a temporary interception ditch to be provided to divert the flow path around the school site. The Environment Agency will need to approve the details of the strategy to manage flows which influence the flood zones. DCC requests that an appropriate condition is attached to the outline permission to ensure

measures to divert this flood zone from the school site are approved at reserved matters stage.

We note that the revised masterplan no longer proposes an attenuation basin to manage surface water runoff. The LEA welcomes this change to the application. The overall layout of the scheme should ensure that the ability of each school to be delivered does not impinge on the other, and that there is potential for joined up dual use if this is considered appropriate. In addition, the layout should take into account the safeguarding of children attending the schools. The juxtaposition of housing and the school buildings should ensure that there isn't a clear view/overlooking into the school buildings/playgrounds from residential properties. The illustrative plan identifies screening in the form of planting along all boundaries between the school and residential land. This planting scheme is required to support the safeguarding of the school and needs to be conditioned within this outline permission to ensure that any reserved matters application provides for this.

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 contributions:

- 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 contributions:

- 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 contributions:

- 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.

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.

As such, the County Council requests provision of contributions:

- 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 10 serviced permanent pitches for Gypsies and Travellers on a site of at least 1 hectare. DCC considers the level and location of this provision acceptable as it is consistent with the Policy CB4 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 Health Impact Assessment (Environmental Statement Appendix 6.3). This includes provision of a neighbourhood centre and community facilities; a focus on accessible and inclusive design; encouraging active lifestyles through active travel; and provision of open space and allotments. It is pleasing to see that the final sentence of Appendix 6.3 indicates that ways to protect and promote good health and wellbeing will remain a priority during detailed design. DCC is also pleased to see that the Building for a Healthy Life document is one of the best practice documents that has been used to inform the Design and Access Statement. We do note, however, that there are limited references to health within the Design and Access Statement and the Planning Statement.

Health Baseline data

In DCC's consultation response to the revised EIA Scoping opinion request (dated 7 December 2020), we requested 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 area and help to recognise the differences in Cranbrook's population structure compared to the wider East Devon area. The submitted Health Baseline Assessment (ES Appendix 6.2) has used 2017 data which is based on Broadclyst and Whimble Wards; both of which are rural and have limited comparisons to urban areas such as Cranbrook. Since this 2017 data was produced there has been significant development within Cranbrook, which will have impacted on the demographics of the town. We would expect to see the most recent JSNA Cranbrook data used as the evidence in Appendix 6.2. as this informs the growing infrastructure of the town.

As stated in our rescoping response on 7 December 2020, we still believe that the links between the health effects and climate change are within the scope of the EIA and the way the development is designed and materials used to address issues

around the climate should be outlined clearly within the Environmental Statement with reference to the Devon Carbon Plan.

Neighbourhood centre

We note the proposals include provision of a neighbourhood centre, new primary school, SEN school and public open space, all providing positive health impacts. Provision of these facilities should be made in accordance with Policy CB4 of the Cranbrook Plan.

We are pleased to see the delivery of the primary school will be a priority within the expansion area including the community room which will give a focus to the residents and reduce isolation, therefore helping to improve mental wellbeing. The national GP profiles¹¹ shows 34% of those registered at the Cranbrook practice are under 18 and 28.7% are of primary school age. Suitable space for service delivery to meet the needs of the young population should be prioritised within the phasing of the expansion.

Currently there is very limited access to a choice of food provision with only one local convenience foodstore within Cranbrook. The nearest low-cost supermarket is 3.9 miles away. DCC hopes that the provision of a neighbourhood centre within the Cobdens development will allow increased access to a choice of food provision, particularly shops selling local fresh healthy foods. The Health Impact Statement (ES Appendix 6.3) section 1.18 discusses the potential for local independent stores to trade in the town and these could give a wider choice of food provision. DCC requests that the LPA ensures any provision of hot food takeaways within the neighbourhood centre is in accordance with Policy CB4 of the Cranbrook Plan which restricts their number and location, based on Public Health England guidance¹². 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.

Active and sustainable travel

DCC supports the applicant's commitment to sustainable travel and to provide walkable neighbourhoods and 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. This provision should meet the requirements of the relevant Cranbrook Plan policies including sufficient and safe storage facilities for bicycles and electric vehicle charging. It would be helpful if the bicycle storage could be designed so it could be used for storage of electric 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 due to be provided by this development, which will provide for natural play, active recreation and healthy living, and help to combat climate change. We are pleased to note the proposed parkland with a large area of locally distinctive orchard planting will be integral within the public open space as stated in the amended Design and Access Statement page

76. Open space should include provision of shade to protect from sunlight with design of any sports provision of pitches to specifications that are mindful of extreme weather conditions caused by climate change. Seating for less active residents within the country park and near to the play spaces will support inclusive access to enjoy the outdoors.

Public Health would like to see the completion of the allotments prioritised within the Cobdens development to give opportunities not only for physical fitness but also improved diets from producing healthy food in a sustainable way. There are currently 28 allotments for the whole of Cranbrook, which are all occupied with a waiting list, thus proving the need for the allotments.

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”¹⁴ (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 Affordable Housing and the CB15 requirement for homes for everyone providing a mix of housing types and tenure in order to provide a balanced community. We would encourage consideration of the volumes of adaptable housing to fully consider the future needs of the population.

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 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/0406/2022)

Following our previous consultation response (FRM/ED/0406/2022; as contained in our letter dated 20th June 2022), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which we are grateful. However, DCC as Lead Local Flood Authority requires the applicant to submit the additional information detailed below before determination of this outline application.

The applicant has confirmed that there will be space within each catchment for more than one swale. The applicant has further confirmed that there will be space for additional features upstream of the swales (such as for rain gardens). The applicant should clarify the changes to the impermeable areas for catchments 6 and 7.

Within the Movement section of the Landscape, Biodiversity and Drainage Strategy, the applicant should include drainage features within the verge (such as the rain gardens and swales proposed within the FRA Addendum).

It might be appropriate for further details to be included within the Landscape, Biodiversity and Drainage Statement. Cross-sections could be included to give an example of how each feature could look. If different housing densities will be used for each parcel of land, then the applicant could clarify the types and sizes of surface water feature which could be included within each parcel.

Summary

At this stage, the County Council as Lead Local Flood Authority maintains a holding objection on flood risk grounds until the information requested at outline stage is submitted in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered. The Council would be happy to provide a further substantive response when the applicant has formally submitted the additional information requested above to the Local Planning Authority.

HISTORIC ENVIRONMENT IMPACTS (DCC HET ref: ARCH/DM/ED/37483)

The historic environment comments provided on 20th June 2022 remain largely unchanged apart from the recommendation of an additional planning condition, as shown below.

The area subject to this proposed development has been subject to a comprehensive programme of archaeological geophysical survey and field evaluation, and no further archaeological work is required to support this planning application. However, the archaeological investigations did identify areas where truncated Bronze Age and earlier prehistoric archaeological deposits survive within the application area and these will be affected by the scheme.

The County Historic Environment Team would therefore advise that the impact of the development upon these heritage assets should be mitigated by a programme of archaeological work undertaken in advance of any development commencing. 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, or such other details as may be subsequently 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 the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be 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 County Historic Environment Team would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine an accurate extent of the areas of prehistoric activity identified by the initial evaluative investigations. Based on the results of this work the scope of the archaeological mitigation can be determined and implemented in advance of construction works. This archaeological mitigation work may take the form of targeted area excavation of areas of archaeological sensitivity in advance of groundworks. In addition, a programme of monitoring and recording (a watching brief) would need to be implemented within a 50m corridor either side of the Roman road upon which the current B3174 is aligned to enable any road-side Roman-British archaeological deposits to be identified and recorded prior to development in that area. 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 would be happy to discuss this further with you, the applicant or their agent and 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 an 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 are content with the information submitted within the Waste Management Assessment (Appendix 2.2 of the Environment Statement) at this outline application stage. However, in order to meet all the requirements of Policy W4 of the Devon Waste Plan, and as mentioned in the covering letter, the following information needs to be provided:

- We note that Table 5 in paragraph 5.1.6 of the document sets out the predicted amount of construction waste in tonnes likely to be generated by the development. However, we would request that the type of material this waste will arise from is addressed.
- Provide an estimate of 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.
- Identify the management methods for each waste stream.

It is recommended that a condition is attached to any consent requiring the submission of this information at reserved matters stage. We note that the applicant intends to prepare single document combining a Site Waste Management Plan & Waste Audit Statement for each phase - we are content with this approach to be taken to provide the additional information required.

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.

DCC Additional updates:

Flood Risk Management Team

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No 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/0406/2022; dated 9th January 2023), 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 the sizing of each catchment.

The applicant has also confirmed that all existing Ordinary Watercourses will remain in place and have appropriate maintenance easements.

Any crossings of Ordinary Watercourses will require Land Drainage Consent from Devon County Council's Flood and Coastal Risk Management Team. Land Drainage Consent is required for any works within an Ordinary Watercourse.

The applicant has discussed the use of multiple above-ground surface water drainage features throughout each catchment.

DCC – Local Highway Authority

Observations:

I refer to the latest supporting information in relation to the above-mentioned planning application and have the following observations for the highway and transportation aspects of this proposal.

The Outline application is with all matters reserved except for the primary access points onto London Road to the south, the connection to a consented and currently private development to the west (Rush Meadow Road), and access to serve the Gypsy and Traveller parcel, which sits at the eastern edge of the site also off London Road. The development proposed seeks consent for a range of proposals as detailed in the above heading.

Access

Further to our initial comments dated 20 June 2022 to the LPA, the applicant has submitted revised proposals, which would see the relocation of the proposed signalised London Road access further east. In support of this scheme and as previously acknowledged as a necessity to fulfil, the applicant has now included proposed traffic calming proposals, that have been put forward across the frontage of the site. The package of measures at this point also seeks to secure a non-motorised user (NMU) crossing point on London Road, that forms part of policy obligations set out in the adopted Cranbrook Plan.

The dedicated cycle/footway commuter lane, which was originally submitted, is maintained in support of the revised proposals which, to reiterate from previous comments will support the principle of sustainable travel options along London Road as part of policy obligation CB24 in the Cranbrook Plan.

Tillhouse Road/Rush Meadow Road intersection

The development would see a material increase in vehicular activity on the local network and as a result the crossroad intersection at the MLR (Tillhouse Road) would see a substantial increase in traffic interaction coming from Rush Meadow Road, which subsequently would tie into the proposal site.

In earlier development phases in Cranbrook, future alterations to this intersection, subject to the future expansion of the settlement was recognised by the consortium and associated consultees. Plans for a roundabout were explored where land was left free from development to facilitate future alterations.

Given the above, it is considered necessary by the Highway Authority that the applicant or successor in title to this application is responsible for the full funding of future mitigation at this point. It is understood that the applicant does not own outright the intersection or land surrounding it. If additional land was needed to fulfil appropriate mitigation, it is considered within the applicants gift and responsibility however, to deliver a future improvement scheme at this location.

Like the proposed tie into Rush Meadow Lane at the site boundary intersection, this may require a S278 legal agreement with the Highway Authority, although this is dependent on the progression of separate legal agreements with the Highway Authority, derived from previously consented proposals. Should the aforementioned areas on the network not be formally adopted by DCC prior, it is presumed a private agreement may be required to carry out the works.

London Road Primary Access

The latest supporting drawing for the signalised access onto London Road has been assessed. A number of elements remain, which, from previous dialogue with the Highway Authority were requested to be altered or removed. In the interest of moving the application to its determination appropriate conditions can be

recommended that would allow scope for alterations at detailed design should the Highway Authority see necessary and in best interest for future adoption. The proposed raised table arrangement at this location on London Road and on the spur, whilst not a reason for refusal in this instance, will bear impact on its future maintenance and optimum function. This will be factored into the commuted sum calculation at S106 stage given the future maintenance responsibility is likely to fall under the Highway Authority.

Longer term, working on the assumption of the potential build out of the Grange expansion area, which sits on the opposite side of London Road from this site, it is difficult to ascertain at this stage how the two parcels will interact in harmony with one another on London Road in the future.

If a third-party proposal were to come forward in time that would table alterations to the proposed signalised design for this scheme, it would require material changes and sufficient land to deliver an appropriate revised design. Working on this basis, in order for a future holistic signalised arrangement to be secured, the Highway Authority recommend that land is safeguarded from this application. This would allow, in the event such a future proposal is submitted, provision of a balanced approach to the junction arrangement could be delivered whilst affording the capacity to make such adjustments on both sides on the highway network.

Without this legal security, it is likely to make future discussions with the neighbouring expansion area more complex and subsequently necessary for larger parcels of private land on the southern side to be required by the Highway Authority in order for a future scheme to be delivered that can be considered as acceptable. In the interests of proper planning and securing the principle of a more functional, balanced, and practical signalised design in the future, it would be remiss of the Highway Authority not to request the above be implemented into the S106 for this application.

The LPA also needs to ensure that an appropriate condition is implemented into any favourable decision notice that would safeguard against any indicative access points at this stage, which do not form part of this application but are included in the existing Parameters Plan. Such proposals would need to be subject to future assessment from the Highway Authority in terms of their proximity on the highway network and their nature, the latter of which is yet to be understood at this stage.

Southbrook Lane

In time there would be alterations to Southbrook Lane as a result of this proposal, based on the supporting information received at this time. The future phasing of the site would influence the timing of the delivery of such alterations that includes (but not limited to) a pedestrian and cycle access and associated retaining wall structure. Full engineering details (and a commuted sum for its future maintenance) will be required as part of the relevant Reserved Matters for assessment that would see Southbrook Lane being a no through road from London Road direction that would require a successful TRO application. Should this scheme be consented, it must be ensured that appropriate trigger points are secured in the S106 for the timely delivery of all access points in question in their entirety.

Transport Assessment and S106 Contributions for Sustainable Transport

The applicant remains obligated to fulfil and contribute towards a number of measures set out in Cranbrook Infrastructure Delivery Plan (Cranbrook IDP), as outlined in our previous comments dated 20 June 2022 which are reiterated 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 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[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.

This Cobdens expansion area is located beyond the existing Cranbrook developments, which are served by bus services 4, 4A and 4B. At present the combined bus services provide a twenty-minute frequency as far as the new roundabout at the junction of Yonder Acre Way and the B3174. Beyond this point only one journey per hour, which operates to Axminster via Ottery and Honiton, passes along the B3174 adjacent to the development.

Of the other journeys, one terminates at Cranbrook town centre and returns to Exeter and the other continues via Rockbeare village to Ottery and Honiton. It is therefore vital that the funding for an improved bus service as requested above is provided. This will enable an increased level of service to be made available, by providing additional vehicle resources to enable the Cranbrook terminating journeys to extend to the Cobdens development.

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:

- 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.

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

Taking into account the obligations set out in the relevant policy documents and with the above and previous comments in mind, the Highway Authority recommend the following S106 commitments (as well as the requirements under the heading 'Transport Assessment and S106 Contributions' as above) and conditions be attached to any favourable decision notice should members be minded approving the development proposed:

- The timing of the delivery of the primary vehicular access points (including their internal connection), Gypsy and Traveller access, NMU access points, any signalised/controlled crossing points and full and appropriate NMU access thereto on London Road and Rush Meadow Road are to be secured through a S106, in a written agreement with the Highway Authority.
- The timing of the delivery of the mitigation measures on the MLR intersection involving, Kingfisher Rise and Rush Meadow Road, including any alterations to NMU access points. No development shall take place off Rush Meadow Road until the applicant has designed an appropriate mitigation and improvement scheme at the MLR crossroad intersection which will be submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority). Should the agreed trigger point, set out from an agreed timetable for the delivery of obligation be missed

by the applicant, a full financial contribution will be provided in to DCC for mitigation works.

- A parcel of land to be safeguarded in the event of necessary future alterations to the consented signalised junction on London Road as a result of neighbouring schemes allocated in the Cranbrook Plan coming forward. Full detail and its extents to be agreed in writing, in conjunction with the Highway Authority at S106 stage.
- To produce and secure an appropriate Travel Plan, detail, and delivery to agreed and finalised at S106 stage.
- To submit and secure a TRO for the required posted speed limit and any other signage on London Road, 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 prior to the first occupation of any dwelling which have access onto London Road to the satisfaction of the Local Planning Authority.
- Where required, to submit and secure a TRO application to any mitigation measures put forward on London Road. 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 the first occupation of any dwelling which have access onto London Road.
- To pay a commuted sum for the maintenance of any signalised junctions and crossings consented and delivered as part of this application. The costing and detail of which, to be agreed in conjunction with the Highway Authority.

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

- No development shall take place until final 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 and cycle access.
 - Extension of Main Link Road into the Site - 195173/A06 D
 - Proposed London Road Scheme - VD20342-100 B

Through this updated drawing pack final details of proposed signage, kerbing, parking spaces, traffic islands and road markings on the London Road shall also be included, submitted to and approved in writing by the LPA, and in conjunction with the Highway Authority.

The approved access and crossing shall be laid out and constructed in accordance with the agreed drawings.

- No development shall take place until detailed plans for the Gypsy and Traveller access, including all pedestrian and cycle infrastructure, traffic calming and any other alterations to London Road have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority) relating to line, level and layout, broadly in accordance with the following drawing.

Cycle Lane Arrangement near Traveller Site Access - 195173A/SK01

- 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.
- 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 become known 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

Ecologist (EDDC) District

Further ecological assessment and confirmation of numbers of buildings to be removed

The 2021 report states 1 barn on site (B1, low suitability for roosting bats), and two just off site (B2 and B3). The planning application description states that four barns will be demolished.

The barns which exist on the site (confirmed during consultant site visits), and are shown as removed on the Masterplan (9009-L-18 Rev G) include:

- Portal frame barn at SY 02214 96257
- Portal frame barn at SY 02319 96456
- Portal frame barn at SY 02345 96459
- Complex of interconnected portal frame barns at SY 03324 95949 (approximately 6 barns total)
- Timber outbuilding at SY 03351 95953

Paragraph 10.29 of the Environmental Statement (ES) states that none of the buildings are within the redline and therefore no updated surveys have been carried out.

The inconsistency between the stated number of barns to be removed needs to be addressed prior to EDDC determining the application. All barns to be removed should be subject to an updated assessment of use by roosting bats (including night roosting) and breeding birds (including barn owls, which are present locally) by a suitably qualified ecologist.

Two knot holes, considered to have moderate bat roosting potential (based on a ground level visual assessment) were present on the south side of the mature ash at SY 02976 96240, which is proposed for removal. These Potential Roosting Features (PRFs) are not identified in the ES Ecology chapter, or referenced in the ES chapter Appendix 10.1 or 10.2. A full assessment of the use of these PRFs by bats is required in order for EDDC to fully assess the ecological impacts of the proposals. If any further surveys are required to determine usage (confirm presence/absence, and accurately categorise populations that may be present), then these should be carried out and submitted to EDDC to enable a suitably informed planning decision to be made. If required, mitigation and compensation measures should be identified within the ecological information submitted.

Reason – To inform EDDC decision making relating to ecological impacts, and enable decision making in relation to The Cranbrook Plan DPD Policy CB27 (paragraph 4.84) and Policy CB14, and East Devon Local Plan Policy EN5.

Due consideration of habitat loss

A small pond surrounded by young trees and an mature oak tree (T68) with “high bat roosting potential”/numerous features of decay is present at SY 03006 95966. The tree is considered to be a transitional veteran tree (i.e., a tree which exhibits signs of early veteranisation), due to the number of deadwood features, rot it contains, which are of ecological value. It is listed as a Category B tree in the Arboricultural Assessment.

The masterplan shows removal of these features. Ponds are listed as a section 41 Habitat of Principle Importance under the NERC Act 2006. The alignment of the road in this location should be adjusted to retain these features. On site ponds are referred to as having sub-local value in the ES chapter P10.81, which is questionable given the presence of amphibians and grass snakes in the local area. This pond provides an excellent opportunity for retention, restoration and enhancement, and ties in well with the proposed SUDS/woodland area proposed within the Farlands Development (14/2945/MOUT), providing an expansion of the ecological functionality of the greenspace provided at Farlands, in accordance with the Lawton Principles and the NPPF.

Similarly, the area of willow trees emerging from the pond adjacent of London Road, at the southern boundary of the site, is shown as being completely removed. Although degraded (through overgrowth of willow and lack of aquatic vegetation), this pond still has wildlife value and its retention, at least in part, should be explored.

This feature provides excellent potential for ecological enhancement and inclusion within the proposed mixed use area in this location, as shown in the original Cranbrook Masterplan.

The proposed Main Link Road (MLR) cuts directly through a group of mature riparian ash, hazel and alder trees at SY 02976 96240. The applicant should consider revising this layout in order to avoid the loss of this area of riparian woodland, which is the only prominent area of riparian woodland in the vicinity. The applicant should explore moving the MLR ~40 m west, where it would have a much smaller ecological impact, resulting in minor loss of young trees only.

Extensive hedgerow loss is proposed within the south-east of the development (approximately 810 m of hedgerow loss). This area of hedgerow is significant and a full explanation as to why retention is not possible should be provided in order to justify this extensive loss of hedgerow. The masterplan indicates that the street layout in this area could potentially accommodate retention of parts of these hedgerows, which is preferable to full removal.

It is considered that the buffer proposed at SY 02486 96379 between proposed residential units and the stream is too narrow to adequately mitigate against potential light spill from internal and external light sources. The stream is an important feature for foraging/commuting bats and otters. Close proximity of the footpath and buildings to this feature decreases the likelihood of successful mitigation against disturbance pressure and internal/lighting on the site. It is considered that, due to proximity to the stream and topography of the land (the proposed buildings being elevated adjacent to the stream), the lighting in the area is unlikely to be able to be designed in a way that would avoid significant illumination of the stream/riparian woodland from internal and external lighting. The lighting plan submitted shows Main Street lighting only, and no lighting of smaller streets and no assessment of lighting impacts from internal lighting. As per Natural England consultation comments, paths in open SANGS land should be a minimum of 100 m wide. This buffer should therefore be widened in order to achieve these goals.

Reason – In accordance with the NPPF Paragraphs 174 (d), 179 (b) and 180 (c), East Devon Local Plan Policy D3 and Policy EN5, and Cranbrook Plan DPD CB27 and CB14.

Biodiversity Net Gain

The Biodiversity Net Gain (BNG) metric used was the DEFRA Metric 2.0, which was out of date at the time of the application submission (Metric 3.0 was the current metric at the time of application, available from July 2021) BNG results vary between the metric versions. In accordance with best practice, BNG should be carried out using the most up to date BNG calculator, which is the DEFRA metric 3.1. BNG calculations should therefore be re-submitted, using the latest metric. The EIA ES chapters/appendices will need to be updated accordingly, where relevant following the calculations being made.

ES Appendix 10.3 states in paragraph 3.10 that there is only one pond on the site. There are at least three ponds on the site, two of which are proposed for removal at

present, and are not accounted for in the BNG calculations. These will need to be included in the updated BNG assessment to provide an accurate estimate of the BNG value of the proposals.

Within Appendix 10.3, Figure 10.3.2 does not show the post intervention habitats. It appears to show the same map display as the preceding figure, leading to EDDC not being able to visualise the proposed habitat retention, creation and enhancement. This needs to be resolved within the updated calculations.

EDDC require outline detail of how proposed habitat enhancements would occur in order to properly assess the validity of the proposed conversions. For example, details should be provided on what actions are taken to enhance the 13.87 ha of Modified Grassland in low condition to Other Neutral Grassland in moderate condition (note that this is technically habitat creation, not enhancement). Paragraph 3.35 of the SANGS delivery strategy details that this may be achieved through repeated cutting with removal of arisings. This should be sufficiently evidenced, which it is not at present. Without addition of diverse seed stock (possibly including yellow rattle) and scarification, this proposed enhancement process is questionable, and would take many years to increase sward diversity, if it does at all. A more intensive method is preferred.

It is proposed to phase the delivery of the site, with BNG being secured for each phase. It is proposed that some phases will not achieve 10% BNG within that phase. It is possible that this will not satisfy national BNG requirements, once BNG becomes mandatory nationally in autumn 2023. It is possible that the applicant will have to consider this whilst preparing proposed phases, and attempt to deliver 10% within each proposed phase, in order to avoid the potential for a phase to be delivered which relies on BNG provision from future phases (which technically have the possibility of not coming to fruition). The BNG process is still under national consultation.

Reason – In accordance with Cranbrook Plan DPD paragraph 4.89, Policy CB14 and Policy CB26, and NPPF Paragraph 174 (d).

LBDS and SANGS Mitigation strategy

It is recognised that the SANGS mitigation strategy is in draft format, and that the LBDS is only an outline of what a future LBDS would contain. A final version of both of these documents is required in order for EDDC to make an informed decision on this application. At present, various pieces of SANGS and biodiversity related information is scattered throughout the ES chapter and appendices and old reports.

Reason – In accordance with Cranbrook Plan DPD Policy CB26 and Policy CB14.

Ecological compensation and enhancements

The following recommendations are made to maximise the potential ecological value of the proposals in accordance with best practice, local conservation objectives, the NPPF and local planning policy. These measures should be considered and included within the SANGS strategy, BNG calculations or LBDS as appropriate.

Although the masterplan layout is provisional at present, EDDC would welcome the addition of more native tree woodland and tree cover within the SANGS land in order to provide canopy cover of at least 20%, in line with the targets of the Clyst Canopy project, and supporting carbon storage and ecosystem resilience. EDDC would also like to see more ponds provided where possible within the SANGS land. A well designed pond is very biodiverse, supporting high invertebrate biomass and a wide range of protected and notable species. Ponds are excellent for increasing community engagement with nature and wellbeing. Ponds provided in Cranbrook phase 1 SANGS are establishing very well and provide the most wildlife rich features present in these SANGS. EDDC would like to promote this example and supports provision of similar ponds elsewhere. The design of these features would need to be carefully considered as to satisfy the comments received by Exeter Airport regarding birdstrike.

In recognition of the future value of the SANGS areas to foraging barn owls, and the known presence of barn owls in the area, it is recommended to provide additional barn owl nest boxes within suitable trees. Four boxes is considered to be a suitable number. These should be constructed and positioned in accordance with the latest design found on the barn owl trust website, in remote corners of the site away from likely areas of high disturbance pressure.

As an ecological enhancement, it is suggested to remove barriers to fish migration, to facilitate migration of European eel, brown trout and salmon, amongst other species, as per comments by the EA. The culverts at SY 02851 96240, SY 03165 96167, SY 03291 96111, SY 02511 96454 and SY 02373 96235 are likely to prevent fish migration at present, and should be amended to facilitate fish migration as part of the ecological enhancements proposed.

As per the SANGS management plan, a Schedule 9 invasive species removal programme is expected to be provided as part of the proposals. This would include the removal of Himalayan balsam from the site, with repeat visits over successive years and a detailed monitoring programme to evaluate the success of the programme. These should be featured in detail in the SANGS strategy or forthcoming LBDS.

For avoidance of doubt, bird boxes will be required within new structures on the site in accordance with BS 42021 Biodiversity and the Built Environment: Specification for the Design and Installation of Bird Boxes. In summary, this means that integrated universal bird boxes (“swift bricks” or similar) will need to be provided at a ratio of one for each new dwelling. The exact locations of these bricks will need to be specified by the consultant ecologist, in order to maximise their ecological functionality and avoid inappropriate positioning. External “bolt on” boxes are not acceptable.

A range of integrated bat boxes will be required where possible within new buildings, i.e., adjacent to retained or proposed bat foraging and commuting habitats. External “bolt on” boxes are not acceptable. These (alongside bat boxes within trees) should be provided in accordance with 10.203 of the Ecology ES chapter. These should be featured in the SANGS strategy or forthcoming LBDS.

Hibernacula for reptiles and amphibians are mentioned in the ES chapter but are not featured in the SANGS management strategy. These, as well as brush piles, should be provided in abundance using the larger logs felled from other areas of the site, in order to provide essential habitat for invertebrates, reptiles, amphibians, small mammals and hedgehogs. These could be provided in rank corners of the SANGS fields, to reduce land use conflicts and potential damage during management. EDDC has a clear preference for clear span bridges as opposed to culverts, due to their lower level of habitat loss, lower risk of disrupting fish migration and lower prevalence of management issues (blocking by debris, creation of plunge pools and scouring etc.). Clear span bridges should therefore be used wherever possible. Culverts should only be used where it is clearly shown that a clear span bridge is not a viable option.

Reason – In accordance with BS:42021, NPPF Paragraph 174 (d) and 179 (b), Cranbrook Plan DPD Policy CB26 and Policy CB14, and East Devon Local Plan Policy EN5.

Further Comments

Previous response

A response to the original application documents was provided by the District Ecologist on 07/06/2022. The applicant has since sought to address comments received from consultees, and has issued updated documents. This response is in relation to the updated documents, submitted to the planning portal on 07/12/2022. Layout

EDDC welcomes the layout changes in relation to the previous response, including:

- the moving of the Main Link Road (MLR) bridge to avoid the cluster of ash, oak alder trees on the brook,
- movement of the MLR to avoid the loss of the western boundary pond and adjacent veteran oak tree,
- the revision of the London road arrangements to retain the large willow-bound pond in this area, and
- The relocation of the second MLR bridge and rearrangement of SANGS areas/watercourse buffers

LBDS

It is noted that the LBDS/ES chapter does not contain recommendations which were previously made by EDDC regarding bird box provision (one per dwelling), and inclusion of reptile/amphibian hibernacula and barn owl boxes in SANGS land. It would also be beneficial to include a barn owl nesting box within Barn 2, which is now proposed for retention for storage of materials/machinery to manage the SANGS areas. These should be added within the LBDS and ES chapter as necessary.

ES Chapter

No mention of barn owl surveys of the buildings to be affected has been made. The northernmost barns (SY 02333 96465) are proposed for removal but have been

missed from the assessment and summaries in the ES chapter. Please provide survey information for bats and nesting birds (including barn owls) regarding these barns.

As per paragraphs 10.125 and 10.127 of the ES, a detailed CEMP and LEMP will be required as a pre-commencement condition for each phase of the development, at a detailed reserved matters stage.

EDDC welcomes the inclusion of fish friendly culverts for the MLR crossings, as stated in P 10.174. No mention has been made as to the replacement of the existing culverts on the site which block fish passage, and are likely to need replacing as part of the development. This has been commented on previously by the EA and EDDC. Details of replacement culverts with alternatives which are less likely to block with debris, and do not obstruct fish passage, should be included within the LBDS and ES Chapter.

Biodiversity Net Gain (BNG) calculations

- **Additionality** - It appears that the calculations include the creation of some SANGS habitats within the BNG figures, meaning that they are not additional and are not in line with NE or EDDC advice.

FPCR have included the creation of modified grassland (necessary for SANGS functioning) on areas which are currently cereal crops within the BNG figures. The only difference between the two spreadsheets provided is that Cells E15 and E16 of the Site Habitat Creation sheet are either created as modified grassland (moderate condition), or as Other neutral grassland (moderate condition). It is unclear as to why Cell E15 has been altered between the Metrics, and this has not been explained in the BNG report, as far as can be told.

If areas of grassland need to be created (from arable or other habitats unsuitable for SANGS purposes), then this initial habitat creation does not count towards BNG, as it would be delivered regardless of BNG requirement. Where grassland (and other habitat features necessary for basic SANGS functioning) need to be created, these features should be added and used as the baseline from which BNG improvements should be calculated. These should be entered into the Site Habitat Baseline sheet. It appears (from figure 10.3.1, page 15 of the Appendix 10.3 of the Environment Statement, that much of the SANGs land is cereal crops, and therefore grassland needs to be created to create functioning SANGS land.

Where arable fields/Cereal Crops need to be converted to grassland so that the land can function as SANGS, the conversion of arable to Modified Grassland (a simple grassland type which would support the minimum function of SANGS) cannot be counted towards BNG. The baseline, from which BNG should be calculated should be the modified grassland.

The calculations provided appear to include habitat creation required to facilitate basic SANGS functioning within the calculations (the improvement of habitat in BNG terms, from cereal crops to modified grassland). This is incorrect and inconsistent with the approach used within other applications in Cranbrook.

Please revise the BNG figures, clearly explaining what habitat creation is required for the core functioning of the SANGs, and use this habitat creation as the baseline from which BNG is calculated. Please clearly demonstrate that, above the habitat creation required for the core functioning of the SANGS land, that the proposal can deliver in excess of 10% BNG. There shouldn't be a need to provide two separate Metric calculators for overall BNG units, only one is required, showing BNG calculations starting from the baseline of the core SANGS habitats.

- BNG during phasing – 10% BNG should ideally be delivered within each phase of delivery. This is to ensure that the destruction of habitats caused by one phase is adequately compensated for in a reasonable timeframe, and not many years later in the next phase. There is potential that the delivery of subsequent phases may be significantly delayed or even postponed indefinitely, meaning that if 10% BNG is not achieved in each phase, it may not ever be achieved in reality. All phases meet the 10% BNG requirement with the exception of hedgerow units within phase 1, where a BNG of only 2.22% is predicted.

Given the large amount of space on the site, the relatively minimal prescriptions for the SANGS areas (allowing for easy habitat creation in advance of construction) and for the reasons listed above, EDDC expects each phase to deliver 10% BNG in both Area and Hedgerow units. Please can the applicant provide more hedgerow within phase 1, so that 10% BNG in hedgerow units can be achieved during this phase. If this is not possible, then justification needs to be provided as to why more hedgerow cannot be created within phase 1 (within the SANGS land or otherwise).

Conclusion

The above issues should be addressed by the applicant in order to ensure that a decision can be made in accordance with the East Devon Local Plan 2013 to 2031 Policy EN5, Strategy 5 and Strategy 47, as well as Policy CB26 of the Cranbrook Plan DPD.

Items to Condition

Following the revisions to be made, detailed above, the following conditions are proposed.

- A pre-commencement condition for the production of a detailed LBDS, CEMP and a LEMP for each phase of development, to include the details outlined in paragraphs 10.125 and 10.127 of the ecology ES Chapter and further detail on the elements of the outline LBDS provided with this application.
- A pre-commencement condition for submission of a detailed BNG plan for each phase, using the latest BNG Metric, in accordance with the outline principles of the submitted Appendix 10.3. BNG plans should achieve 10% BNG for both area and linear units per phase. BNG habitat enhancements and creation should be delivered in advance of works wherever possible, to reduce delays in the real-term biodiversity value of the site as a whole. The BNG plan should contain proposed timings of habitat creation, and would need to be agreed with EDDC. The timing of habitat creation/enhancement

should be at commencement of works on site, unless this is impossible (i.e., where habitats can only be created/enhanced once elements of construction work are complete).

Environment Agency

Thank you for your consultation of 11 March 2022 in respect of this outline planning application.

Environment Agency position

We object to this application as submitted on the grounds that it is not supported by adequate information regarding flood risk, biodiversity and pollution during construction. Our advice setting out the further information and clarifications we consider are required in respect of the flood risk assessment, ecological impacts on watercourses, and construction environment management is provided below, along with comments regarding contaminated land.

Advice - Flood risk assessment

Our Evidence and Risk team have reviewed the current flood modelling and have found the model to be insufficient at present. We have provided detailed comments directly to the applicant's FRA consultants setting out the updates to the flood model that will be required. Once our recommendations have been addressed the model, FRA and development proposals will be re-reviewed to ensure the development will be safe for flooding for the development lifetime in line with NPPF guidance.

Advice - Biodiversity

The development should avoid the creation of river crossings in areas where the watercourses have active/meandering channel forms or features of value to biodiversity. Building roads in these locations are likely to lead to the need for riverbank reinforcements in the future and the loss of semi-natural in-channel and riparian habitats. The location of one of the new crossings is presently close to a bend in the river whilst another is through a large fallen, but still living, oak tree which provides valuable in-channel habitats and should be retained for its biodiversity benefit. We recommend that a fluvial geomorphologist is consulted for advice in relation to the likely implications of channel movement and the proposals amended as necessary.

There are a number of existing river crossings within the development area that obstruct the passage of migratory fish due to the presence of a perched culvert in one instance and collapsed pipe bridges at two other locations. We would recommend that development take this opportunity to remove these crossings if they are no longer required or to amend them to free span bridges if they are to be retained as access routes. This would represent a gain for biodiversity.

The indicative development layout shows housing close to the watercourse east of Southbrook Lane which significantly reduces the width of the riparian corridor and

reduces its value to wildlife. We recommend that this area of development is moved further back from the watercourse to reduce its impact on wildlife using that corridor.

We note that the biodiversity net gain metric that has been provided is now out of date. The applicant should instead provide version 3 of the metric for reference.

We consider that the lighting assessment (Appendix 16.1) lacks an impact assessment on watercourses. Presently it addresses trees and hedges. However, bats often forage and commute along watercourses and this should be acknowledged, and impacts assessed.

Advice - Construction environment management plan

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 have reviewed the construction environment management plan (CEMP) and consider it does little to address what measures will be in place to prevent discharge of soil/silt to the watercourse.

Ideally, the applicant should provide a list in the CEMP of detailed measures to be taken by both the ground works company and the construction company. The CEMP should contain 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. Will there be silt fencing, an attenuation pond or access to a silt buster or similar if required?
- o Plans are required 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 Incidents which involve the contamination of the ground or unconsented discharges to ground or surface water should be reported to the Environment Agency via the Incident Hotline number: 0800 807060.
- o Confirmation that the ground works company and the construction site will be fully conversant with the plans to prevent unauthorised discharges of silt laden water from site.

Advice - Contaminated land

We have reviewed the Geo-Environmental Phase 1 Desk Study report, (Ref.10292/DS/01, dated 11/12/14 and the Cranbrook East, Devon Geotechnical and

Geoenvironmental Interpretative Report Revision 1. Ref. CGE/16421 A, dated August, 2020) submitted in support of this application. We note that due to limited access some areas of the site were not investigated. Accordingly we agree with the recommendations in section 7.2 of the Geotechnical and Geoenvironmental Interpretative Report that once access is permitted, additional ground investigation is completed at the site to cover all areas of the site and to further refine the conceptual site model.

Once the outstanding matters regarding flood risk, biodiversity and pollution prevention have been addressed will provide further advice and a recommended condition in relation to contaminated land.

Further Comments:

Thank you for reconsulting us on the above planning application.

Environment Agency position

We consider that our objection to this proposal remains as set out in our letter dated 19 May 2022 remains and further information is required on flood risk, biodiversity and pollution prevention. Our comments on these matters are provided below.

Advice - Flood Risk

The Flood Risk Assessment addendum covers surface water drainage matters only. We therefore have no further comments on fluvial flood risk at this time. We will provide a detailed response on this matter following the review of the awaited modelling which has been updated after the first model review.

Advice - Biodiversity

We have reviewed the additional information that has been submitted with respect to biodiversity, but consider that further detail should be provided in respect of Biodiversity Net Gain and the watercourse buffer zones, as follows:

- o The Biodiversity Net Gain calculations appear to lack watercourse and wetland habitats. Opportunities to enhance and create wetland habitats should be maximised to benefit wildlife. As previously indicated, opportunities to restore watercourse habitat and improve fish and mammal passage should be taken at existing crossing points/culverts on site. Where possible, bridges should be clear span with set back abutments to retain channel/bankside habitat and to reduce impedance to wildlife and fluvial processes.

- o We are pleased to see that 20m natural buffers will be retained to the 'northern, eastern and central watercourse' to conserve riparian corridors associated with the Upper Cranny Brook and stream. The applicant should confirm if there are any other proposed watercourse buffer zone widths which are less than 8m.

Should you be minded to approve the application at this stage we would also request the inclusion of conditions within any permission granted in respect of:

- o Details of the road crossing culverts including culvert dimensions and the ramp arrangements for the otter ledge.

- o Detailed design of wetland drainage features, including any wet woodland, ponds, swales, native planting etc.

Advice - Pollution prevention

We cannot see any additional information submitted to address the comments we made regarding the Construction Environment Management Plan in our letter dated 19 May 2022.

Ideally, the applicant should provide a list in the CEMP of detailed measures to be taken by both the ground works company and the construction company. The CEMP should contain 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. Will there be silt fencing, an attenuation pond or access to a silt buster or similar if required?
- o Plans are required 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 Incidents which involve the contamination of the ground or unconsented discharges to ground or surface water should be reported to the Environment Agency via the Incident Hotline number: 0800 807060.
- o Confirmation that the ground works company and the construction site will be fully conversant with the plans to prevent unauthorised discharges of silt laden water from site.

Further Comments:

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

Environment Agency position

Given this is an outline planning application, we consider that we have sufficient information at this to remove our objection to the proposal provided that conditions are included within any permission granted in respect of:

- Flood resilience;
- Corridors adjacent to watercourses;
- Watercourse crossings;
- Construction Environment Management Plan (CEMP);
- Site investigation and remediation; and
- Unsuspected contamination.

The suggested wording for these recommended conditions is set out below together with advice on flood risk, construction environment management and contaminated land.

Condition – Flood resilience

In advance of the first reserved matters being submitted, a scheme to ensure that the development is flood resilient shall have 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 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 will not be developed, (except where essential infrastructure is proposed) and will 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 location of SuDS features (other than for conveyance) shall also be outside of the 1 in 100 plus climate change flood extent.

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.

Note: At this stage we consider that there are no fundamental issues with the flood modelling, so it is therefore acceptable for the application to progress. However small changes that may come out of the modelling being finalised may impact upon the final site layout. It is therefore necessary that there is a condition to ensure that once the modelling has been finalised, the layout can be adapted to ensure that the development is resilient to flooding.

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:

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

Condition – Site Investigation and Remediation

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

5. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
6. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
7. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

8. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition – Unsuspected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Advice – Flood Risk

As you will be aware, we have been reviewing the flood modelling submitted to support this application. This has helped to refine the flood extents shown on the flood map for planning. We have reached a point where there are no fundamental concerns with the submitted flood modelling. We need to point out that the has not yet been formally signed off by our national flood modelling team and further reviews may result in small changes to the modelling which may impact upon the site layout. Once the modelling is formally agreed, the final layout must show that there will be no development within the 1 in 100 plus climate change flood extent.

Document 'Flood Model Report Addendum' (24/01/2023) discusses the use of Bunds. It is our understanding that bunds are not being proposed and have only been used within the modelling as a tool to demonstrate conveyance. This should be clarified in the final layout.

Regardless of the flood extents, we consider that all watercourses must have an 8m easement from the top of each bank. This is to allow the watercourse to function naturally and provide an adequate maintenance zone. When providing details of the final layout, the applicant should provide a drawing that demonstrates this easement areas. Where any watercourse crossings are required, our preference would be for clear span bridges.

Safe access and egress during the design event has not been covered within the flood risk assessment. We recommend that the LPA request further information on how safe access and egress will be achieved. This will help your Emergency Planners provide informed advice on these issues.

Advice – Construction environment management plan

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 have reviewed the construction environment management plan (CEMP) and consider it does little to address what measures will be in place to prevent discharge of soil/silt to the watercourse.

Ideally, the applicant should provide a list in the CEMP of detailed measures to be taken by both the ground works company and the construction company. The CEMP should contain the following:

- 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. Will there be silt fencing, an attenuation pond or access to a silt buster or similar if required?
- Plans are required 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.
- 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.
- Details of any existing land drainage measures to prevent discharge of soil run off via these.
- Incidents which involve the contamination of the ground or unconsented discharges to ground or surface water should be reported to the Environment Agency via the
- Incident Hotline number: 0800 807060.
- Confirmation that the ground works company and the construction site will be fully conversant with the plans to prevent unauthorised discharges of silt laden water from site.

In light of the above, we have recommended a condition to agree an updated CEMP prior to commencement of work on this development.

Advice – Contaminated land

We have reviewed the Geo-Environmental Phase 1 Desk Study report, (Ref.10292/DS/01, dated 11/12/14 and the Cranbrook East, Devon Geotechnical and Geoenvironmental Interpretative Report Revision 1. Ref. CGE/16421 A, dated August, 2020) submitted in support of this application. We note that due to limited access some areas of the site were not investigated. Accordingly we agree with the recommendations in section 7.2 of the Geotechnical and Geoenvironmental Interpretative Report that once access is permitted, additional ground investigation is completed at the site to cover all areas of the site and to further refine the conceptual

site model. We consider that the above-mentioned condition will be sufficient to secure the necessary further work.

Please contact us again if you require any further advice.

Environmental Health

I have considered the application alongside the Environmental Statement and I do not anticipate any environmental health concerns

Exeter & Devon Airport - Airfield Operations+Safeguarding

I acknowledge receipt of the above planning application for the proposed development at the above location.

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this I have included, as attachments, some safeguarding notes which all developers and contractors must abide by during construction and commissioning.

These include: Airport Operators Association (AOA) Advice notes:

Wildlife Hazards around Aerodromes

Cranes and other Construction Issues.

And, Civil Aviation Authority (CAA) CAP1096 Guidance to crane users on crane notification process and obstacle lighting and marking.

If the proposals for the Sustainable Urban Drainage System (SUDS) are delivered (1/100 year storm, 14 days to drain, annual storm 1-4 days), then mitigation (bird exclusion) measure 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 should be implemented.

Accordingly, Exeter Airport have no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AOA and CAA Advice Notes, and there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

Further Comments:

I acknowledge receipt of the amended plans of above planning application for the proposed development at the above location.

The amendments have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria.

Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

Green Infrastructure Project Manager

Overview:

The application does not make reference to the Clyst Valley Regional Park masterplan, which was approved by EDDC Strategic Planning Committee in Feb 2021. There is no reference to Local Transport Note 1/20 on Cycle Infrastructure Design, a key plank of the Government's ambitions for active travel.

As submitted, the plans will not bring about a modal shift towards active travel and they do not meet policies CB1 and CB13. There is no discussion about the role Southbrook Lane could make in promoting cycle access to Ashclyst Forest, nor of Cobden Lane linking to Whimple. There is no safe cycling route provided to the proposed 2nd station, along/across London Road or to/from Whimple.

The proposals for the SANGS are no more than adequate. Little thought appears to have been given to practical implementation of high-quality SUDS.

Review of Documents:

Green & Blue Infrastructure Strategy Plan 9009-L-15 H

Indicative pedestrian/cycle routes are done in colours which render them indiscernible. How is the MLR going to be designed when crossing the river? The design for Southbrook Lane and particularly the junction with the MLR needs to be revisited. This is a critical linkage both for people and nature. It needs to meet the following criteria:

1. Vehicle use of Southbrook Lane (both north and south of the railway line) needs to be maintained at its present low level
2. Existing residents south of the railway need to be able to access the MLR and/or new residential streets linking to London Road, in order to minimise their use of Southbrook Lane.
3. Southbrook Lane should be designed to meet the Quiet Lanes (England) Regulations 2006 – see chapter 7 of LTN 1/20 – pedestrians and cyclists should be given primacy along it.

The MLR crosses at the most valuable point in terms of both ecology and historic landscape – small fields, good quality hedgerows and mature trees. It should be moved to minimise damage. There is scope for much more extensive hedgerow, parkland and group tree planting on SANGS land to meet our long term target for 30% tree cover in the Regional Park. There is scope for promoting natural processes

and flood management on the river e.g. use of brush dams and natural regeneration rather than tree planting. Missed opportunity for re-naturalisation of river alongside Southbrook Lane – re-establishing a meandering watercourse within the allocated greenspace and away from the lane could reduce flooding on it.

Parameters Plan – Movement 9009-L-14 H

An opportunity to provide an important strategic cycleway following the river valley has been missed. See my Figure 1 below, which would create an attractive level route using the 'lane' movement network outside of the floodplain.

No consideration has been given to onward routes, especially south of London Road. The design of Cobden Lane within the red line boundary needs to give primacy to pedestrians and cyclists crossing from one development parcel to the other. If access to the gypsy & traveller parcel from London Road is not technically feasible, vehicle crossing should be limited to a single point.

A cycle link is needed between the new development and Whimple. The approved Clyst Valley Regional Park masterplan includes this link on Figure 29 (attached for reference), and it is also in the Cranbrook IDP. For Cranbrook residents this would be vital to access Whimple station in the event that a 2nd station was not deliverable. It would also open up recreational opportunities at Whimple (orchard walks, cricket club, and pubs) by making the village accessible without the need to use the car. For Whimple residents, the fuller range of facilities (sports pitches, town centre) would become accessible without need for a private car. A scheme is shown in Fig 2.

A cycleway is required that would link to Ingrams sports pitches – this is shown on Fig 3 below.

Framework Travel Plan

There was no pre application discussion with the GI Project Manager, so there is no reference to Clyst Valley Regional Park and aspirations for wider traffic-free network. No reference to DCC work on providing a new Cranbrook to Exeter cycleway along the railway line.

Design & Access Statement

The statement wrongly states the Clyst Valley Regional Park Masterplan being “out to public consultation”, whereas in fact the plan was approved by EDDC in Feb 2021. No reference has been made to utilise the green commuting and recreational travel plans in the masterplan. No reference to Government design guidance such as LTN 1/20.

The objective for tree-lined streets is welcomed, but the diagram only shows this treatment for the MLR, and it should be extended.

Natural connections chapter

Secondary access junctions on London Road need to be identified now in order for coherent, high quality ped/cycle links to be assured.

Design of MLR

Document is silent on planned speed limit on MLR. If 30 mph then the buffer of 0.5m between the carriageway and cycleway accords with LTN1/20. The surface treatments of the cycleway and footway are critical to ensure that everyone knows who should be where. This has not been achieved in the first phases of Cranbrook, with a mixture of surface treatments leading to confusion about where the cycleway is, and who has priority.

The document proposes cycle priority junctions along London Road, but not explicitly from the MLR. However, these will be essential given the intention to have a single bi-directional cycleway along the MLR. If this is not provided, cyclists will simply be unable to cross the MLR and the network will be unusable for the majority.

“A looped, shared cycle / footway route is proposed along the development edges, within the Green Infrastructure.” However, on other key plans i.e. parameters-movement, this route is lost in the poor and ambiguous notation.

A cycleway through the stream valley is likely to be the route of preference for many cyclists (see my Fig 1 below). It is more attractive, more direct and likely to be safer, certainly in the summer months. For many residents it will be a more direct route to the 2nd station than the MLR. It is vital that users have choice if the vision of a shift to active travel is to be realised.

The cycleway should be segregated from pedestrians and runners so that everyone has a pleasant experience. The 5km park run is a welcome proposal but should be designed for segregation where it overlaps with cycleway above.

At the points indicated with a black circle on Fig 1, the ideal design would be for the cycleway to pass underneath the MLR. If this is not technically possible, an acceptable alternative would be for the cycleway to cross the MLR via a toucan traffic signal controlled crossing.

Ecological mitigation

The MLR crossing of the stream must be an open span bridge. This is for ecology, but also supports active travel and the unhindered linkage that is crucial to the SANGS.

The 20m minimum buffer to developable area is too small around the centre of the development at SY027963. Here the bend of the river comes very close to the proposed SUDS/street and is an area likely to erode.

Each reserved matters application must meet a minimum 10% BNG.

Play and sport strategy

Welcome the desire to create the activity trail for natural play. Should be part of detailed design with landscape architect, ecologist and hydrologist working as a team to design in natural features that can serve nature and people.

SANGS

I have concerns over the narrow width of the corridors connecting different parts of the SANG. This is particularly acute along the northern boundary adjacent to the railway, where that feature forms a hard edge with the proposed housing. More width needs to be given and trees will need to be used to soften the rail/housing edges. In terms of proposed habitat types, the SANGS is too dominated by open fields. It would benefit from mature trees along the high points, along hedges, in groups and parkland style, to create a sense of place and more interesting walking environment.

London Road Scheme Overview 195173/A08

This does not appear to include space for cars that are pulling off London Road to give way to cyclists and pedestrian crossing at junctions. It is also opaque how the raised tables will give cyclists safe priority – there does not appear to be any stopping areas for cars. The proposal fails CB25 and does not meet LTN1/20 guidance, for example, buffer zones between the carriageway and cycleway.

Relevant EDDC Local Plan Policies:

Cranbrook DPD

CB1: “5.Create well designed streets and spaces using the Healthy Streets Approach to encourage walking, cycling and social activity;”

CB4: “Planning applications for development parcels within the Cobdens Expansion area must provide for pedestrian, cycling and vehicular access up to the boundaries of the parcel/s so as to ensure that adequate links between parcels are provided in the interests of facilitating a comprehensive movement network. This includes providing links between parcels in different ownership or control.”

CB13: “Being served by good quality walking and cycling links and regular public transport routes;”

CB15 Delivery of Suitable Alternative Natural Green Space (SANGS)

CB25 London Road Improvements

London Road (B3174) will become a route “in” Cranbrook rather than a route around or through Cranbrook. The design and layout of both the road, its pedestrian and cycling facilities and development on either side of it must reflect this and achieve the highest quality of building design, green infrastructure and ease of movement for pedestrians and cyclists(both along and across the road), whilst it continues to serve as an important vehicular route

Development will not be permitted unless it has been adequately demonstrated that the proposals will deliver safe, convenient and attractive crossing places (including

where necessary all infrastructure needed to support their delivery) for vehicles, pedestrians and cyclists between land to the north and south of the London Road (the B3174). In particular it is expected that development in the Treasbeare expansion area will be linked to the Bluehayes expansion area and to existing development at Cranbrook and similarly the Grange expansion area to the Cobdens expansion area. Across all four expansion areas, 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.

CB27Landscape, Biodiversity and Drainage

Development will only be permitted where it is in accordance with an up to date Landscape, Biodiversity and Drainage Strategy (LBDS), and illustrated LBDS Framework plan, which has been agreed in writing by the Local Planning Authority

Strategy 10 – Clyst Valley Regional Park Approved Masterplan

Additional Information required:

SUDS – additional information to confirm that locations of proposed basins and swales will function. Locations appear to be very schematic and not based on technical evaluation.

Conditions:

Cycleway and/or footway to be adopted

No development shall take place until construction details of the cycleway/footway to achieve an adoptable standard have been submitted to and been approved in writing by the Local Planning Authority. The building(s) hereby permitted shall not be occupied or the use commenced until the road(s) is/are constructed in accordance with the approved plans.

Reason - To ensure the internal access roads are planned and approved in good time to include any Highways Orders and to a satisfactory standard for use by the public and are completed prior to occupation.

Sustainable Drainage System (SuDS)

The development hereby approved shall not commence until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the occupation of the first building and maintained thereafter for the lifetime of the development.

Reason: To ensure compliance with the National Planning Policy Framework and policy EN22 (Surface Run-off Implications of New Development). To ensure that Sustainable drainage systems are designed to: (a) control surface water run off close

to where it falls and mimic natural drainage as closely as possible; (b) reduce the causes and impacts of flooding; (c) remove pollutants from urban run-off at source; and (d) combine water management with green space beneficial for amenity, recreation and wildlife.

Soil Resources Plan

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.

Historic England

Thank you for your letter of 11 March 2022 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

This is an outline application for the substantial eastern expansion of the new settlement of Cranbrook. The application includes significant residential development (up to 1435 new units) as well as the provision for associated facilities and landscaping. Although an expansion to the existing new town of Cranbrook, this forms a major development in its own right.

With development of this size, it will substantially extend the footprint of an already sizeable new settlement. Consideration needs to be given to the potential cumulative visual impact through the conglomeration of the various parcels of the Cranbrook new town.

The current visibility of Cranbrook is recognised within the more distant views from Killerton Park as established through the National Trust's Setting Assessment. This includes impact on the grade II* listed House, the grade II* RPG and various other designated assets.

Whilst the distance to Cranbrook makes these views of potentially lower sensitivity in relation to Killerton's setting, due to the size of the proposed development, the council should be satisfied that a thorough impact assessment is undertaken to enable the resulting changes to be assessed and any harm identified (NPPF, Para 194). Where harm is caused the council should look for ways to minimise and avoid

any harm identified (NPPF, Para 195). We note the current landscaping along the northern boundary of the development and the council should look at ways to secure this through suitably worded conditions.

Recommendation

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Further Comments:

Thank you for your letter of 13 December 2022 regarding further information on the above application for planning permission. We would refer you back to our letter dated 30 March 2022 for more detailed advice. In respect of the additional information submitted, we do not wish to offer any further comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Housing Strategy/Enabling Officer - Jo Garfoot

This application covers the expansion area known as Cobdens which is allocated in the draft Cranbrook Development Plan Document under policy CB4 for mixed use development. The site is also allocated under the Local Plan as the Cranbrook expansion area (W144B) under strategy 9 & 12.

Under Strategy 34 of the local plan a target of 25% affordable housing is sought with a tenure mix of 70% rented and 30% shared ownership or other affordable home ownership route. The affordable units should be dispersed throughout the development and tenure blind so as indistinguishable from open market housing. They should be transferred to and managed by a preferred registered provider. Policy CB11, Cranbrook Affordable Housing of the draft Cranbrook Development Plan states that affordable housing will be required on residential developments within the built up area boundary of Cranbrook at a rate of not less than 15% of total dwelling numbers. Once the Cranbrook plan is adopted this policy will supersede Strategy 34 of the East Devon Local Plan.

The Cranbrook DPD has not yet been adopted and it will be up to the planning officer to decide how much weight it will carry in determining this application and whether this site should provide 15% or 25% affordable housing.

The applicant in their Affordable Housing Statement have stated that they are unable to commit to a specific proportion of overall affordable housing provision and that viability may be an issue. They have however recognised the need for affordable housing. We are happy to discuss the mix and tenure and how this can help with

viability concerns. We can be flexible with tenure if it aids viability. We are also keen to explore a range of affordable housing products to ensure a balance of housing tenures. Any discussions surrounding viability should be substantiated with viability evidence.

The need for 1 and 2 bedroom properties has also been recognised which is welcomed. However the 1 bedroom need should be met creatively and thoughtfully without reliance on large blocks of flats. Large blocks of flats with communal areas are not very popular with registered providers as they are management intensive due to fire regulations and also anti-social behaviour complaints. For occupiers communal areas mean service charges which can affect affordability and often blocks are not tenure blind which creates stigma for occupiers. Outside space is also important and should be provided. One bedroom houses arranged in a quad formation or maisonette flats or flats designed so each has its own entrance are some options that should be considered.

For those seeking affordable home ownership flats are unpopular and 2 and 3 bedroom houses should be provided.

Early discussions are welcomed to help inform the type and tenure of affordable units to be provided.

Landscape Architect (EDDC)

1 INTRODUCTION

This report forms the EDDC's landscape response to the outline 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.

The site is bounded by the mainline railway to the north and London Road to the south. Apart from two fields in the southeast corner, the eastern boundary lies to the west of Cobden Lane. The western boundary abuts the existing edge of Cranbrook.

The site is allocated for mixed use development within the Local Plan as part of Cranbrook eastern expansion area, as is land opposite to the south of London Road. This will result in significant changes to the local landscape with the eastern end of the site forming the principal gateway entrance to Cranbrook from the east.

The site is predominantly farmland encompassing the farmsteads of Lower and Middle Cobden. The landform is generally low lying, rising to higher ground towards the eastern and western boundaries, and a ridgeline beyond to the north, with numerous trees mostly within hedgerows or along watercourses. The River Cranny flows east-west through the site. Fields are medium to large size bounded by hedgebanks with pasture on the steeper slopes and floodplain and arable on the flatter ground to the south. Two HV electricity lines cross the middle of the site in a

north-south direction. Surrounding landscape is gently rolling farmland with the new town of Cranbrook immediately to the east and the village of Whimble 1.3km to the northeast.

The site is generally well contained by a combination of landform and vegetation. There is no public access within the site and there are few publically accessible locations affording views into it, the principal visual receptors being users of London Road, Southbrook Lane and Cobden Lane and railway passengers.

2 REVIEW OF SUBMITTED INFORMATION

2.1 Landscape and visual impact assessment (LVIA) Methodology

The methodology is generally appropriate and in line with current guidance.

Landscape baseline

The landscape baseline is comprehensive.

In consideration of recreational value, paras. 4.78-4.80, Percy Wakely Wood to the south and the green lane running between Cobden Lane and Whimble to the east should also have been noted.

Although the LVIA makes reference to Local Plan strategy 10 - Green Infrastructure in East Devon's West End - it should also have considered the Clyst Valley Regional Park Masterplan and opportunities for the proposed development to help meet its objectives and potential adverse impacts on them arising from the proposed development.

Assessment of landscape sensitivity

The assessment of overall landscape value of the site and its immediate context at para. 4.86 as medium seems reasonable. However, elsewhere in the assessment (eg. para. 6.25 and Annex 11B) it is stated as medium-low.

The susceptibility attributed to the site and its immediate context is given as medium-low. However, given the scale and extent of the proposal and its rural setting, in line with the methodology, a medium susceptibility seems more appropriate (Distinctive and more commonplace landscape receptor, with some positive characteristics/features and some detracting or intrusive elements. Landscape features in moderate condition. Capacity to accept well planned/ designed change/ development of the type proposed¹.) It follows that a medium value and medium susceptibility would give rise to a judgement of medium sensitivity for the site and its immediate landscape context.

The assessment of the value of trees and hedgerows on the site as low is questioned. Trees and hedgerows on site are generally in fair condition and although commonplace within the wider landscape they contribute positively to overall landscape character as identified in published character assessments. As such they should also be considered of medium value which, in conjunction with a high

susceptibility to change (Annex 11B) should result in a medium-high sensitivity rather than medium-low as stated.

Visual baseline

The selection of viewpoints is appropriate and provides a fair representation of the principal views towards the site from surrounding areas.

The visual baseline identifies the principal visual receptors but should also have considered receptors at Percy Wakely Woods to the south and the green lane to the east linking from Cobdens Lane to Whimple, albeit that receptor effects for these locations are likely to be low/ negligible.

1 Landscape susceptibility to change criteria LVIA Annex 11A

Assessment of visual sensitivity

In line with GLVIA recommendations as quoted in the methodology at para.2.16, travellers on road should be considered to be of medium susceptibility to change rather than medium-low as stated.

Assessment of landscape effects

There is no clear identification or quantification of the expected number of tree losses or overall lengths of hedgerow to be removed to accommodate the proposed development.

There is no consideration of the changes in character of Southbrook Lane that will arise from the development particularly where it crosses the proposed link road. In a number of instances assessment of landscape effects fails to identify whether effects are adverse or beneficial.

In respect of the site and its immediate context, the assessment of overall effect at construction phase and upon completion as moderate is questioned. Given a medium sensitivity (as noted above) and high, irreversible magnitude of effect as stated, the overall effect at construction phase and completion should be considered at least moderate- major adverse and moderate adverse post 15 years completion. The overall effect should be considered significant.

Assessment of visual effects

Although noted in the visual baseline, the assessment of visual effects omits to consider users of Southbrook Lane and Cobden Lane.

The assessment of overall level of effect on users of London Road as none appears to be an error. As noted above sensitivity of London Road users should be considered to be medium. This, combined with the stated high-medium level of effect at construction phase, should give rise to a high-medium adverse overall level of effect. The assessment of the magnitude of effect at completion should also be considered high-medium rather than medium as stated with an overall high-medium

adverse effect that should be considered significant, but reducing at year 15 to medium adverse.

2.2 Design parameter plans

Movement strategy

The proposed cycle/ footway to London Road should be offset from the carriage way by 2.4m with a grass verge with trees provided between.

The site boundary is shown extending eastwards along London Road across a small watercourse where the existing bridge is not wide enough to allow for a cycle path/ footway and alteration of the bridge or additional provision will be required to accommodate this.

It is understood that Southbrook Lane will become a no through road with vehicular access blocked to the south side of the proposed link road, but that vehicular access will be required from the link road to serve properties on Southbrook Lane to the north. This is not reflected in the scheme proposals shown on the Turning Heads and Pedestrian Ramps detail, dwg. no. VD20342-800 rev B, and the general arrangement and carriage way levels will need to be altered accordingly. The north and south approaches along Southbrook Lane to the link road should provide an attractive and convenient means of crossing for cyclists and pedestrians, avoiding over engineered features and ramps as far as possible.

It is not clear from the movement strategy plans how access to the proposed cemetery will be provided and this should be clarified.

Provision should be made to provide future access links to the Farlands site especially for pedestrians and cyclists.

Convenient pedestrian and cycle links should be provided to Ingram's sports field. Adequate crossing points should be provided along the MLR for pedestrians/ cyclists.

Cycle Strategy

The proposed cycle route shown on the Cycle Strategy Plan through SANG land to the northeast corner of the site would be better relocated along the eastern boundary of the cemetery to avoid steep field gradients and provide a link to the cemetery. The potential for an east-west cycle route as indicated across Southbrook Lane to the north of the MLR will require careful consideration due to level differences particularly between the road and field to the east and the field gradient to the west. Secure cycle parking should be provided at the proposed school/ local centre/ allotments/ LEAPS.

In accordance with the Cranbrook DPD all dwellings should be provided with covered secure parking at a ratio of 1 bike space per bedroom. For apartments, where cycle storage cannot be provided within internal communal areas, secure cycle storage sheds will be required. These should be of good quality, durable,

attractive design meeting Sustrans design standards and include provision for lighting and e-bike charging.

GI strategy

There is potential for creation of more woodland/ wood pasture to SANG land along the northern site boundary to reduce visual impact of railway and also along the eastern boundary to provide enclosure and additional interest.

The proposed LEAP at the eastern end of the site is surrounded by existing trees and well away from development has no natural surveillance opportunities and a more overlooked location should be considered instead.

Tree and hedgerow strategy plan

The plan should clearly identify trees and hedgerow to be removed.

Two new hedgerows are proposed to reinstate historic boundaries within the eastern SANG land. The need for additional hedges in these locations is questioned as they will over compartmentalise the SANG experience and create additional pinch points at field gateways. As an alternative to recreating hedgerows the former historic lines could be marked by tree planting.

SuDS strategy

The SuDS strategy describes and illustrates a series of SuDS attenuation basins and swales across the site. Generally these are located on lower lying gently sloping ground where they should be able to be accommodated with minimal earthworks, but the basin to the west of Southbrook Road is on steeper ground and would require the creation of an embankment to support its northern and eastern edges.

Relocating to the edge of the flood plain could work better and provide a more interesting wetland feature with opportunity for wetland habitat and boardwalks. The proposed basin in the far northwest corner of the site is located on a steep slope and is likely to require extensive earth working that will be prominent and out of character with its setting and will limit attenuation capacity.

The SuDS strategy makes no reference to additional SuDS measures that could be provided to collect and deal with surface water closer to point of source, such as raingardens, filter strips and roadside swales and tree pits as part of an overall SuDS management train as recommended by DCC in their flood guidance for Devon and CIRIA.

Wherever possible attenuation basins should be designed to provide areas of permanent water.

SANG strategy

Proposed areas of SANG and green space appear generous and provide a green buffer around the rural edges of the development and a green corridor through it.

Although the first three items in the checklist of SANG requirements relates to car parking there does not appear to be any parking provisions for SANG visitors. The existing London Road layby in the southeast corner of the site provides some car parking but is often taken up by HGVs. Consideration should be given to providing a small, dedicated car park off this.

Character Area Plan

The accompanying text quotes Building for a Healthy Life guidance (DAS p56) which states that 'Streets with clearly different characters are more effective than 'character areas' in helping people grasp whether they are on a principal or secondary street.' However, the subsequent BHL bullet point states 'For larger sites, it will be necessary to use streets and spaces with different characters to help people find their way around.'

Both these principles should be accounted for in consideration of character and wayfinding through a combination of spatial characteristics, building typologies, building to street relationships, planting strategies and boundary treatments.
Schools and Mixed Use Local Centre

The proposed local centre fronts onto London Road which entails the loss of a stand of willow and associated wetland area. Alternative options should be considered for the siting of the Local Centre to retain this feature, including co-locating next to the school site.

Car parking

Car parking is stated as being in line with EDDC standards. The Cranbrook DPD requires a minimum of 1.7 spaces per dwelling, at least 30% of which should be unallocated on street parking. On this basis the proposed schematic for shared courtyard car parking (DAS page 130) does not work. The schematic illustrates 23 dwellings which will require a minimum provision of 39 spaces but only 24 spaces are indicated. A further 10 spaces could be provided in adjacent on-street parallel parking giving 34 spaces in total with a resultant shortfall of 5 spaces. Further consideration of courtyard parking arrangements is therefore required.

However, for a scheme of this nature with good public transport and cycle links there would seem to be opportunity for car pool schemes to successfully operate which could reduce individual car ownership and resultant parking space requirements, which should be explored.

Adequate provision should be made for electric vehicle charging points.

2.3 SANG delivery and enhancement strategy

The document is restricted to SANG land. It would avoid duplication if it was extended to cover all green open space and existing trees and hedgerows within the development. In any event the document should be considered as preliminary, to be refined as detailed proposals are developed at reserved matters stage.

The document should include plans showing the locations of SANG land covered by the strategy and the various habitat types to be created and existing trees and hedgerow to be retained.

Para 3.3 states that car parking facilities are not needed as all residents will be able to access the SANG directly from their homes. While that may be the case it is possible that other residents in the vicinity, eg Whimble residents, may wish to make use of the SANG land and parking provision should be considered to meet this need. Para. 3.8 specifies timber edges to self-binding gravel paths. This should not be necessary in most locations. The specification should include for no-dig path construction where paths unavoidably need to be constructed within RPAs of existing trees.

The proposed woodland planting mix at para. 3.23 is more of a woodland edge mix containing predominantly shrubby species rather than trees. The mix should be amended to reduce the understorey layer and include more and greater diversity of tree species such as *Tilia cordata*, *Alnus glutinosa*, *Salix* spp., *Populus tremula*, *Prunus avium* and *Malus sylvestris* as appropriate to specific locations.

The proposed planting density of 1.2m crs. is too great for a woodland mix and should be reduced to 2 or 2.5m crs. Tree species should be protected with suitably staked 1.2m high grow-tubes rather than rabbit guards to reduce browsing damage. At para 3.24 the proposed woodland edge mix is suited to dry ground. In wetter areas the mix should be adjusted to species tolerant of wet/ waterlogged ground as appropriate.

Para 3.35 - Proposals for establishment of species rich grassland should be based on soil testing on a field by field basis to determine the phosphate index which should form the basis for establishment and maintenance prescriptions.

A condition survey of existing hedgerows to be retained should be undertaken as a baseline for future monitoring and to inform initial work and gapping up required at year 1.

Details of inspection and reporting regimes should be provided. This should include ongoing annual inspections by an ecologist and arboriculturalist and inspections by landscape architect in the initial establishment period.

Table 1 Management Operations

- New hedgerows should be cut on a three year cycle to maximise bio-diversity value. Cutting height should be raised by 100mm at each cut to prevent knuckling.
- Page 7 of 9
- Grassland management needs further clarification. Where grass is proposed to be cut 4x per year timings should allow for flowering and seeding for the type of meadow to be created.
- The proposed application of herbicide to footpaths should be unnecessary and avoided, especially near to watercourses.
- The management operations include play areas, site furniture and fencing but should also include bridges and swale and attenuation basin inlets and outlets.

Table 2 includes a section on tussock grassland but this is not included in table 1.

2.4 Other considerations

The location of housing on the higher ground in the northeastern corner of the site is likely to be prominent in views from the SANGS land and technically challenging due to slope gradient. Detail sections through this area should be provided at reserved matters stage to demonstrate how development here will fit within the landform. The submitted CEMP is a generic document that lacks detail. A more detailed CEMP including details of site and storage compounds, parking areas, haul routes etc should be provided as part of any reserved matters application.

3 CONCLUSION AND RECOMMENDATIONS

The proposed development is broadly acceptable in terms of landscape and visual impact. Some changes to the outline layout and design parameters are required as noted above.

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 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.
 - c) 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.
 - d) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by 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.
 - e) 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.
 - f) 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.
- g) 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.
- h) Measures for protection of existing perimeter trees/ 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) No development shall take place until a 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.
- Management, maintenance and monitoring shall be carried out in accordance with the approved plan.
- 3) 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.

- 4) 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.)

Further comments:

1 INTRODUCTION

This report forms the EDDC's updated landscape response to the outline 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 ADDITIONAL LANDSCAPE RELATED INFORMATION

Masterplan

The masterplan has been amended to address many of the previous consultee comments particularly with the redesign of the local centre. The overall layout appears well considered and a good basis for the delivery of a high quality scheme.

GI Parameters Plan

Proposed pedestrian link across open space to NW Farlands should include for cycle use to provide convenient link between Ingrams Sports hub and school (as shown on masterplan and cycle strategy parameter plan).

The 5k park run route should have an informal bound gravel surface rather than mown grass to enable year round use.

Two hedges are proposed to be reinstated to western SANGS area. It is considered this over compartmentalises the SANGS space and they should be omitted to provide a more extensive open space. The Tree and hedgerow strategy plan should also be updated accordingly.

Character areas

The DAS sets out parameters for street hierarchy design. These are generally acceptable but planting to frontages to MLR and secondary streets should include a mix of robust evergreen and deciduous shrubs rather than all evergreen in order to provide seasonal interest.

Given the scale and proposed layout of the of the site a Character Areas parameter plan should be developed to provide clear distinction in character appropriate to surroundings through appropriate architecture, materials and planting species.

Proposed London Road Scheme (dwg. no. VD20342-100 and 195173/A08 rev. E)

The highway proposals appear a bit scrappy with sections where the footway/ cycle abuts the road edge interspersed with a few sections where it is separated from the road by parking bays or short stretches of grass verge. A continuous 2.6m width verge (with parallel parking provision) should be provided between the road and proposed cycle/ footway. This will provide greater opportunity for tree planting and create a safer, more attractive and direct path for walkers and cyclists.

The cycle/ footway has an overall width of 5m, it is questioned if this is necessary particularly the section from G&T site to MLR junction which could be reduced to 3m overall?

The gateway feature to eastern approach provides for four trees to the northern verge. There appears to be room within the red line area to provide trees to the south side of the carriageway also.

Further detail regarding speed tables, gateway features, surfacing, kerbing and tree planting will be required at detail design stage.

Southbrook Lane dwg. no. VD23042-800 rev C - Turning Heads and Pedestrian Ramps

The proposal for the junction of the MLR with Southbrook Lane entails a rise in level of 2m or so over existing which will result in significant engineering works and loss of trees and hedgerows. It is understood that the land is within floodplain which may account for the raising of levels but a justification for the extent of make-up should be provided.

SANG delivery and enhancement strategy.

An amended strategy has not been provided and comments noted in the previous landscape response should be addressed.

3 CONCLUSION AND RECOMENDATIONS

The proposed development is broadly acceptable in terms of landscape and visual impact. Some changes to the outline layout and design parameters are required as noted above.

Should the application be approved the following conditions, as previously noted, 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) Detail levels plan(s) indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by 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.

g) 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.
h) Measures for protection of existing perimeter trees/ 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) No development shall take place until a 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:
 - o Existing trees, woodland and hedgerows.
 - o New trees, woodland areas, hedges and amenity planting areas.
 - o Grass and wildflower areas.
 - o Biodiversity features - hibernaculae, bat/ bird boxes etc.
 - o 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.
- Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

3) 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.

4) 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.)

NHS Devon

The application has been reviewed from a primary care perspective and the following comments are provided by NHS Devon Clinical Commissioning Group as their response to the application. The response has been informed by the Devon Health Contributions Approach: GP Provision (<https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance>) which was jointly prepared by NHS England and Devon County Council.

In preparing this response, it is noted that The East Devon District Council Local Plan 2013 to 2033 (adopted 28th January 2016) states that:

“16.33

The Council will consult with health and social care services on larger planning applications and/or those that could have service provision implications.

Education and Health

16.41

The District Council is not responsible for providing education or health care which are usually the responsibility of the Local Education Authority and the Local Health Authority respectively but financial contributions can be sought from developers where new development will place additional demand on their services. Health care and education will be integrated into large new developments at the planning stage.

16.45

In rural areas health care provision is far more difficult to access with irregular public transport and few, if any, local surgeries or other care....We will retain and continue to use East Devon Local Plan policies as a means to promote the development of new education and health care facilities whilst resisting the loss of existing facilities.

Partnership

19.8

The Council will work with partner organisations responsible for transport provision, education, health....provision of new infrastructure to match demands arising from future population changes and also to address current shortfalls.”

The CCG’s concern is that Cranbrook Medical Practice is already over capacity within its existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The surgery already has 3,435 patients registered between them and this new development will increase the local population by a further 3,143 persons.

Taking this into account and drawing upon the document “*Devon Health Contributions Approach: GP Provision document*” which was agreed by NHS England and Devon County Council, the following calculation has been made:

Methodology for Application 22/0406/MOUT

1. Residential development of 1,435 dwellings
2. This development is in the catchment of Cranbrook Medical Practice which have a total capacity for 2,479 patients.
3. The current patient list size is 3,435 which is already over capacity by 956 patients or at 139% of capacity.
4. The increased population from this development = 3,143
 - a. No of dwellings x Average occupancy rate = population increase
 - b. $1,435 \times 2.19 = 3,143$
5. The new GP List size will be 6,578 which is over capacity by 4,099
 - a. Current GP patient list + Population increase = Expected patient list size
 - b. $3,435 + 3,143 = 6,578$ (4,099 over capacity)
 - c. *If expected patient list size is within the existing capacity, a contribution is not required, otherwise continue to step 6*
6. Additional space required = 251.41m²
 - a. The expected m² per patient, for this size practice = 0.08m²
 - b. Population increase x space requirement per patient = total space (m²) required
 - c. $3,143 \times 0.08 = 251.41m^2$
7. Total contribution required = **£804,518**
 - a. Total space (m²) required x premises cost = final contribution calculation
 - b. $251.41m^2 \times £3,200 = £804,518$ (£561 per dwelling).

Could you please acknowledge the CCG's request for an S106 contribution towards the cost mitigation of the pressures on the local healthcare facility and that it will form part of any future s106 Agreement with the Developers.

NHS Devon CCG's S106 contribution for this development is requested to enhance the primary care health facilities that can accommodate the expected increase in population. This enhancement will be either as part of integrated healthcare services within the development or a reconfiguration of existing GP practices that will serve the residents of this development.

NHS Local (RDUH)

This is a consultation response to the planning application 22/0406/MOUT Land At Cobdens North Of London Road East Of Cranbrook

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. Further, the following year's contract does not pay previous year's deficit retrospectively. This development creates an impact on the Trust's ability provide a services 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 £920,750.00 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.

Royal Devon University Healthcare NHS Foundation Trust

National Highways

Referring to the notification of an Outline planning application referenced above, application for up to 1,435 new residential dwellings, a neighbourhood centre with a maximum of 750 sqm gross ground floor space (use classes E and sui generis (Hot food takeaways and pubs/bars)), a three form entry Primary School (use class F1) with associated nursery provision (use class E) and community room (Use class F2), a 50 place Special Educational Needs School (Use Class F1), public open space, allotments, Suitable Alternative Natural Green Space, drainage basins, landscaping, place of worship (Use class F1), parsonage, cemetery, 10 serviced pitches for gypsies and travellers, demolition of 4no. barns, and associated infrastructure with all matters reserved except for principal vehicular access off London Road to the south, connection to Phase 1 to the west, and vehicular access to the serviced pitches for gypsies and travellers off London Road to the south east, at land at Cobdens, north of London Road, east of Cranbrook, Devon, 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)~~

Highways Act 1980 Section 175B is/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 1,435 new residential dwellings, a neighbourhood centre with a maximum of 750 sqm gross ground floor space (use classes E and sui generis (Hot food takeaways and pubs/bars)), a three form entry Primary School (use class F1) with associated nursery provision (use class E) and community room (Use class F2), a 50 place Special Educational Needs School (Use Class F1), public open space, allotments, Suitable Alternative Natural Green Space, drainage basins, landscaping, place of worship (Use class F1), parsonage, cemetery, 10 serviced pitches for gypsies and travellers, demolition of 4no. barns, and associated infrastructure with all matters reserved except for principal vehicular access off London Road to the south, connection to Phase 1 to the west, and vehicular access to the serviced pitches for gypsies and travellers off London Road to the south east, at land at Cobdens, north of London Road, east of Cranbrook, Devon.

Policy Background

The proposal comprises an expansion of the currently consented 3,847 dwellings in Cranbrook on land allocated for this purpose in the East Devon Local Plan (2013-2031, adopted 2016) referred to as the 'Eastern' Expansion Area'. The proposal is also referred to as the 'Cobdens Expansion Area' and subject to a separate policy (CB2) in the Cranbrook Development Plan Document (DPD) Submission Draft with proposed main modifications (January 2022). The application appears generally consistent with the specific uses as set out in Policy CB2 which refers to up to 1,495 new dwellings and a mixed-use area capable of accommodating a range of community and business spaces and a primary school.

Site History

The 'Cobdens' 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;

Location	Site	(Dwellings) 2022 Draft Cranbrook Plan Allocations
East	Cobdens	1,495
West	Bluehayes	960
South	Treasbeare	915
South East	Grange	800

		4,170
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National Highways has previously been consulted on planning applications for development on the sites to the east, west and south. The previous application for the eastern (Cobdens) site (15/0047/MOUT) comprised a higher quantum of residential development over which is now sought by application 22/0406/MOUT.

This previous application proposed 1,750 residential dwellings, primary school, a cemetery and associated building, sports and recreation facilities including children's play, an extension to the country park, green infrastructure (including open space), community uses (including non-residential institutions) and cemetery.

For ease of reference the applications relating to the Cranbrook expansion sites are summarised in Table 2 below;

<i>Table 2</i>		2015 Applications		Subsequent Applications		
Location	Site	Application	Dwellings	Application	Dwellings	2022 Plan Allocations
East	Cobdens	15/0047/MOUT	1,750	22/0406/MOUT	1,435	1,495
West	Bluehayes	15/0045/MOUT	820	19/0620/MOUT	930	960
South	Treasbeare	15/0046/MOUT	1,550	17/1482/MOUT	1,200	915
South East	Grange	N/A	0	21/0002/EIA *EIA scoping only	500	800
			4,120		4,065	4,170

National Highways understands that at this time the three 2015 expansion applications are being held in abeyance under Regulation 22.

Previous Responses

In our representations to the subsequent applications as listed in Table 2 and the Cranbrook DPD consultation and examination, we have confirmed that on the basis of previous transport assessment a total of 4,170 dwellings are able to come forward across the four Cranbrook DPD 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 Assessment (TA)

The Cranbrook DPD includes an allocation of 1,495 dwellings for Cobdens. As set out in the TA, whilst application 22/0406/MOUT seeks permission for 1,435 dwellings, an additional planning application at Farlands (14/2945/MOUT) for 260 dwellings is also located within the Cobdens land allocation and therefore the total number of dwellings proposed within the Cobdens allocation is 1,695. Whilst the TA considers a total quantum of 1,695 dwellings, it is understood that application 14/2945/MOUT is still awaiting determination and as such we have considered application 22/0406/MOUT on the basis of the quantum of 1,435 dwellings sought by this application.

The TA proposes trip rates significantly lower than those previously accepted for the Cranbrook New Community and the subsequent applications at Bluehayes and Treasbeare. National Highways considers that insufficient evidence has been provided to substantiate that these lower rates are robust and appropriate for use. The same trip distribution accepted for application 17/1482/MOUT (Treasbeare) has been utilised which is accepted by National Highways.

Notwithstanding the above, National Highways notes that the 1,435 dwellings falls within the quantum of development allocated at Cobdens by the Cranbrook DPD, noting that the Farlands application is yet to come forward. National Highways has previously confirmed that 4,170 dwellings as allocated in the Cranbrook DPD are able to come forward, which based on applications at Cobdens (1,435), Bluehayes (930), Treasbeare (1,200) and Farlands (260), results in a total of 3,825 dwellings, with the Grange expansion site yet to come forward. On the basis that the 1,435 dwellings at Cobdens falls within the previously accepted thresholds the proposed development is considered acceptable in transport terms. It is however noted that should application 22/0406/MOUT be approved in conjunction with those set out above, this leaves a balance of 345 dwellings that can be brought forward on the Grange site without the need for further assessment. Should development in excess of this quantum be proposed at the Grange (and therefore in exceedance of the total 4,170), then the impact of this additional development will need to be 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 Cobdens 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 22/0406/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 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.

Further Comments:

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);

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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 Cobdens 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 22/0406/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 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.

Natural England

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 (SANG) including:
 - Parking provision
 - Accessibility and safety
 - Pinch points and excluded areas
 - The SANG and residential development phasing plans.
 - The SANG management strategy, secured in perpetuity.

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 need to object to the proposals.

SOILS

Any grant of planning permission should be made subject to conditions to safeguard soil resources.

Please re-consult Natural England once this information has been obtained. Further advice on soils and other issues is provided below.

It is your Authorities duty to undertake a Habitats Regulations Assessment and Appropriate Assessment prior to determining the applications (see below);

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 CB4 of the Cranbrook Plan DPD, Suitable Alternative Natural Greenspace (SANG) is required for this development, together with appropriate financial contributions. 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.

SANG design comments

Policy CB14 in the latest version of the Cranbrook Plan submission draft sets out the required features for SANG. We are satisfied that the proposed area of SANG is of a suitable size for the scale of housing proposed.

However, the following design aspects need further consideration:

Car parking

- An adequately sized, accessible car parking location, suitable for dog walkers, is necessary for this SANG. As well as catering to Cranbrook residents walking to the SANG, it needs to be attractive as an alternative dog walking

location for drivers who might otherwise use the Pebblebed Heaths SPA or the Exe Estuary SPA. Without a dedicated car park, there is likely to be demand for visitor parking on residential streets.

Accessibility and safety

- Will all the SANG be easily and safely accessible from the residential areas by foot?
- Safe and convenient pedestrian (and dog) highway and watercourse crossing points from the residential areas into the SANG should be planned.
- Within the SANG, visitors will be allowed to exercise dogs off the lead. There could be conflict on shared pedestrian/cycle routes at pinch points (for example passing through hedgerows or crossing roads) – for this reason an alternative pedestrian only route should ideally be identified.
- Paths within the SANG 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.
- The fundamental purpose as a Suitable Alternative Natural Greenspace will be *much* enhanced if walking routes linking the Cobdens SANG, the existing parkland and future SANG are designed in.

Pinch points and excluded areas

- Avoid pinch points in the SANG 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, for instance adjacent to the railway line and southeast of Lower Southbrook, cannot be counted towards the SANG area total.
- There will be an impact from the mainline railway on tranquillity levels. The 20m vegetated buffers proposed to border the railway line will be beneficial for visual and acoustic screening as well as providing dark corridors for bats.
- To confirm, a cemetery should not be considered as part of a SANG.

The application should also include a “delivery, enhancement and management strategy.” A phasing plan to show how sufficient SANG 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 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 SANG (over and above what is specified in the SANG policy) can be delivered to achieve some of the biodiversity net gain (BNG) requirements. Where enhancement of a SANG is proposed for delivering BNG, the habitat value of the SANG will first need to be calculated through the biodiversity metric (both baseline and predicted BNG value).

The baseline for the SANG calculation must include all habitat features of the site that are there to meet the minimum SANG 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 SANG (e.g. adding features which may conflict with dog-walkers).

Whilst we do not offer detailed advice on net gain calculations, we would comment that figure 10.3.2, illustrating proposed net gain habitats, will need to be made much clearer.

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 97 ha of agricultural land, including 81.9 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 **Major Adverse**, which is **Significant** (paragraph 14.43 of the EIA). We are disappointed that little mitigation appears to be proposed.

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, it appears that the proposed development comprises approximately 50 ha of '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 11 December 2020 on the EIA scoping consultation for this area, which gives advice on landscape, protected and priority species and habitats matters.

A population of breeding 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 SANG 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-planning-proposals-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.

Further Comments:

Thank you for your further consultation on the above, dated 13 December 2022. These comments are in addition to those in our letter dated 6th May 2022.

SANG design comments on revised plans submitted 6.12.22 by RPS

Car parking

We welcome the addition of a car park for the western area of SANGs, located off the distributor road north of Southbrook House, as well as roadside parking serving the central and eastern areas (shown in pink on the Nov 22 Green & Blue Infrastructure Strategy Plan, orange on the Illustrative Masterplan).

We are pleased that car parking is being proposed in several locations to serve the separate areas of SANGs land. However, we would like to see a second dedicated, moderate sized, car park to give access to the eastern block of SANG. We would want to see signage limited to a few main access points to keep the natural feel.

Accessibility and safety

The Green & Blue Infrastructure Strategy Plan and Illustrative Masterplan Nov 22 shows the shared pedestrian and cycle routes. In some areas, such as the south eastern corner, this would be the only path available.

Within the SANGs, visitors will be allowed to exercise dogs off the lead. Areas with bike access are not suitable as SANGs due to conflict with free running dogs. Dog walkers should expect to be able to conveniently and safely use all the paths in the

SANGs. Visa versa, cyclists would not welcome high number of dog walkers using the cycle paths. A hard surfaced path wide enough to accommodate both cyclists and dog walkers on leads could be out of character with the semi-natural landscape. Alternative pedestrian only routes should be identified in all SANGs sections.

We advised previously that the main paths should be designed to generally allow users good visibility without dense tree cover adjacent. The revised plans indicate increased tree cover throughout the SANGs, so this point has not been addressed.

Pinch points and excluded areas

The pinch point in the SANGs adjacent to the railway line and south east of Lower Southbrook has now been excluded from the SANGs area. We advised that areas where a minimum width of 100m in open areas and 50m in wooded habitat was not unachievable, cannot be counted towards the SANG area total. We note that the revised EIA summary now gives a total figure of 34.42 ha of SANGs, an increase over the 32.47ha figure given originally.

We welcome the November 2022 phasing plan to show how sufficient SANG will be available for use prior to first occupation of the residential development phases.

Biodiversity net gain

We concur with the comments of the District Ecologist 3.01.23 on Additionality. Conversion of arable land to grassland is a basic requirement for SANGs creation and should not be counted towards the net gain figures.

The baseline for the SANG calculation must include all habitat features of the site that are there to meet the minimum SANG requirements. BNG contributions can only be claimed for features added that are additional to this.

Soils and Agricultural Land Quality

No additional information on this topic appears to have been submitted. As advised earlier 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.

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 11 March 2022 together with the opportunity to comment on this proposal.

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no

part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail.

There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on

Network Rail and the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

LEVEL CROSSINGS

You are also obliged to consult with H.M. Railway Inspectorate at the Office of Rail and Road on the application (in accordance with the provisions of the Town & Country Planning (General Development Procedure) Order 2010, SI:2010 No.2184 and Paragraph 13, Appendix B of Department of Environment Circular 9/95).

As there is a level crossing in the vicinity then no part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing, This stipulation also includes the parking of vehicles, caravans, equipment and materials etc, which again must not cause rail and road approach sight lines of the crossing to be obstructed. At no point during construction on site or after completion of works should there be any deterioration of the ability of pedestrians and vehicles to see the level crossing and its signage. There must be no reduction in the distance that pedestrians and vehicles have sight of the warning signs and the crossing itself. Network Rail reserves the right to provide and maintain existing railway signals/signs (whistle boards etc) and level crossing equipment along any part of its railway.

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 pleasing to note the inclusion of a Crime Prevention - Safety & Security section within the Design and Access Statement and it is important that such principles are embedded in the detailed design of the scheme. Such principles can be applied to all settings, not just the residential realm. They 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.

I note that the Design Parameters for the 'urban core' include rear parking courts. 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 strongly recommended that Secured by Design guidance for new schools is considered and adhered to in the detailed design of the primary and special educational needs schools. 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

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.

see report received 29/04/2022 under "document" tab

Recycling & Waste Contract Manager (EDDC)

No comments from Recycling & Waste as it does not affect household collections.

Royal Society For The Protection Of Birds

Thank you for inviting the RSPB to comment on the above, we note that:

The following conditions are proposed.

A pre-commencement condition for the production of a detailed LBDS, CEMP and a LEMP for each phase of development, to include the details outlined in paragraphs 10.125 and 10.127 of the ecology ES Chapter and further detail on the elements of the outline LBDS provided with this application.

A pre-commencement condition for submission of a detailed BNG plan for each phase, using the latest BNG Metric, in accordance with the outline principles of the submitted Appendix 10.3. BNG plans should achieve 10% BNG for both area and linear units per phase. BNG habitat enhancements and creation should be delivered in advance of works wherever possible, to reduce delays in the real-term biodiversity value of the site as a whole. The BNG plan should contain proposed timings of habitat creation, and would need to be agreed with EDDC. The timing of habitat creation/enhancement should be at commencement of works on site, unless this is impossible (i.e., where habitats can only be created/enhanced once elements of construction work are complete) which we fully support and look forward to reviewing and commenting on in due course.

Further comments:

Thank you for consulting the RSPB on the above, further to my 'phone call this morning we were pleased to see that objective 22- 26 of the Sustainability Appraisal of the Cranbrook Plan included "green spaces and wildlife corridors", bird boxes and other features to encourage wildlife and look forward to seeing details of the developer's proposals

We are particularly keen to know how species that nest/roost in buildings will be provided for, the government published these "Guidelines" in 2019

<https://www.gov.uk/government/news/brookshire-orders-house-builders-to-protect-wildlife>

<https://www.gov.uk/guidance/natural-environment>

<https://www.endsreport.com/article/1591661/net-gain-guidance-8-things-need-know>

followed last year by

<https://www.gov.uk/government/news/vision-for-building-beautiful-places-set-out-at-landmark-design-event>

and the National House Builders Council published this

<https://www.nhbcfoundation.org/publication/biodiversity-in-new-housing-developments-creating-wildlife-friendly-communities/>

addition to the the Library of "Guides" for their members.

British Standard (BS 42021:2021 Integral nest boxes - Selection and installation for new developments - Specification) was published last week it has been is designed to create a relatively simple pathway for Planners, Ecologists and the Construction Industry to follow.

We have no hesitation in recommending that it should be put into practice at this and following applications from the Cranbrook Developers Consortium.

We understand that Taylor Wimpey have already agreed to adopt very similar policies nationally, see

<https://www.taylorwimpey.co.uk/corporate/sustainability/environment-strategy>

South West Water

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.

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. Please note, the nearest suitably sized public sewer to service a development of this size is located approximately 3 km to the west of the site.

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)

Please note that the discharge into the ground (infiltration) is South West Water's favoured method and meets with the Run-off Destination Hierarchy. However, should this method be unavailable, SWW will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

CEMP - Appendix 2.1 document

With reference to the Geology, Soils & Water section (page 16) and in particular the following text:

" The discharge of suspended solids into watercourses and ground waters will be avoided by prohibiting any temporary construction discharge without the prior approval of the Environment Agency. Discharges of waters resulting from construction activities will generally be directed to foul sewers, subject to approval of the drainage authority."

The applicant should ensure adequately sized storage for temporary construction site surface water flows, which, due to the level of pollutants during construction, should be tankered off site for disposal at a suitable waste facility. Please note, it is not permitted to discharge site surface water to a public sewer, which should be used for domestic flows only.

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.

Further Comments:

I refer to the above application and would advise that whilst South West Water has no objection, the comments made in the previous correspondence dated 24th March 2022 (attached again for reference) still applies, regarding the closest suitably sized public sewers to facilitate foul drainage for a development of this size. The applicant is advised to contact South West Water to determine the likely point of connection to the public sewer network.

With respect to surface water drainage, having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge via SuDS into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

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.

Sports England

Thank you for consulting Sport England on the above outline application including 1435 new homes and a school.

Sport England - Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications.

<http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/open-space-sports-and-recreation-facilities/>. This application falls within the scope of the above guidance in relation to significant new housing.

Sport England has assessed the application in light of three objectives:

1. Protect existing facilities
2. Enhance the quality, accessibility and management of existing facilities.
3. Provide new facilities to meet demand

Demand for New Sports Facilities

The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy (PPS) or other relevant needs assessment. This requirement is supported by the Governments National Planning Policy Framework (NPPF para 98). There is an adopted PPS for the area.

This additional population (3000 approx. in this case) will generate additional demand for sports facilities including swimming pools and playing fields. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development. We are aware of a proposed sports hub including rugby, football and tennis in the Treasbeare expansion area.

Community Use of Education Sites

Making better use of existing resources contributes to sustainable development objectives by reducing the need for additional facilities and the potential loss of scarce resources such as open space. The practice of making school sports facilities available to wider community use is already well established and has been government policy for many years, but there are further opportunities to extend this principle within the education sector through programmes such as Academies and to other privately owned sports facilities, to help meet the growing demand for more and better places for sport in convenient locations.

Sport England promotes the wider use of existing and new sports facilities to serve more than one group of users. Sport England will encourage potential providers to consider opportunities for joint provision and dual use of facilities in appropriate locations.

Sports facilities provided at school sites are an important resource, not just for the school through the delivery of the national curriculum and extra-curricular sport, but potentially for the wider community. There are also direct benefits to young people, particularly in strengthening the links between their involvement in sport during school time and continued participation in their own time. Many children will be more willing to continue in sport if opportunities to participate are offered on the school site in familiar surroundings. Many schools are already well located in terms of access on foot or by public transport to the local community and so greater use of the sports facilities outside normal school hours should not add significantly to the number of trips generated by private car.

Use Our School is a resource to support schools in opening their facilities to the community and keeping them open. It provides tried and tested solutions, real life practice, tips from people making it happen, and a range of downloadable resources [link here](#)

Sport England would wish to see community use of the proposed school consolidated by way of a Community Use Agreement.

Physical Activity Opportunities

The applicant will need to ensure that other physical activity opportunities that should be considered:

* Need for an indoor meeting/activity space for winter activity and when it rains. Huge potential for a 'meet and greet' place for a wide range of informal activity groups, including:

Beginner running
Ride social
Boot camp
Pop-up family games

*An indoor multi-purpose space within the pavilion can cater for a range of activities, including:

Dance

Yoga/Pilates
Circuits
Mums & babies/toddlers activity sessions
Short Mat Bowls
Table Tennis

* Outdoor open access activity trail equipment. Ideally with a walk/jog/cycle trail around the perimeter of the space. This gives scope to a wide range of activity including 'story trails', green gym trail, junior/adult parkrun, circuits & boot camps. All activities that suit the demographic of families, busy working adults.

* Keep element of flat multi-use informal space outside pitch layouts to encourage 'free-play' for children & families, this may include:

'Jumpers for posts'
Frisbee
Rounders
Fitness/Exercise sessions

* Potential for one of the designated 'play areas' to be focussed at teenagers and explore whether there is demand for skate park, free-running/parkour equipment.

Active Design

Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link [activedesign](#)

Appendix 1 contains a checklist that can demonstrate that the proposal has been / will be designed in line with the Active Design principles.

Cycle and walking networks should be extended to linking the existing settlement with the new development, and access to the surrounding environment. To encourage active travel there should be clear signage for cyclists into and out of the development site and to other destinations.

To bridge the gap between the high-level principles of Active Design and delivery in practice, we have worked with the Building Research Establishment (BRE) to link the overarching Active Design Principles with the individual scheme criterion in each of the BRE Environmental Assessment Methodology (BREEAM) family of schemes, including HQM, Communities and CEEQUAL.

Conclusion

Sport England has no objection in principle to housing growth but raise a number of points in this response that should be considered and the principles of Active Design can be demonstrated/use of the checklist proven. This condition may be useful in securing community use:

Use of the development shall not commence [or no development shall commence or such other timescale] until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to [describe facilities forming part of the development] and include details of pricing policy, hours of use, access by non-[educational establishment] users [/non-members], management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.

Informative: Guidance on preparing Community Use Agreements is available from Sport England. [link here](#)

If you would like any further information or advice please contact me at the address below.

Thanks for the recent re-consultation. No further comments.

Urban Designer (EDDC)

The site:

The Cobdens expansion area of Cranbrook covers a large area of land between the London Road and the mainline railway between Exeter and London Waterloo. The site is bounded on the western side by the eastern-most extent of the existing permission for Cranbrook and the small community of Southbrook and Southbrook lane. To the east the site extends towards Cobdens Lane, meeting it at the southern end where it joins the London Road, and not quite extending to the top of the hill that sits between the land and the site towards the northern end.

The site area is mainly farmland, is undulating and has areas of rich bio-diversity along the banks of the Cranny Brook which runs from east to west across the site area. This corridor along the watercourse forms a particularly attractive feature through the site.

The distribution and nature of constraints in the Cobdens area including existing green infrastructure assets such as stands of established trees and old hedgerows, power-lines and areas of flood-plain mean that without having much higher densities than are usually seen in housing developments of the type delivered by the major house-builders that concentrates development in the area next to the London Road, there will be pockets of development that are separated from each other by these constraints. As a result, proposed development in this area has the challenge of putting forward a proposal that is coherent and does not result in housing areas that

risk feeling isolated from each other and the rest of the developing town of Cranbrook.

Proposal:

The proposal from Persimmon Homes demonstrates a competent and conventional layout within the site. It maintains most of the areas of green infrastructure as assets but does not make full use of their potential. The proposal, has a coherent and predictable layout with routes that are reasonably legible and uses perimeter blocks throughout. The constraints on the site dictate the locations of the housing, but the layout extends these areas of beyond where some of the evidence would suggest it should go. However, it is not unlike the masterplan layout that underpins the Cranbrook DPD.

The Design and Access Statement is helpful in drawing out how the designers have approached the site. This closely follows the way in which the existing permission at Cranbrook has tried to establish and distribute aesthetic character and characteristics while being delivered by national house-builders. Therefore, design character is understood and distributed in relation to the routes within the site with development along the main distributor road having the highest densities, mid-level density behind that and the lowest densities at the edge of the development areas where they meet open countryside. The only exceptions to this are the higher density housing around the school site and the mixed-use development of the neighbourhood centre by the London Road entrance. Housing is arranged in perimeter blocks throughout the development area but is fragmented into a number of areas separated by natural green and blue infrastructure and the power-lines. These areas of housing could be characterised as being one by the London Road, a northern area surrounded by green space and bounded by the railway, housing that is adjacent to the existing permission and main body of Cranbrook.

Comments:

Overall and structural

Potential issue

The fragmentation of development pattern reflects the constraints on site but there is a risk that areas could feel isolated, particularly the northern area of housing next to the railway line. The fragmentation also makes creating a development that has a collective sense of identity more difficult to achieve.

The choice to follow a similar design strategy to that of the existing permission for Cranbrook makes it likely that similar issues will be faced in this development area as well. The organising principle that the highest density development is next to this the main route makes it likely that it will feel like an intense ribbon of development, where development occurs, rather than a place or series of linked places. This will not be the case where green infrastructure or power-lines next to the road push development back but if the same design strategy is followed it will still look out of place as settlements normally have lower densities around green space and at the

edge of built up areas. Given the distances between the pockets of development they may more closely resemble separate places rather than one.

Potential alternative

Rather than using the main distributor road to set out the design and density it may be better to base this on the location of the groups of housing. For the areas adjoining the main body of Cranbrook they should take their setting out and design strategy from the areas of the existing development that they are next to. The areas next to the London Road and in the north-eastern area of the site are separated from each other. The area by the London Road includes the mixed-use area and the primary school and is also next to the London Road and will be served by more public transport routes. This indicates that it should have the highest density, concentrating more of the housing into it to make the most of benefits of being next to the range of facilities here, making the development more sustainable and less car dependent.

The north eastern area of housing might benefit from the routes within it radiating from the point of entry so that there is an internal focus for the housing. This would help this area form its own sense of community and identity where it might otherwise read as an isolated pocket of housing. Likewise, having higher densities in a core area, though still close to the main route, with lower densities coming from that would help this have a more recognisable settlement pattern and one that does not create the impression of a wall of housing.

Movement and development pattern

Street pattern

At present a perimeter block arrangement is used throughout the site and, on the face of it, produces a relatively navigable development. However, within and around the site there are a number of potential destinations that could help bring the disparate areas together. Linking these more directly might help to create a more focused development pattern and one that also helps to draw people together. Likewise, the mixed-use area at the London Road might benefit from the roads immediately around it being designed to draw people into it rather than sticking fairly rigidly to a grid pattern as it does at present.

I am aware that the mixed use area will need to be rethought given the existing pond that currently occupies this part of the site, so this may be a good opportunity to revise the layout pattern to better support the uses that will be located here, create a better sense of place and support community development. Using desire lines in all areas to lead the layout, even, perhaps especially, if these are active travel routes will create a development pattern that is actually more legible (as people will be directed to places they want to be) and one that has greater potential to create characterful areas and a sense of place.

Active Travel

Although the Design and Access Statement states that roads will be designed with “priorities for cyclists, pedestrians and less mobile people” the movement strategy separates out pedestrian and cycle networks from the roads and so, on the face of it, misses an opportunity to create somewhere that genuinely encourages active travel over car use. Making all the roads within the development an explicit part of the walking and cycling network would suggest rethinking their cross-sections so that they are designed from the outset with pedestrians and cyclists as the primary users, with cars having least priority. This will encourage more people to use the streets as social spaces as the revised priorities should make them safer, more pleasant environments in which to be. Taking children as the primary users would also help focus on attractiveness and safety making them better places for everyone. Redesigning the network of roads for pedestrians and cyclists might also help to revise the street pattern towards one that is better suited to active travel. This would mean creating routes that are more direct between destinations and without sharp changes in direction. At present, the cycle and walking strategy diagrams would suggest that, apart from the main road through the development, active travel is largely pushed to the outer boundaries of development, which is something I am sure the applicant does not intend.

Park run

The 5km park run loop does not seem best placed within the movement strategy and would be better forming part of a Health and Wellbeing strategy for the development. It is welcome to see this though, and that it makes use of the green infrastructure that forms such an important part of this development area.

Public Transport

The proposed stops for the bus route have been chosen because their overlapping isochrones cover the whole of the development area. I would take issue with this as the locations do not appear to be all that logical as a result, and circular isochrones are not a good representation of the distances or times experienced by residents trying to get to a bus stop. Assessing the actual journey distance and time from any given point within proposed layout to a bus stop would most likely yield very different results. Without this more realistic assessment, along with an assessment of how many people would be within easy walking distance of each stop, might provide better results.

Green Infrastructure

Trees

The “Tree and Hedgerow Strategy” seems very light on trees. Given policy within the NPPF there is very little effort to include trees on streets beyond the main distributor road.

Sustainable Drainage System

The green infrastructure strategy fails to effectively integrate SuDS within the built up areas and therefore misses the opportunity to maximise the potential benefits. SuDS

strategies within built-up areas could and should include rain gardens and link these along all streets to tree-pits before finally discharging to basins and on to the watercourse. Simple turfed strips along roads do little to improve their attractiveness and serve little purpose as part of a SuDS chain. Replacing them with more purposeful structure such as rain garden, not only makes more attractive places, but also reduces the need for SuDS infrastructure elsewhere. Designing like this creates far more attractive streets, reduces the need for swales that look like turfed ditches and increases the efficiency and effectiveness of the SuDS system as a whole by using evapotranspiration to very effectively reduce the total amount of water being discharged. Such a system has clear benefits to developers by creating more attractive developments with reduced land-take. The benefits to residents and biodiversity is clear.

Stream corridor

It is good to see that there is good use being made of the green infrastructure across the site and that it is clearly being seen as an asset. The inclusion of a park run loop is good but, having said that, I have some concern that the loop and activity trail indicated along the stream corridor, may make this area less attractive to biodiversity, losing the more shy wildlife such as the otters that use this stream at present. Perhaps this is inevitable, but if anything could be done to avoid this while still allowing the area to be enjoyed by people it would be good to see it put forward.

Public Open Space

Although there is an abundance of open space around the housing areas it would be good to see more pocket parks included within them to form focal points for housing. Perhaps having these thought of as part of a network of spaces it might help structure the inclusion of street trees and SuDS infrastructure within the housing areas as well.

Urban Growing Strategy

It is very good to see this included as a specific issue being addressed within this design. Perhaps more could be made of the orchards, perhaps with more space devoted to them. It is difficult, perhaps impossible, to identify what space has been allowed within the masterplan for these orchards, but creating them as quite formal orchards that clearly are designed as productive spaces, might help encourage the use of the fruit by residents or community organisations.

It would be good to see the gardens of houses included as part of this strategy. There is no way for the developer to guarantee growing of food in private gardens but suggesting how they could easily be used in this way may help encourage people to grow vegetables and may also help steer the design of the layout and the specification of the soils in the gardens to make them more fertile.

Built Form and character

Overall

The images included in this section do not do much to suggest character. It is hard to distinguish between them and a better, clearer strategy to achieve character is needed. As stated above, a design strategy setting out character based on the main distributor road, rather than by location and purpose, makes it likely that this becomes a bland development without much visible change across the area. It will certainly make it difficult to recognise through the built form where in the development you might be.

Calling the central areas of housing 'hamlets' does not help the designer understand what character to try to achieve. A hamlet and a relatively dense housing area are polar opposites. A different, more relevant character needs to be found to help the designer create a sense of place. The suggested changes to the layout above, particularly the use of desire-lines, would help achieve this and could turn what looks to be a negative, the fragmented nature of the housing, into a positive by helping each area to have its own character and identity, suited to the topography, making the best use of views and other existing assets and being designed to support the formation of social networks. This will also help lead the location, form and design of feature spaces and key buildings.

Overall the way character is approached needs to be rethought to be able to successfully create the sense of place that the designers strive for.

Neighbourhood Centre and school

The location of the neighbourhood centre makes sense but, as discovered on a recent site visit, clashes with a large and well established pond. The area most suited to a neighbourhood centre remains in roughly the same place but shifting further west. The available land is further constrained by the power-lines and the amount of clear space that needs to be maintained under and to either side of them. This risks a neighbourhood centre being too open and fragmented to give it the critical mass that makes it an attractive place that sustains economic and social activity. Given the challenges the design of the area around it needs to change to help support it as much as possible. This means increasing the density of the housing in this area next to the London Road, revising the layout within this area to draw people naturally through to the neighbourhood centre as part of their day to day activity. Rerouting Cobdens Lane through this area to come through to the neighbourhood centre would go some way to making this happen.

Part of the challenge in Cranbrook is to create or maintain a sense of place where there has not been a place here before. A real opportunity exists within the Cobdens area to use the existing buildings at Lower Cobden Farm as a strong existing feature that can provide heritage and character, even if it does lie outside the site boundary for this application. Using this as a point or destination along a desire-line linking areas of housing to help draw people through the development to their shared neighbourhood centre suggests revising the layout of the school site, potentially to run more north-south rather than east-west, which may then link it into the neighbourhood centre and help reinforce the sense of community.

Healthy Streets

This is a welcome section of the Design and Access Statement but does not fully embrace what 'Healthy Street' design is about as it goes far beyond low vehicle speeds and walking and cycling. Healthy Streets include being actively designed for social interaction, or 'pro-social space' design as advocated by Rihannon Corcorran and others. They are welcoming as social spaces and are safe spaces for children, especially. The street sections could be looked at again to help address this. Changing the layout to follow desire lines, having a less formal, less linear street frontage to allow informal space to develop, having a design discipline and ethos that sees all spaces and green infrastructure as having a shared purpose, being multi-functional, will help to address this and create genuinely healthy streets, a more attractive development and much closer community.

Cycle and car parking

Everyone's favourite topic! It is good to see that some thought has been put into this at an early stage, and the wish to ensure that it does not end up dominating the street-scene. It would help if a more explicit strategy was put forward to help draw this together. The revisions to layout suggested above, including less rigid, less linear street frontages as suggested in the healthy streets section could help reduce the visual intrusiveness of parking. On plot parking would be welcome where possible and greater use of unallocated spaces would help with parking efficiency. The approach put forward by the Prince's Foundation on layouts and parking is very effective and as applicable in a development from a national house-builder as any other.

Something that has not been mentioned in this section is the use of shared or pool cars. This is being pioneered in the South West and suggests there is an increasing willingness among local consumers to use different ways to use cars that reduces personal expense, car ownership and the need for parking spaces. It would be very welcome for this to seriously enter the discussion about the design of this development.

Not much is said about cycle parking in the Design and Access Statement. Cycle storage in homes must be designed to be attractive and located to be as convenient as possible; more convenient than simply walking to the car. Some consideration should be made for power sockets located alongside cycle storage to allow e-bikes to be charged. In public areas space should be designed in for cycle parking that is secure where possible, always well overlooked and attractive.

Back of pavement, front of house

It is good to see the formation of defensible space being one of the leading drivers of design strategy for this part of the development. Perhaps it would be good to see defensible space being taken as a design section in its own right as it applies to all areas of the development where people are expected to be.

I would also agree that residential plot design follows the density, scale and form of buildings, but would add to that the location and nature of the place those plots are within. This all forms part of the more location based way to think of and structure the development so that concepts can develop that then inform how all parts of the design come together as a coherent whole. Corner plots and corner buildings offer

design challenges that it would be good to see discussed, particularly as standard house-types do not lend themselves to situations that demand bespoke design. How the designers intend to address this at a strategic level, in a development that will have a lot of corners, and how corners that deviate quite far from right-angles will be designed for is not really spelt out. As corners often lead to relatively poor design outcomes it would be very helpful to better understand early on how this will be approached successfully, and the willingness to deviate from the norm to do so.

Sustainability

It is very welcome that the application makes clear the link between sustainable places and the health and wellbeing of residents and visitors. However, this does not appear to play a clear part of the design approach to the proposal. The section contained in the Design and Access Statement focusses mainly on technical measures to achieve sustainable outcomes. A more nuanced approach will also be needed to building orientation as maximising solar gain is not a positive in summer when buildings are liable to overheat. Ensuring buildings are designed to provide thermal comfort throughout the year, without the need for external energy input is a critical challenge but one that must be met.

It is good to see that amenity spaces will be designed to be adaptable to different needs in the future. The same flexibility is needed in the buildings themselves as houses may need to adapt to different purposes during their lifetime, particularly in well trafficked areas where public facing uses may be suitable, or in locations that are attractive and may form a good location for a pub or other social space. Biodiversity should form an explicit and extensive part of the housing areas themselves, not just the areas around them. This provides greater climate change resilience through shade in summer (if using deciduous trees) and flood mitigation while improving the wellbeing of residents and the attractiveness of the development overall.

Perhaps this is a helpful section to come at the end. Sustainability and good health and wellbeing outcomes are only achieved through a holistic approach to design and the provision of services. Although this proposal covers a lot of bases it does not feel like a holistic design. There does not appear to be a theme or concept that leads it and so individual issues appear as if tackled separately where designing them together would yield more satisfying and effective results. Trees, for example, can form part of the thermal strategy for housing as well as SuDS or provision of biodiversity. The same might be said of gardens or the use of desire-lines to reduce car-use by encouraging active travel while at the same time creating a more attractive layout. Each component and design choice should be able to provide multiple benefits. Green infrastructure should be able to perform multiple functions, such as social space and active parts of a SuDS chain. There should be no part of a development that is without purpose. Designing for sustainable lives and good health and wellbeing is an effective way to help pull all these different aspects together.

Further comments:

Introduction

These comments form an addendum to those made earlier to respond to updated drawings and documents received in December 2022.

Comments on the proposal

Development structure

The proposal has a coherent layout with an easily navigable network of routes. It has been revised to reflect previous comments and feedback from Design Review to create defined spaces and destinations along both active travel and vehicular routes. The constraints on the site still dictate that areas of housing are separated from each other but these have now been redesigned to relate to themselves more, providing the potential for them to develop their own distinct identities.

The route to the SEN school does not need a separate entrance from the London Road, doing so only increases junction work onto the road and leads people away from the local centre which reduces passing trade and support for the uses in this important community resource.

The block arrangement around the local centre can be relaxed to give a more organic feel to the area where it appears very formal as currently drawn. Evidence gained during Cranbrook's participation in the NHS England Healthy New Town pilot suggests that block sizes should reduce in the approach to a local or town centre to create a more granular and permeable street pattern that encourages people to move towards and interact with the uses that are there.

In established towns there is normally a radiating 'spider's web' pattern of roads that develops from desire lines to the centre; a town often growing where desire lines cross. To support the Local Centre, drawing direct desire lines to it from other destinations or from where people are likely to come will start to set this up. Direct lines from the centre to the SEN school and the pedestrian / cycle crossing of Cobden Lane to the housing in the eastern parcel would set the basis for a better, more granular block structure east of the centre. To the west the constraints do not allow much change.

Character and density

The DAS proposes naming the MLR as Cobden Street which, though not strictly Urban Design or Planning matter, is important as it reframes the way we reference and think of it, not as transport infrastructure but a space for people. This more human approach is also apparent in the series of spaces (DAS pp.102-103) that have been formed along this street and within the housing areas. Where these spaces branch off into the housing areas they have the potential to form attractive focal points for the people living around them and, if detailed design is done well, could form meaningful social spaces and help foster a sense of belonging and community. The spaces created along Cobden Street itself make good use of the opportunities within the development area and turn constraints, such as the line of pylons, into relatively attractive and useful spaces. The spaces along Cobden Street

relate well in scale to the wider community they will serve and as a welcome to people coming into Cranbrook.

Character areas

Now that housing is arranged to form relatively discrete areas these will be capable of forming distinct identities. However, the character areas are still mainly distributed in relation to Cobden Street. The way density is distributed has changed to reflect the new layout and is convincing around the housing areas but fails to convince around the Local Centre.

Three character area definitions is far too few to create memorable places. The distribution of these areas also fails to work with the revised layout, design logic or density distribution.

There needs to be a more granular approach to forming character that follows the housing arrangements and the spaces around which they have been arranged. The new layout allows the separated housing areas to form unique identities more suited to their individual locations. A design vision for each area that works with their unique features, such as elevated location or orchard, would help inform these characters which could be derivatives of strategic characteristics for the development overall so their distinct identities work together within a combined design vision for the development.

Density and character

The density distribution makes sense across the development apart from around the Local Centre where density is not used to best effect.

The Local Centre should have the highest density development within and around it to support the mix of uses here and to place the greatest number of people where services are. Densities over 70dph should be seen in the centre itself and higher densities should also radiate out along all street frontages from it, not just Cobden Street. The areas in immediately adjacent blocks behind these street frontages should be over 50dph. The density should clearly reduce moving east along the London Road from the Local Centre so that there is a gradual visual increase in development when approaching Cranbrook from this direction.

The housing areas away from the Local Centre have densities distributed in a way that will help make them legible and distinct with higher densities at their core and along the main routes into them. However, the density remains high right out to the edges of the approaches to the housing areas along Cobden Street which risks forming a broken wall of development. Reducing the density on these approaches would allow a visual 'feathered' edge that provides a gentler introduction to each area of housing and will also make it easier to give them more individual characteristics, aiding navigability and wellbeing. Increasing the density around the Local Centre will allow the re-homing of some of the housing displaced by the reduction in density on these edges.

It would also be very helpful at this stage to describe the building typologies used in the different density scenarios. This will help visualise and understand what an area

will be like where an abstract density figure does little to inform anyone of the nature of the place.

Neighbourhood Centre

Being next to the power-lines, the pond and the London Road the Local Centre has open spaces alongside it that are a challenge to its success. This area needs to have a good sense of place and identity, and this is more likely if it has a good sense of enclosure with spaces that can feel populated by relatively small numbers of people. The image included within the DAS shows just how open the current design is. There needs to be a spatial focus, a sense of enclosure, sense of place and identity.

Ground floor commercial / community or cultural space along the elevation of buildings linking the place-of-worship land and what is labelled Local Centre would help link these two important community areas with a frontage that is interactive and helps draw people between them. The rectangular area of Local Centre itself should be changed to follow the frontage along London Road and Cobden Street. The displaced area should move to the corner where development starts on the west side of Cobden Street so it forms a gateway of uses and allows this corner to be used by the community to enjoy the open space in front that includes the pond. A use such as a café or a pub that encourages people to gather, relax and socialise could work well here.

This plan within the DAS also shows the Place of Worship land as having a density figure so should be amended to be shown the same way as other non-residential areas.

Movement and development pattern

The London Road junctions are an improvement on the junction designs for the first phase of Cranbrook. However, their detailed design remains confusing, especially when considering pedestrians and cyclists crossing the London Road once development comes forward south of the road. Pedestrian movement still seems lacking in these junctions and they have not been designed as part of a public space. More attention needs to be paid to their design for this part of Cranbrook and the London Road to function well as a focal point for residents and visitors at the east end of the community.

Active Travel

Although the Design and Access Statement states that roads will be designed with "priorities for cyclists, pedestrians and less mobile people" the movement strategy separates out pedestrian and cycle networks from the roads and so, on the face of it, misses an opportunity to create somewhere that explicitly encourages active travel over car use. Road cross-sections and the alignment of vehicle carriageways should be designed from the outset with pedestrians and cyclists as the primary users, with cars having least priority. Alignments for motor-vehicles can be chicaned using tree planting, rain gardens or well-designed open spaces, while cycle and walking routes can be kept straight. This will encourage more people to use the streets as social

spaces as the revised priorities should slow motor vehicles and make streets safer, more pleasant environments in which to be. Taking children as the primary users would also help focus design on activity, attractiveness and passive safety making them better places for everyone.

Redesigning the network of roads for pedestrians and cyclists might also help to revise the street pattern towards one that is better suited to active travel. This would mean creating routes that are more direct between destinations and without sharp changes in direction. At present, the cycle and walking strategy diagrams would suggest that, apart from the main road through the development, active travel is largely pushed to the outer boundaries of development. The dedicated route along Cobden Street and other vehicular routes should be included in this active travel diagram to give a more complete picture of the design intentions.

Public Transport

The proposed stops for the bus route have been chosen because their overlapping isochrones cover the whole of the development area. I would take issue with this as the locations do not appear to be all that logical as a result, and circular isochrones fail to represent the actual distances or times experienced by residents. Assessing the actual journey distance and time from any given point within the proposed layout to a bus stop would enable stops to be placed where they are closest to the greatest number of people.

Green Infrastructure

Trees

The "Tree and Hedgerow Strategy" seems very light on trees. There needs to be more indicated tree planting on all streets and open spaces within the built-up area to reduce urban heating, particulate and nitrate pollution and storm-water run-off.

Sustainable Drainage System

The green infrastructure strategy fails to effectively integrate SuDS within the built up areas and therefore misses the opportunity to maximise the potential benefits. Turfed strips along roads do little to improve their attractiveness and serve little or no purpose as part of a SuDS chain. These should be replaced within the SuDS Strategy with purposeful linked structures such as rain gardens and tree pits to create more attractive streets, a more robust and better integrated SuDS strategy while reducing the need for large SuDS infrastructure elsewhere. It would also be helpful to have swales better integrated with a landscape strategy so their design can move away from being turfed ditches to become attractive parts of the streetscape in their own right.

Stream corridor

It is good to see that there is good use being made of the green infrastructure across the site and that it is clearly being seen as an asset. The inclusion of a park run loop is good but, having said that, I have some concern that the loop and activity trail

indicated along the stream corridor, may make this area less attractive to biodiversity, losing the more shy wildlife such as the otters that use this stream at present. Perhaps this is inevitable, but if anything could be done to avoid this while still allowing the area to be enjoyed by people it would be good to see it put forward.

Public Open Space

The revised layout puts areas of open space within housing areas and uses them as focal points in the development. It is a real improvement over the previous layout and has the potential to create attractive areas with genuine character, though much will come down to detailed design.

Urban Growing Strategy

It would be good to see the gardens of houses included as part of this strategy. There is no way for the developer to guarantee growing of food in private gardens but suggesting how they could be used in this way would help at detailed design stage if set as a design outcome for them. There must be clear and well supervised follow-through on site to ensure that gardens are not simply turfed sub-soil and builder's waste but have good top-soil that allows plants to grow.

Healthy Streets

This is a welcome section of the Design and Access Statement but does not fully embrace what 'Healthy Street' design is about. Healthy Street design goes far beyond low vehicle speeds and walking and cycling. Healthy Streets are actively designed for social interaction, being 'pro-social spaces' that are welcoming as and safe spaces for children. The street sections could be looked at again to help address this. Changing the layout to follow desire lines, having less formal, less linear street frontages and less direct vehicle carriageways can allow informal space in. A design approach that sets a goal of streets, spaces and green infrastructure being multi-functional will help to and create genuinely healthy streets, a more attractive development and much closer community.

Cycle and car parking

The revisions to layout suggested above, including less rigid, less linear street frontages as suggested in the healthy streets section could help reduce the visual intrusiveness of parking. On plot parking would be welcome where possible and greater use of unallocated spaces would help efficiency.

I re-iterate the importance of looking at the approach advocated by the Prince's Foundation incorporating parking by moving away from parallel building lines and taking a design approach that sees street corridors as a series of spaces rather than a linear transport feature. This is demonstrably effective and it would be very welcome to see a national house-builder use this to create an exemplary design.

Likewise shared or pool cars reduce parking demand and would be welcome as a serious topic of discussion. There is a clear and growing appetite for this form of car use especially as car ownership falls among younger age-groups.

Not much is said about cycle parking in the Design and Access Statement. Cycle storage in homes must be designed to be attractive and located to be more convenient than the car wherever possible. Consideration should be made for power sockets located alongside cycle storage to allow e-bikes to be charged. In public areas space should be designed in for cycle parking that is secure where possible, always well overlooked and attractive.

Back of pavement, front of house


It is good to see the formation of defensible space being one of the leading drivers of design strategy for this part of the development. Perhaps it would be good to see defensible space being taken as a design section in its own right as it applies to all areas of the development where people are expected to be.

I would also agree that residential plot design follows the density, scale and form of buildings, but would add their location and the nature of the place those plots are within. Corner plots and corner buildings pose design challenges to volume house-builders that would be good to see addressed at this early stage. As corners often lead to poor design outcomes it would be very helpful to know the intended approach and the willingness to deviate from the norm to do so.

Sustainability

Some of the most important ways to reduce our environmental impact happen as a result of the places in which we living being designed to enable them. It is very welcome that the application makes clear the link between creating sustainable places and the health and wellbeing of residents and visitors.

Developments must go beyond the simple metrics of building performance to create long-term sustainability. They need to be designed and built so that spaces and buildings are flexible and robust enough to be easily adapted to different uses. Flexibility of spaces and buildings, including houses, enables individuals and communities to change their use according to changing needs. The ability to convert ground floors to workspaces, open spaces to social spaces that host events give individuals and communities agency over their lives and futures, addressing some of the most important determinants of health such as available employment and social contact. As designers and planners we are not able to predict all future outcomes, but we know that circumstances and needs will change and future residents and communities must be able to adapt accordingly

<p>The Conservation of Habitats and Species Regulations 2017, Section (63)</p>		
<p>Appropriate Assessment</p>		
<p>Application reference no. and address:</p>	<p>22/0406/MOUT</p> <p>Land At Cobdens, North Of London Road East Of Cranbrook</p>	
<p>Brief description of proposal: (Bullet point list of key proposals)</p>	<p>Outline planning application for up to 1,435 new residential dwellings, a neighbourhood centre with a maximum of 750 sqm gross ground floor space (use classes E and sui generis (Hot food takeaways and pubs/bars)), a three form entry Primary School (use class F1) with associated nursery provision (use class E) and community room (Use class F2), a 50 place Special Educational Needs School (Use Class F1), public open space, allotments, Suitable Alternative Natural Green Space, drainage basins, landscaping, place of worship (Use class F1), parsonage, cemetery, 10 serviced pitches for gypsies and travellers, demolition of 4no. barns, and associated infrastructure with all matters reserved except for principal vehicular access off London Road to the south, connection to Phase 1 to the west, and vehicular access to the serviced pitches for gypsies and travellers off London Road to the south east</p>	
<p>European site name(s) and status:</p>	<p>East Devon Heaths SPA - (UK9010121) East Devon Pebblebed Heaths SAC (UK0012602) Exe Estuary SPA (UK9010081) Exe Estuary Ramsar (UK 542)</p>	

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>

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)

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

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

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)

Assessment of Potential Impacts

Introduction

The proposal represents an integral part of the Cranbrook expansion forming one of the four key expansion areas. The principle of the town's expansion was itself subject to a 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 below:

Summary Impact	Environment					Notes
	SPA/ Estuary	Exe Estuary	Warren	Dawlish	Heath	
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 on to management	x	x	x	Management interventions such as tree or scrub removal, water level management etc. 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 1435 houses as an outline application which forms part of the Cobdens allocation (itself part of the Cranbrook expansion). The application includes 222 houses above those expected from the relevant part of this particular allocation meaning that as a whole the Cobdens area allocation should be considered as producing a total 1717 dwellings rather than policy ascribed 1495.

Cranbrook Expansion

The adopted Cranbrook Plan DPD makes provision for around 4170 dwellings to be built as an expansion of the town, spread over four sites – known as Bluehayes, Treasbeare, Cobdens (which this site is part of) and Grange. There is already a resolution to grant permission at Treasbeare which will deliver up to 1035 dwellings (120 above the allocation).

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 has recently been out to 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 relative proximity and therefore access to the environments.

Neighbouring Local Authorities

The Teignbridge emerging Local Plan 2040 completed three Reg. 18 consultations between 2018 and 2021 and began its Regulation 19 consultation in January 2023. This Plan proposes to deliver approximately 12,489 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 completed a Regulation 18 consultation in December 2022.

Outline potential cumulative or 'in combination' effects.

Potential Effects

The effects set out in South East Devon European Mitigation Strategy (2014)* and its evidence base 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.

[*south-east-devon-european-site-mitigation-strategy.pdf \(eastdevon.gov.uk\)](#)

Conclusion of Screening

Stage 1 Screening follows the judgement of the European Court, case C-323/17, on 12 April 2018 where it recognises that "... it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site". Therefore, only measures that constitute part of the project design and are not primarily intended to avoid or reduce effects on European site features should be considered at Stage 1 Screening.

Conclusion of Screening stage - In the absence of consideration of measures which will avoid or mitigate impacts, does the proposal risk having a likely significant effect 'alone' or 'in combination' on the conservation objectives of a European site?

Yes

Stage 2: Habitats Regulations – Appropriate Assessment

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 Bluehayes 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 (2c) and the provision of a financial contribution towards the Onsite Access Management (3) of the designated environments.

SANGS (with reference to plan L-13-M)

In line with the adopted Cranbrook Plan DPD, the development proposes the delivery of 34.42ha of SANGS as set out the parameters plan reference 9009-L-13-M (February 2023). This is appropriate and as a headline is above the minimum quantum of 27ha required to meet the expectation of 8ha per 1000 population based on occupation rates of 2.35 people per dwelling.



The SANGS land identified by the developers can be broken down into three key areas (A-C) as shown on the plan above. This plan has been derived from L-13-M with the SANGS areas highlighted. The three areas are described in the following paragraphs:

Southbrook SANGS (A) would straddle Southbrook Lane, enveloping the eastern stream corridors and measure 13.1ha in area. It is offset from the railway line to accommodate safeguarded land for a possible new metro style station and also excludes land identifies as being required for a new play area. Where available access paths wrap around the attenuation basins the whole area is included in the calculation of SANGS land.

Using similar criteria, a second large block of SANGS is located on the Cobdens side of the development (B). This is linked to the Southbrook SANGS by green corridors (shown by arrows on the plan) which are themselves excluded from the SANGS calculation. This block of land, which uses the highest part of the site and provides attractive views over the surrounding land, measures 19.7ha.

The third block (C), highlighted on the plan above in pale green, measures 1.6ha. This has been put forward as SANGS by the developers but is narrow, dissected by overhead power lines and includes attenuation basins which have limited access around them (shown in more detail on the following plan extract from L-18-N Masterplan, but also on the parameter plan L-15-L “Green and blue infrastructure”). As a result this land, while being usable as public open space, is not considered to be of an adequate size or character to be ascribed as SANGS.



Extract from Proposed masterplan 9009-L-18-N

This leaves a total of 32.8ha which is still 5.8ha in excess of the minimum required for this development. Overall the areas represent an attractive and inviting environment which would fulfil in a very meaningful way its role as an interceptor SANGS whilst being of easy access to users.

On the masterplan but more clearly indicated on the movement parameter plan (L-14-M) the developers have indicated potential walking routes around the entire site which are in excess of 5.2km in length (including using the green corridors). In addition and within the two individual blocks of SANGS these too have walking routes which with only a limited amount of meandering meet/exceed the 2.3km minimum length.

It has already been noted that delivery of SANGS would be phased and within the application (and updated since its original submission) there is plan which sets out the proposed phasing. Taking measurements from the plan, this shows that the first phase of SANGS delivery would be 5.8ha and is likely to be required to support around 145 dwellings (this represents a significant over-provision of SANGS). While this is less than the targeted 8ha minimum set out in the Council SANGS strategy that supports the adopted Cranbrook Plan, the site's configuration allows for a 1.3km walk – the minimum identified within the phasing section of the Council Strategy document.

The phasing strategy plan (L-17-E) shows that SANGS to the east and west of the site would be delivered as phase 1 although in effect these would be phases 1a and 1b. It also demonstrates that phases 2 and 3 which contain the central areas of SANGS would be delivered subsequently. It would have been preferable to have subsequent phases linking directly with each other, so that the individual walks available get gradually longer as the development builds out. However although initially fragmented, there is a good level of confidence that the whole will be delivered and on this basis the phasing as proposed is considered acceptable in terms of SANGS delivery. Any improvements to its delivery which can be secured as part of future planning negotiations would be of an additional benefit to this assessment.

A detailed landscaping scheme needs to be secured on the site but this will follow at Reserved Matters stage. However there is a principle of proposed tree planting whilst retaining the longer distance views in strategic locations. This approach would provide a variety of habitats to explore and would allow the identified land to readily fulfil the role of providing an alternative recreational area

to the protected European sites. In essence the land would allow 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) across the SANGS land and application site more generally. It is not envisaged that this approach to BNG delivery would reduce the attractiveness of the SANGS land or unduly limit access and enjoyment of it - in so doing, the land's primary purpose would therefore be retained. Importantly BNG scoring would only be counted where this sits as a credit above any landscape improvements needed for the basic SANGS delivery.

Access to the SANGS is key and to help foster good walking routes and access between different forms of Green Infrastructure, it is proposed that connections will be installed between residential areas and the proposed SANGS to provide walking and cycling links. Indicatively these are shown on the movement parameter plan L-14-M. Cycle routes are limited within the SANGSs area but are currently shown as forming a simple framework, passing east-west to the immediate south of the railway line; east-west along the central stream corridor and north-south between the two (this route would be located along the western boundary of the Cobdens SANGS (Block B). Any concern about potential conflict of users and design of the cycle route can be addressed at the detailed design stage.

Improvements to routes within the SANGS area could also be achieved if an additional breach (pedestrian access point) was formed in the hedgerow in the east of the Cobdens Block (B) which would help avoid a pinch point which otherwise exists in the indicative route. A potential location for this is shown in the plan extract below:



Extract from Proposed
Movement Plan 9009-L-14-M

In compliance with policy and in recognising how the Heaths are used, the developers are offering to provide two modest sized car parks along with some on street parking all of which has direct access to the SANGS. One car park would be located to the west with around 12 spaces - this would come forward as part of the first phase of SANGS delivery. The second, a more modest car park north of the school would provide around 8 spaces and based on the location is expected to be delivered as part of the phase 1b SANGS. These are important as they allow people to drive to the SANGS for

exercise and in particular dog walking. Locations are shown on the plan below (highlighted in red/purple).



As part of the 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. These financial contribution would be secured via a S106 agreement.

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 cash flow, 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.

List of mitigation measures to be covered by legal agreement:

S106 Agreement Requirements:

- Category 1 infrastructure (delivered on site) –
 - SANGS specification including phasing plan and management strategy to be agreed before commencement of development
 - SANGS delivery - establishment and or enhancement (set up costs)
- Category 2 infrastructure (financial contributions) –
 - SANGS management and maintenance and
 - Offsite habitat mitigation

Conditions Requirements:

- Submission of LEMP to cover SANGS phases

Conclusions and final assessment

<p>Conclusion: Is the proposal likely to have an adverse effect on the integrity of any Habitats site?</p>	<p>East Devon District Council concludes that there would be NO adverse effect on the integrity of the Exe Estuary SPA/Ramsar site and the East Devon Pebblebed Heaths SPA and SAC provided the mitigation measures are secured as above.</p>
<p>Natural England’s Response</p>	<p>Thank you for your email below, responding to our queries and consulting Natural England on the revised Appropriate Assessment, dated 22 March 2023.</p> <p>Please be advised that, on the basis of the Application Specific Mitigation including the Suitable Alternative Natural Greenspace (SANGs) measures described in the AA and 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 the Exe Estuary SPA, Exe Estuary</p>

	<p>RAMSAR and the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA.</p> <p>Details of walking routes, shared paths, dedicated car parking, landscaping and habitat creation (working together to support effective SANGs functioning) will need to be addressed at the detailed design stage.</p>	
Do we need to consider alternative solutions	No	
Are there imperative reasons of Overriding Public Interest (IROPI)	No	
Final Assessment and Recommendation	East Devon District Council concludes that there would be NO adverse effect on the integrity of the Exe Estuary SPA/Ramsar site and the East Devon Pebblebed Heaths SPA and SAC provided the mitigation measures are secured as above.	
Local Authority Officer	James Brown	Date: 22 March 2023

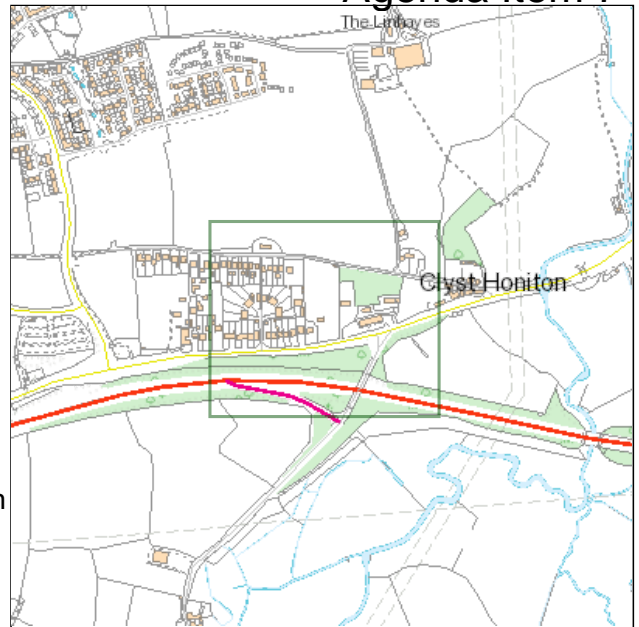
Ward Broadclyst

Reference 23/0047/FUL

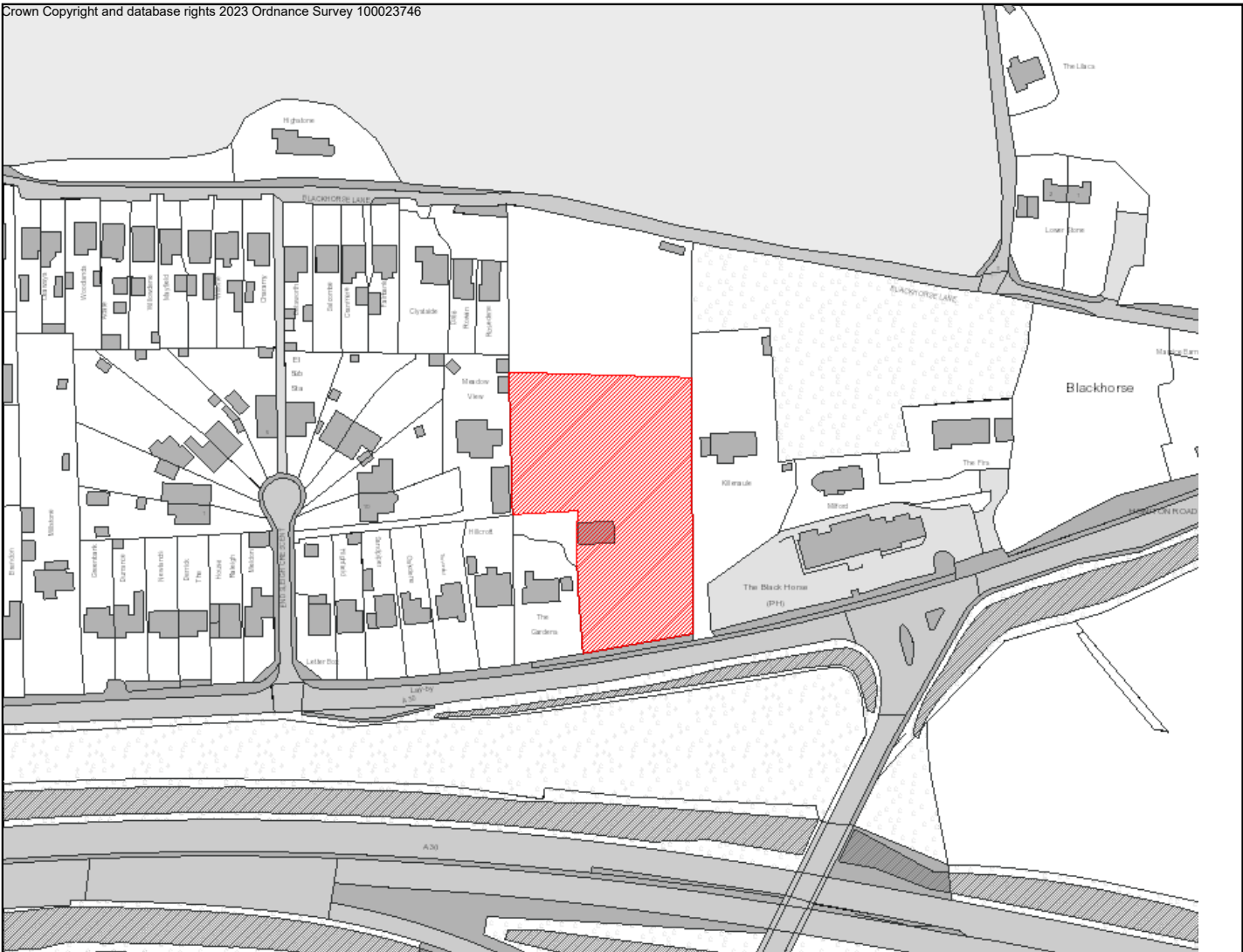
Applicant Mr Gary Moore (Land And Planning Consultancy)

Location The Gardens Blackhorse Devon EX5 2FT

Proposal Construction of 5 bungalows with associated access, parking and landscaping and demolition of existing stable building.



RECOMMENDATION: Approval with conditions



		Committee Date: 25.04.2023
Broadclyst (Broadclyst)	23/0047/FUL	Target Date: 07.03.2023
Applicant:	Mr Gary Moore (Land And Planning Consultancy)	
Location:	The Gardens Blackhorse	
Proposal:	Construction of 5 bungalows with associated access, parking and landscaping and demolition of existing stable building.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Development Management Committee as the proposal is a departure from the Local Plan.

Planning permission is sought for the construction of five detached bungalows, and a vehicular access off Honiton Road to serve the site. The development would take place in the paddock immediately adjacent to the existing property on the plot. Members will note the grant of a recent planning permission on land to the north of the site for three bungalows ref 22/0549//FUL which was approved as a departure from the Local Plan.

The site is located within the hamlet of Blackhorse, close to Clyst Honiton, with the site and nearby properties located outside any designated built-up area boundary. However, there is a notable amount of development in the vicinity. In particular, in addition to the existing dwellings to the south and west of the site, the land on the northern side of Blackhorse Lane is part of the Tithebarn/ Mosshayne development site, which is currently being developed into a significant area of housing, totalling 1,500 dwellings, including a neighbourhood centre and recreational facilities. Also, the Exeter Science Park is situated a short distance to the west of the site, and several bus services run along the former A30, which is also close to the site. Additionally, close to the bus stop is a public house. Blackhorse Lane, from where the site is accessed is a designated cycle route linking Cranbrook with Exeter and wider cycle networks.

In simple planning policy terms, the site is in the countryside and the proposal does not benefit from any planning policy support. However, as detailed above, in this instance, the location of the site is such that there are a number of factors which indicate that the site can be considered to be sustainable. Indeed, once those factors are fully considered, it is considered that it would be unreasonable

to argue that the development would be unsustainable.

The proposal would be for a modest development of 5 bungalows on a large site. The design and layout of the bungalows would be such that they would not appear unduly prominent or intrusive when viewed from Honiton Road and would be read in the context of surrounding development without detriment to the character and appearance of the area or any wider landscape impact. Owing to the generous size of the site and limited scale of the proposed bungalows, the development would have a limited impact on the amenities of the occupiers of the nearest neighbouring properties.

On the basis that the application site and land to the north which benefits from an extant planning permission for 3 dwellings are in the same ownership it is considered that the two sites should be considered in respect of affordable housing provision. The Council's Affordable Housing Officer has advised that a commuted sum of £28,958 per unit would be required towards affordable housing which equates to a financial contribution of £231,664. The applicant has agreed to the requirement to provide affordable housing as a commuted sum which would be secured via a legal agreement. On the basis that the appropriate affordable housing contribution is secured, it is considered that the proposal would comply with the provisions of Strategy 34- District Wide Affordable Housing Provision Targets of the Local Plan.

Whilst there is no policy support for the proposal within the East Devon Local Plan, in the absence of a five year housing land supply, it is considered that this proposal would represent a sustainable form of development, where there would be no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Accordingly, it is recommended that the application is approved as a departure from the Local Plan.

CONSULTATIONS

Local Consultations

Parish/Town Council

Thank you for consulting Broadclyst Parish Council.

The site's location is outside a black line for development and as such is technically, development in the countryside, (Strategy7 in the EDDC Local Plan applies); however, its location immediately to the south of a strategic allocation and a recently approved application for 3 bungalows in the northern part of The Gardens field, suggests that it is not deemed an unsustainable location in planning terms.

The proposal for 5 bungalows makes good use of the plot. Our research when preparing the Neighbourhood Plan identified a lack of bungalows in the parish. Each plot meets requirements for parking, cycle storage;

Broadclyst Neighbourhood Plan supports the planning application 23/0047/FUL with the following policies

' Electric car charging points are provided within each of the garages. NP policy T3 ' Parking Provision & DC4 ' Residential Storage

' Bin storage for each plot ' NP policy DC4 ' Residential Storage. There is a bin collection area for bin days only.

' Plot 2 & 3 on the illustrative street scene shows solar panels on the bungalow's roofs. NP policy DC 1&2

' The plot will be serviced by soak-away drainage which is supported by NP policy DC3 Sustainable Drainage

' The creation of 140m of new native species hedge as part of the boundaries dividing the new and existing properties. NP NE4 ' The Protection and Enhancement of Hedgerows

' Does not meet policy H4 ' Social and Affordable housing

Technical Consultations

EDDC Housing Officer:

I understand the history of the previously withdrawn applications and that on-going dialogue with the applicant indicates acceptance, from them, regarding their obligation for a 50% AH on-site provision or as a commuted sum.

With this in mind I believe the commentary (highlighted below) submitted by my predecessor on the related applications still stands. I can also confirm that the multiplier for the commuted sum calculation is still valid at £28,958.00 per unit.

This application is for 5 detached bungalows. Government policy on threshold states that affordable housing will not be sought for residential development that are not major developments. Major development is defined as 10 units or more (in designated rural areas this threshold is 5) or the site has an area of 0.5 ha or more. This site, according to the planning application form, has a site area of 0.56 ha which would make it a major development triggering a requirement for on-site affordable housing. Furthermore, it appears that this site has been sub-divided to create two separate sites (although under the same ownership), the northern part of the site has planning permission for 3 bungalows (22/0549/FUL) accessed from Blackhorse Lane and this application is for a further 5 bungalows, making 8 in total. The Affordable Housing Supplementary planning document states that proposals that artificially sub-divide sites in the same ownership will be closely examined so that the affordable housing threshold is not circumnavigated. The planning officer should carefully consider whether the proposal should be treated as a single site for the purpose of affordable housing thresholds.

Based on the site area which is in excess of 0.5ha then on-site affordable housing should be provided and this would amount to 50% due to the location outside of any built-up area boundary. Therefore 2 units for affordable housing should be provided on-site and the 0.5 as a commuted sum of £28,958.

If the planning officer concludes that this site has been artificially sub-divided to avoid an affordable housing contribution, then we would look at the whole area in the

applicant's ownership and instead of on-site provision a commuted sum towards the provision of affordable housing would be sought. This would be £28,958 x 8 units = £231,664.

Either way of looking at this site results in a requirement to provide affordable housing either on-site or as a commuted sum.

County Highway Authority:

The proposed access will provide sufficient visibility to both the east and west direction upon London Road sometimes referred to as Honiton Road. This road is due to have enhancements which help reduce the speed of this stretch of road up to Cranbrook.

The internal layout will have off-carriageway parking and turning for each of the proposed dwellings, as well as a passing place to allow for simultaneous exit and egress onto London Road.

I do not believe a Construction and Environment Management Plan (CEMP) is required for only 5 dwellings especially as the site benefits from good internal space to manage construction and wheel washing.

I would recommend the provision of secure cycle storage, to help encourage sustainable travel and mitigate upon the trip generation intensification of this site. However the locality is within walking distance to the new Park and Change site, bus stop services, Co-cars and Co-bikes.

Recommendation:

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

1. 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 to in accordance with the East Devon Local Plan 2013-2031.

Other Representations

1 letter of representation has been received from the Exeter Cycling Campaign requesting further details provided in this application about secure cycle storage facilities.

PLANNING HISTORY

Reference	Description	Decision	Date
22/2282/FUL	Construction of 5 bungalows with associated access, parking and landscaping and demolition of existing stable building	Withdrawn	
22/0549/FUL	Construction of three bungalows with associated parking and vehicular entrance	Approval with conditions	17.06.2022

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 7 (Development in the Countryside)

Strategy 10 (Green Infrastructure in East Devon's West End)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN5 (Wildlife Habitats and Features)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Government Planning Documents

National Planning Practice Guidance

Site Location and Description

The site refers to a large paddock (approx. 0.56 ha) to a residential property known as The Gardens which is accessed via Honiton Road. The site is relatively open and flat and contains an existing stable block. It is bound by Honiton Road to the south and residential properties to the east and west.

The site is located outside any designated built-up area boundary, but does have a notable amount of development in the vicinity. Most notably, there are existing dwellings to the east and west of the site - these are a mixture of bungalows and two storey dwellings. Furthermore, the land on the northern side of Blackhorse Lane is part of the Tithebarn development site, which is currently being developed into a

significant area of housing. The Exeter Science Park is situated a short distance to the west of the site. The former A30 is located a short distance from the site; a bus service runs along this road, and there is also a public house situated alongside it.

The site is not the subject of any national or local landscape designations and falls within an area designated as flood zone 1.

Proposed Development:

Planning permission is sought for the construction of 5 no detached bungalows and garages across the site. The proposal includes the construction of a new vehicular access onto Honiton Road with the development accessed via a shared private driveway.

Two bungalows would be constructed at the front of the site to the side of the existing property with an internal driveway leading down to three further detached bungalows to the north of the site. Each bungalow would have a large private garden and off road parking spaces.

The bungalows would have a modern design with a rendered finish and timber clad walls with dark grey windows.

The proposal also includes the planting of approximately 140 metres of new native hedgerow to create the boundaries between the proposed bungalows.

Issues and Assessment:

The main issues for consideration in the determination of this application are in terms of:

- The Policy Context
- The Council's position in relation to 5 year housing land supply
- The principle of development and sustainability
- Affordable Housing Provision
- The impact on the character and appearance of the area,
- The impact upon the amenity of surrounding residents,
- The Impact on highway safety
- The impact upon trees and ecology

ANALYSIS

Policy Context:

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The sites falls within the Broadclyst Neighbourhood Plan area which it is understood has been examined but has not yet been to referendum and therefore the policies contained within it cannot at this moment in time be afforded any significant weight.

Five Year Housing Land Supply:

The Council is required under the NPPF to maintain a 5 year housing land supply. Annual monitoring of the housing supply position revealed that as of September 2022, the Council is unable to demonstrate a 5 year housing land supply position with supply standing at 4.68 years.

The consequences of not having a 5 year housing land supply means that the presumption in favour of sustainable development in the NPPF applies and that planning permission should be granted unless:

- (i) the application of policies in the NPPF that protect areas or assets of particular importance such as AONB's, SSSI's, Heritage Coast, Heritage Assets, areas at risk of flooding or coastal change etc provides a clear reason for refusing the development proposed ; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

It is important to note that the fact that the site is located in the countryside and outside of a BUAB as defined by the East Devon Local Plan cannot reasonably be a reason to refuse planning permission and the main test in determining this application relates to whether the adverse impacts of granting planning permission for the residential conversion would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Principle and Sustainability:

Given the nature of the proposal, and the location of the site outside of a built-up area boundary, this development represents a departure from the Local Plan. The application has been advertised as such.

Members will recall that planning permission for the construction of three detached bungalows on land immediately to the north of the site has been approved under application ref 22/0549/FUL. Approval was granted on the basis that despite the site being located outside a built-up area boundary, it is in a sustainable location and, consequently, that the development was acceptable in principle. Previously, the following was reported with regard to the principle and sustainability of the site which is considered to be equally applicable to the application site immediately adjacent:

"The application site to which this report relates is located outside any built-up area boundary designated in the East Devon Local Plan. Therefore, in planning policy terms the site is within the countryside in an unsustainable location. As a result, the proposal does not gain any planning policy support from the Local Plan with the proposal being contrary to Strategy 7.

However, it needs to be considered whether there are any other material considerations that may support the proposal and outweigh the policy objection.

In this instance, the location of the site and its relationship to other development is such that it is a material consideration to weigh into the balance.

Whilst it is noted that there are existing dwellings to the east and west of the site, this in itself is not considered sufficient to mean that the site is in a sustainable location. In this regard, there are more notable developments in the area which are considered to give weight to an argument that it would be unreasonable to argue that this site can be considered unsustainable; most notably, these are the Tithebarn/Mosshayne development which is taking place on the northern side of Blackhorse Lane, and will lead to the construction of around 1,500 dwellings in close proximity to the site benefiting from a local centre and recreational facilities, and Exeter Science Park is situated a short distance to the west of the site.

In addition, although Blackhorse Lane is now a no through road for vehicular traffic, it is a designated cycle path which provides easy access to Exeter in the west, and also to Clyst Honiton, Cranbrook and Exeter Airport in the east. Additionally, the former A30, a short distance to the south of the site, is served by several bus services serving destinations including Exeter, Exeter St. Davids railway station, Exeter Airport, Cranbrook, Ottery St. Mary, Honiton, Axminster, Woodbury and Exmouth. Furthermore, there is a public house situated adjacent to the former A30, within walking distance from the site.

The location of the site close to these services and facilities, benefiting from good access links means that the site can be argued to be well located and close to a range of services and facilities to an extent that could minimise the use of the car.

The points raised above highlight a number of reasons why, despite the location of the site outside a built-up area, it can be considered to be in sustainable location and development. When these factors are given consideration alongside the local plan, it is considered that, on balance the development would be in a sustainable location and, therefore, that the proposal is acceptable in principle."

Whilst each application is determined on its own merits, being positioned immediately adjacent to the site for the three approved bungalows, it is considered that there have been no material changes to the assessment above and that, consequently, the principle and sustainability of the development remains acceptable for the reasons detailed above. Subject to an assessment of other material considerations, the principle of development is considered to be acceptable where the five dwellings would contribute to the Council's five year housing land supply. This along with the sustainable nature of the development are considered to weigh in favour of the proposal within the overall planning balance.

Affordable Housing:

The comments received by the Council's Affordable Housing Officer refer to the site having a site area of 0.56 ha which would make it a major development triggering a requirement for on-site affordable housing. Members should note that this is not the case because sites that are over 0.5 ha are only considered to be major developments where the number of dwellings is unknown. In the case of this application, the proposal is for 5 dwellings.

The application site does however form part of a larger site which includes land to the north (under the same ownership) which benefits from planning permission for 3 bungalows (22/0549/FUL) accessed from Blackhorse Lane. This application is for a

further 5 bungalows, making 8 in total, exceeding the government threshold of 5 for affordable housing contained within paragraph 64 of the NPPF.

The Council's Affordable Housing Supplementary planning document states that proposals that artificially sub-divide sites in the same ownership will be closely examined so that the affordable housing threshold is not circumnavigated. On the basis that the application site and land to the north which benefits from an extant planning permission for 3 dwellings are in the same ownership it is considered that the two sites should be considered in respect of affordable housing provision.

The Council's Affordable Housing Officer has advised that a commuted sum of £28,958 per unit would be required towards affordable housing which equates to a financial contribution of £231,664. The applicant has agreed to the requirement to provide affordable housing as a commuted sum which would be secured via a legal agreement.

On the basis that the appropriate affordable housing contribution is secured, it is considered that the proposal would comply with the provisions of Strategy 34-District Wide Affordable Housing Provision Targets of the Local Plan.

Character and Appearance:

Policy D1- Design and Local Distinctiveness of the Local Plan requires that proposals respect the key characteristics and special qualities of the area in which the development is proposed and ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

Introducing built development within the site would result in a degree of impact on the character and appearance of the area and would change the character of the site from a paddock to a cul-de-sac of bungalows. Whilst this would be the case, despite occupying an elevated position in relation to Black Horse Lane, the development is considered to be well designed with the layout of bungalows being appropriate to the pattern of development in the area. The two bungalows at the front of the site would continue the building line with frontages onto Honiton Road. The bungalows would be set back from the road with generous amounts of space around them. The three detached bungalows at the rear of the site would be positioned with sufficient space around them with generously sized amenity areas.

The paddock is generously sized and whilst its redevelopment would result in a change in character, it is considered that the layout of the development has been carefully considered and owing to the scale and modest height and design of the bungalows, it is considered that the impact on the character and appearance of the area would be limited as demonstrated by the submitted site section/ street elevation drawing. The bungalows themselves would be of an appropriate modern design and form and the proposed materials are considered to be appropriate to the context of surrounding development. The bungalows would be read in the context of the existing development along Honiton Road, and would not be seen as a visual intrusion into the area/countryside.

The proposal would comply with the provisions of policy D1- Design and Local Distinctiveness of the Local Plan. The lack of visual harm or harm to the character and appearance of the area weighs in favour of the application.

Residential Amenity:

The site is bound on its western side by a number of residential properties including the Gardens itself and Meadow View. To the east of the site and separated by a driveway is Killenaule and to the north of the site is the site for the recently approved three detached bungalows by the same applicant.

The development of the paddock with a further five detached bungalows would have a degree of impact on the amenities of the occupiers of adjoining properties. However the single storey form of the buildings and the manner in which the site would be laid out would be such that it would be difficult to argue that there would be significant harm in terms of the physical impact of the development.

The site is generously proportioned and the submitted site plan demonstrates that the proposed bungalows would be positioned a sufficient distance from its boundaries so as to prevent any overlooking or loss of privacy, particularly bearing in mind the single storey form and design of the proposed bungalows.

Given the above, the proposal is considered to be acceptable in terms of its impact on the occupiers of neighbouring properties and would comply with the provisions of policy D1 which seeks to ensure that developments do not adversely affect the amenities of the occupiers of existing residents. However, to ensure that the Local Planning Authority has control over any changes to this, it is considered reasonable to withdraw permitted development rights for the construction of any extensions to the dwellings, or the addition of dormer windows or rooflights which could give rise to overlooking.

Highway Safety and Parking:

Policy TC7 - Adequacy of Road Network and Site Access of the Local Plan state that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 - Parking Provision in New Development of the Local Plan states that spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

The application proposes a new vehicular access onto Honiton Road which would serve the five bungalows.

The County Highway Authority have raised no objections to the application and have advised that the proposed access will provide sufficient visibility to both the east and west direction upon London Road sometimes referred to as Honiton Road. This road

is due to have enhancements which help reduce the speed of this stretch of road up to Cranbrook.

The CHA have advised that the internal layout will have off-carriageway parking and turning for each of the proposed dwellings, as well as a passing place to allow for simultaneous exit and egress onto London Road.

The CHA recommends the provision of secure cycle storage, to help encourage sustainable travel and mitigate upon the trip generation intensification of this site but notes that the site is within walking distance to the new Park and Change site, bus stop services, Co-cars and Co-bikes.

In the absence of any highway safety objections to the proposal, it is considered that the proposal complies with policies TC7 and TC9 of the Local Plan.

Impact on Trees:

There are a number of mature trees on the site, particularly along the site's eastern boundary which positively contribute to the visual amenity of site which are to be retained and incorporated into the development. The application is accompanied by an Arboricultural report, impact assessment and tree protection plan which demonstrates that with the exception of a number of fruit trees, all existing trees will be retained and protected during the development such that it is considered that the development will not adversely impact on the health and wellbeing of trees. Subject to a condition that requires the development to be carried out in accordance with the AIA and tree protection measures, it is considered that the proposal complies with the provisions of policy D3- Trees and Development Sites of the Local Plan.

Ecological Impact:

The application is accompanied by an ecological report which concludes that the site consists of a pony paddock, categorised as neutral grassland. The report includes the results of a preliminary visual inspection of the stable building for bats and nesting birds. Two bat emergence surveys were undertaken in August 2022, and a static bat detector was deployed in the stable for seven nights in August to record any bat activity.

The report concludes that demolition of the stable would result in the destruction of a brown long-eared bat night roost and a common pipistrelle bat day roost. The works could also potentially result in bats being disturbed, injured or killed during works. The proposed works and demolition of the stables would therefore require a European Protected Species Licence from Natural England.

In these circumstances the Local Planning Authority has a statutory duty under Regulation 3(4) to have regards to the requirements of the Habitats Directive in the exercise of its functions when dealing with cases where a European Protected Species maybe affected.

The species protection provisions of the Habitats Directive, as implemented by the Habitats Regulations, contain three 'derogation tests' which must be applied by

Natural England when deciding whether to grant a licence to a person carrying out an activity which would otherwise lead to an offence under provisions protecting species in the Habitats Regulations: The Woolley court judgment makes it clear that the Local Planning Authority must apply these same three tests when determining a planning application and that failing to do so will be in breach of the Habitats Regulations.

The three tests are:

1. the activity must be for imperative reasons of overriding public interest or for public health and safety;

In this case it is considered that the imperative reasons of overriding public interest are as follows:

- The delivery of housing on a sustainable site without the need to develop greenfield land in a less sustainable location and without any landscape harm.
- The development would make a positive contribution towards the Council's 5 year housing land supply
- The development would secure an affordable housing contribution of £231,664

2. there must be no satisfactory alternative;

In this case the stables are currently redundant and located centrally within the site. Removal of the stables is required so as to be able to redevelop the site in a manner that makes efficient use of the land in a comprehensive layout which allows facilitates access to the rear part of the site. Retention of the stables would make no contribution towards the character and lay of the proposed residential development.

3. favourable conservation status of the species must be maintained.

To mitigate for the loss of the night and day roosts, the proposal includes the provision of a timber, open-fronted bin store, with a pitched roof, that brown long-eared bats could use as a night roost and common pipistrelle bats could use as a day roost. The ecologist states that waney-edge timber cladding on the bin store would also provide potential day roosts for brown long-eared, common pipistrelle and other crevice-dwelling bat species. The bin store would be positioned adjacent to the retained eastern hedgerow boundary and mature oak tree, and away from any lighting, so that bats can easily access it from the adjacent habitat without being disturbed by lighting. As such there would be no loss of roosting provision as a result of the development and subject to a condition that requires the applicant to submit a copy of the licence from Natural England prior to demolition of the stables, and which requires the development to be carried out in accordance with the mitigation measures and ecological enhancement measures including the provision of the

alternative bat roosting habitat in the form of the bin store, it is considered that the application does demonstrate that favourable conservation status of the brown long eared and common pipistrelle bats would be maintained.

Having regard for the above assessment, it is considered that the three tests can be met and that Natural England are likely to grant an EPS licence.

It should also be noted that the application is accompanied by an ecology plan which proposes further ecological enhancements which includes the planting and formation of 140 metres of new native species hedgerow which would provide additional foraging/ commuting habitat for bats, the integration of ecological features including built-in bird nesting boxes, bee bricks, bat boxes and external lighting designed to be wildlife friendly.

On balance, having regard for the above, it is considered that the proposal complies with the provisions of policy EN5- Wildlife Habitats and Features of the Local Plan and that in granting planning permission the Council has met its legal duty to consider the tests and the Directive.

Habitat Mitigation:

The site is located in close proximity to the Exe Estuary and the East Devon Pebble bed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47 (Nature Conservation and Geology) of the Local Plan. This proposal is within 10 km of the Exe Estuary and the Pebblebed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £367.67 per dwelling which has been secured as part of this application.

Surface Water and Drainage:

The site is located within an area designated as flood zone 1 (low probability of flooding). Whilst this is the case, it is accepted that the site urbanisation would lead to an increase in impermeable areas over its current greenfield use as a paddock. A surface water drainage strategy has not been submitted a part of the application although it is stated on the planning application forms that surface water would be disposed of by soakaways. There is no objection in principle to the use of SUDs as a means of disposal of surface water but it is recommended that a condition is imposed which requires the submission of a detailed surface water drainage and

management plan to ensure that surface water will be adequately disposed of and does not lead to increase flooding elsewhere in accordance with the provisions of policy EN22- Surface Run-Off Implications of the Local Plan.

Planning Balance and Conclusions:

Whilst the proposal represents a departure from local plan policy by proposing residential development outside of any BUAB, the site is considered to be in a sustainable location at the West End of the District in close proximity to new housing development which includes a neighbourhood centre and recreational facilities, the Science Park, the new Park and Change site, bus stop services, Co-cars and Co-bikes.

In light of this, and given that the proposal will not result in a harmful visual impact and as the development would take place within a paddock with no incursion into the countryside, the site is considered to be a sustainable form of development and of a form that raises no wider harm or planning concerns.

It is, therefore, considered that the proposal is acceptable as the lack of harm coupled with the social, economic and environmental benefits to be derived from the proposal outweigh the lack of planning policy support for the proposal.

Whilst there is no policy support for the proposal within the East Devon Local Plan, in the absence of a five year housing land supply, it is considered that this proposal would represent a sustainable form of development, where there would be no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Accordingly, it is recommended that the application is approved as a departure from the Local Plan.

Consequently, it is recommended that this application is approved.

RECOMMENDATION

1. APPROVE subject to the applicant entering into a legal agreement to secure a financial contribution of £231,664 towards affordable housing.
2. 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. No development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building

hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness 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 Report and Arboricultural Impact Assessment submitted by Aspect Tree Consultancy on the 03.08.2022 and the tree protection plan ref 05871 TCP 25.08.22 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.

(d) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason – A pre-commencement condition is required to ensure retention and protection of trees on the site prior to and during construction in the 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 New East Devon Local Plan 2013-2031).

5. The development hereby approved shall be undertaken in accordance with the Landscaping Plan produced by Land and Planning Consultancy, dated August 2022 ref 52-LPC-10 and the 5 Year Management and Maintenance Plan dated September 2022 prepared by Land and Planning consultancy. The

landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of the visual amenity of the area, and to accord with the provisions of Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031.)

6. The development hereby approved shall be undertaken in accordance with the approved Ecological enhancement measures detailed within the Preliminary Ecological Appraisal prepared by Richard Green Ecology dated October 2022 and as shown on ecology plan drawing no 52-LPC-11 and the bat and wildlife lighting layout plan ref 52-LPC-12 prepared by Land and Planning Consultancy, dated August 2022.

(Reason - In the interests of ecology and biodiversity in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031.)

7. No dwelling hereby approved shall be brought into its intended use until the vehicular access, turning areas, parking spaces, hardstanding and access drainage, and cycle and bin storage serving that dwelling have been provided in accordance with details shown on site plan drawing number 52-LPC-02 and Junction Visibility and Vehicles Swept Path Analysis drawing no 130 REV A. The access, turning areas, parking spaces, hardstanding, access drainage, and cycle and bin storage shall be retained for that purpose at all times.

(Reason - To ensure that adequate facilities are available for the traffic attracted to the site, and to comply with the provisions of Policies TC2 (Accessibility of New Development), TC7 (Adequacy of Road Network and Site Access) and (TC9 Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031).

8. Prior to the occupation of any dwelling hereby approved visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the details shown on the Junction Visibility and Vehicles Swept Path Analysis drawing no 130 REV A where the visibility splays provide intervisibility between any points on the X and Y axes of 2.4 x 120 metres in both directions. The visibility splays shall be kept permanently clear of all obstructions greater than 600 mm high.

(Reason: To provide adequate forward visibility from and of vehicles using the road in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031)

9. The development hereby approved shall be carried out in accordance with the finished floor levels and ground levels shown on site section and illustrative street elevation drawing no 52-LPC-13 dated August 2022.

(Reason: In the interests of the character and appearance of the area in accordance with policy D1- Design and Local Distinctiveness of the East Devon Local Plan 2013-2031).

10. 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 works within Schedule 2, Part 1 Classes B or C for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)
11. 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), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse unless approved as part of this application.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness, D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031)
12. 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 works within Schedule 2. Part 1, Class F for the provision of a hard surface within the curtilage of the dwellings hereby permitted shall be undertaken.
(Reason – In the interests of the character and appearance of the development, to protect retained trees and to prevent additional surface water run-off space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)
13. No demolition of the stable block shall be undertaken until a copy of a Natural England bat licence has been submitted to and acknowledged in writing by the Local Planning Authority.
(Reason - In the interests of ecology and biodiversity in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031.)
14. No development above slab level shall continue until details of a permanent surface water drainage and management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details, which shall be installed prior to the first occupation of the development hereby approved,

and shall thereafter be maintained and retained for the lifetime of the development.

(Reason - In the interests of adapting to climate change and managing flood risk, and in order to accord with Policy EN22 (Surface Water Run-Off Implications of New Development) of the East Devon Local Plan 2013 to 2031 and paragraph 103 of the NPPF).

Plans relating to this application:

52-LPC-02	Proposed Site Plan	10.01.23
52-LPC-03 : Plot 1	Proposed Combined Plans	10.01.23
52-LPC-04 : Plot 2 & 5	Proposed Combined Plans	10.01.23
52-LPC-13 : illustrative street	Sections	10.01.23
52-LPC-05	Proposed Combined Plans	10.01.23
52-LPC-10	Landscaping	10.01.23
52-LPC-14	Street Scene	10.01.23
	Flood Risk Assessment	10.01.23
Landscape managemen t plan	General Correspondence	10.01.23
05871 TCP 25.08.22	Tree Constraints Plan	10.01.23
130 A : Visibility/sw ept path	Other Plans	10.01.23
52-LPC-01	Location Plan	10.01.23
52-LPC-07	Proposed Combined Plans	10.01.23
52-LPC-08	Proposed Combined Plans	10.01.23

52-LPC-11 : Ecology	Other Plans	10.01.23
05871 TPP 29.09.22	Tree Protection Plan	10.01.23
52-LPC-06 : Plot 1	Proposed Combined Plans	10.01.23
52-LPC-12 : Bat/Wildlife	Other Plans	10.01.23
	Ecological Assessment	10.01.23
arb impact assessment	Arboriculturist Report	10.01.23
	Tree Survey	10.01.23

List of Background Papers

Application file, consultations and policy documents referred to in the report.

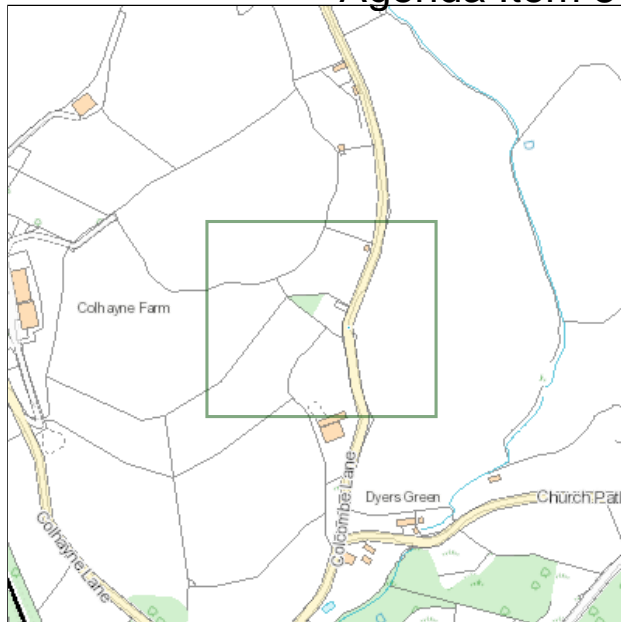
Ward Newbridges

Reference 22/1377/FUL

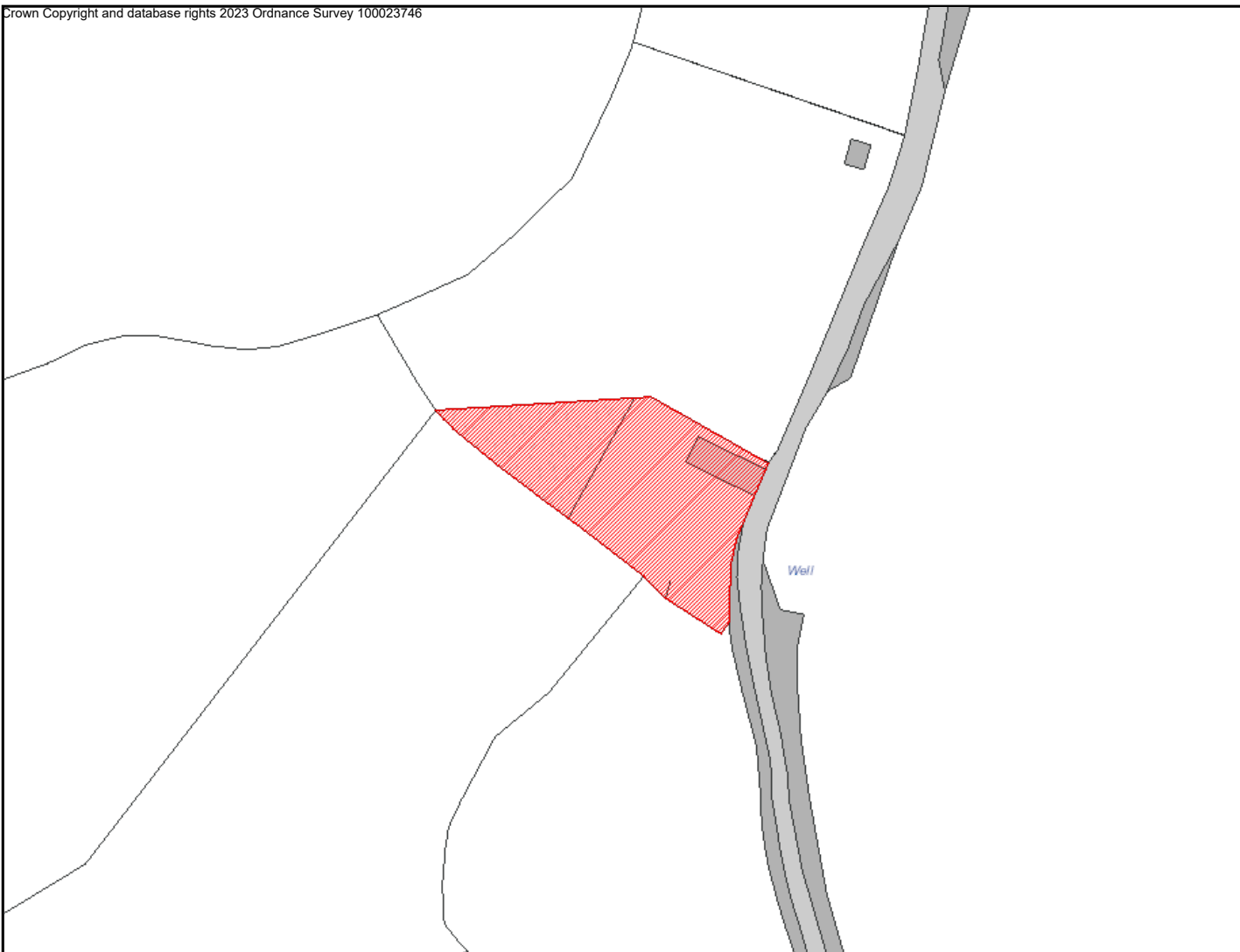
Applicant Mr & Mrs D Branker

Location Site Of Spillers Cottage Shute EX13 7QG

Proposal Construction of a dwelling (retrospective) for occupation while the dwelling permitted under reference 21/0535/VAR is constructed, after which the first dwelling will be demolished



RECOMMENDATION: Refusal



		Committee Date: 25.04.2023
Newbridges (Shute)	22/1377/FUL	Target Date: 06.09.2022
Applicant:	Mr & Mrs D Branker	
Location:	Site Of Spillers Cottage Shute	
Proposal:	Construction of a dwelling (retrospective) for occupation while the dwelling permitted under reference 21/0535/VAR is constructed, after which the first dwelling will be demolished	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before the Planning Committee because the recommendation is contrary to the view of the Ward Member.

The application has been submitted retrospectively and is for a small dwelling for occupation while a consented dwelling is constructed elsewhere on the site. Local Plan policy does not support the provision of new dwellings in this location (the previously consented dwelling benefits from a fallback position) and therefore the proposal is unacceptable in principle.

In addition, the site is in the East Devon AONB and by virtue of its uncharacteristic design and its prominent and elevated position next to the lane, it fails to conserve or enhance the landscape and scenic beauty of the area.

In mitigation the applicant has stated that he intends to remove the building when the main house is ready to be occupied but the building is of permanent construction. Planning Practice Guidance states that a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness.

In the absence of policy support or any overriding reason for taking a decision other than in accordance with the development plan, the proposal is recommended for refusal.

CONSULTATIONS

Local Consultations

Newbridges - Cllr Iain Chubb

I would like to write a note of support for this temporary dwelling that is necessary for the applicant to live in during the rebuild of Spillers Cottage, a mobile home would be the normal choice of temporary dwelling; however, due to the width of the lanes surrounding the site this makes the temporary cabin the only option. It will obviously provide accommodation and security for the site, which is not overlooked by any neighbouring properties. The building has been constructed with recycled materials and now the timber has been stained in a dark colour it blends in well in its setting.

Parish/Town Council

24/08/2022 - The Council discussed this at their last meeting and raised no objections. They would ask that a definite time limit for the temporary siting is set.

09/03/2023 - The Parish Council discussed this application at their meeting of March 8th and have no objections...

Other Representations

None received.

Technical Consultations

EDDC Trees

I have reviewed the submitted tree protection information and the photos of the site, however there is no tree survey information or assessment to comply with BS5837. It appears as though significant disturbance of the ground within the RPAs of the retained trees has occurred, this may be having a detrimental impact on the health and condition of the trees on the site, apparently oak and ash. Therefore effective implementation of the TP plan may not be feasible.

Can the applicant provide a survey & report by a suitably qualified arboriculturist to assess the potential damage/disturbance to the roots of the retained trees, to say what effect this may be having on the trees together and put forward suitable remedial measures to try and ensure that the trees can be retained as long term features of the site and of the local landscape?

PLANNING HISTORY

Reference	Description	Decision	Date
91/P0654	House	Approval with conditions	24.06.1991

19/1787/CPE	The excavation, laying out and back filling of an inspection chamber and associated pipework ready to connect to a new septic tank for the foul sewage system of the new house granted permission reference 7/87/91/P0654/00119 on 24 June 1991 and validly implementing that the permission so that it remains extant	CPE Refused Allowed at appeal	14.10.2019
21/0535/VAR	Variation of condition 2 of permission 91/P0654 (House) to allow for revised design of dwelling	Approval with conditions	20.04.2021

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Site Location and Description

The site is located to the west of Shute and about 430 metres south of the A35. It is accessed via a narrow lane next to Deep Cut Farm. It has no near neighbours but there are scattered dwellings and farms in the surrounding countryside, which is within the East Devon AONB.

The steeply sloping site lies on the west side of the lane on a hillside with an outlook to the east and south. There are views back towards the site from the A35 and from Pacehayne Lane near Moultons.

At the front of the site in the centre there is an open parking area. On the north side of this on higher ground is the site of the dwelling that was permitted under reference 21/0535/VAR. On the south side of the site is the building that is the subject of this

application. The plot rises steeply to the west meeting a small area of woodland. There are also some trees near the southern boundary of the site.

ANALYSIS

This application is for a dwelling to be occupied for a temporary period while the main dwelling is constructed in accordance with the 2021 permission. Construction of the temporary dwelling was at an advanced stage when the site was visited in September 2022 and was finished and occupied when it was visited again in March 2023. No significant progress has been made on construction of the main dwelling.

The temporary dwelling is of timber construction and rests on a dozen block built columns of differing heights to accommodate the slope of the land. The exterior is clad in timber and is fitted with glazed windows and doors salvaged from other sites. Likewise the interior has in part be fitted out with salvaged fittings in an effort to save money.

One of the reasons why the applicant constructed the temporary accommodation is save money. He is building the main dwelling himself and the financing arrangements for self-build construction do not extend to covering the costs of renting a property elsewhere. Living on the site would also assist with security and would be convenient while the applicant is constructing the main house.

A further reason is that having made enquiries about moving a mobile home onto the site he was advised that the access was too narrow to accommodate the large delivery vehicle.

To further assist with financing the new build, it is the applicant's intention that once he occupies the main dwelling he will sell the temporary building. Based on his research he anticipates that someone will be willing to purchase the building, dismantle it and re-erect it elsewhere. Failing that he believes that the materials used in its construction could be sold or used in the construction of the main dwelling. He does not intend to retain the building as additional accommodation but may seek permission for a garage on roughly the same part of the site in future.

The main issues in this case are whether this is a suitable location for a dwelling in principle and the effect on the landscape and scenic beauty of the AONB.

Location

Owing to its position outside of any settlement, the provision of a dwelling in this location is not in accordance with the Local Plan and is not supported by any policies in the NPPF. Whilst paragraph 80 of the NPPF makes provision for dwellings in isolated locations, none of the circumstances listed in that paragraph apply to this proposal. Notwithstanding that, if material considerations justify it, a decision can be made that is not in accordance with the development plan.

(For the avoidance of doubt, the recent permission for a dwelling on the north side of the site was granted on the basis that there was a fallback position established by

work commencing on the construction of the dwelling permitted in 1991. The temporary dwelling does not benefit from any similar fallback.)

If it were determined that justification existed for retaining the dwelling for a temporary period then to avoid conflict with the spatial strategy of the Local Plan it would be necessary to impose a condition requiring the removal of the building after a fixed period. However, the Planning Practice Guidance in Paragraph: 014 Reference ID: 21a-014-20140306 states:

A condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness.

Notwithstanding the applicant's plans to dismantle the building for materials or to sell the component parts for re-erection elsewhere, it is clearly of a construction that is permanent in nature. Moreover, it is not capable of being moved from the site (for example, by being craned onto a lorry) without being dismantled.

Whilst there may be a case for some form of temporary accommodation (such as a touring caravan), the permanent nature of the building that has been constructed conflicts with the Local Plan and guidance in the PPG. It is therefore concluded that the site is not a suitable location for a dwelling and retention of the building is not justified.

AONB

The site is steeply sloping and some excavation has been carried out to create a space for the temporary dwelling and space to use as a parking area and work compound. The dwelling has been constructed at the lowest point of the site but owing to the slope of the land it is elevated above the adjacent road and prominently positioned.

Whilst the building is prominent from the lane adjacent to the site, longer range views are filtered to some degree by trees and hedgerows. From the A35 the building can be seen from about 400-500m away but it is small in scale and fairly recessive in the landscape owing to the use of dark timber cladding. Similarly, from the relatively lightly used Pacehayne Lane there are views through field gates but, again, the building is not especially prominent, particularly when compared to the white rendered dwellings visible in the same view.

Whilst the effect on distant views may be limited, in terms of design, siting and relationship to the natural slope of the land, the building is not characteristic of the area. Nor does it reflect the architecture of the approved dwelling or others in the locality. In an AONB great weight must be given to conserving and enhancing landscape and scenic beauty and in this instance the building does not achieve either objective.

The building has been constructed in close proximity to some trees and there is insufficient information about the impact the development may have had on their roots. The potential impact on the long term health of the trees is therefore uncertain

and this adds weight to concerns about the effect on the landscape and scenic beauty of the AONB.

In view of these considerations it is concluded that the proposal does not conserve or enhance the AONB.

Conclusion

The proposed dwelling is not supported by any policies in the development plan and approval on a temporary basis would be contrary to advice in the PPG owing to the permanent nature of the construction. In addition, by virtue of its uncharacteristic design and its prominent and elevated position next to the lane, it fails to conserve or enhance the landscape and scenic beauty of the AONB. For this reason the 'tilted balance' set out in paragraph 11 of the NPPF is not engaged.

It is appreciated that the applicant has explored other options, including renting elsewhere, moving a mobile home onto the site or living in a touring caravan on the site but the reasons for dismissing those options are largely personal (other than the mobile home which was not practicable). It is also appreciated that it is the applicant's stated intention to remove the building from the site when the main dwelling is ready to be occupied but that does not justify the permanent nature of the construction.

In the absence of policy support or any overriding reason for taking a decision other than in accordance with the development plan, the proposal is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The dwelling is located in the countryside outside of any settlement and remote from services and amenities. In addition, by virtue of its uncharacteristic design and its prominent and elevated position next to the lane, the building fails to conserve or enhance the landscape and scenic beauty of the East Devon Area of Outstanding Natural Beauty within which it is located. The proposal is therefore contrary to Strategies 7 - Development in the Countryside and 46 - Landscape Conservation and Enhancement and AONBs and Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the East Devon Local Plan 2013-2031.

NOTE FOR APPLICANT

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 seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the

development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

20/15/04 A	Proposed Combined Plans	08.09.22
20/15/05	Tree Protection Plan	08.09.22
Arboricultural	Method Statement	08.09.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.

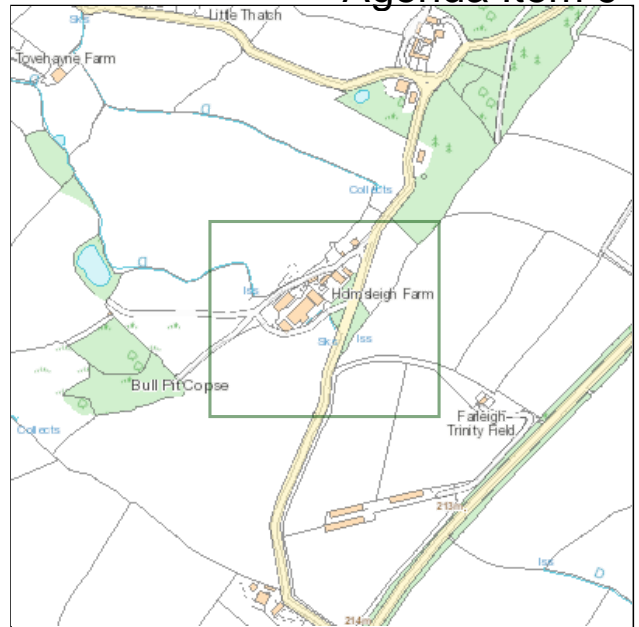
Ward Dunkeswell And Otterhead

Reference 22/2782/FUL

Applicant Mr & Mrs Phillips

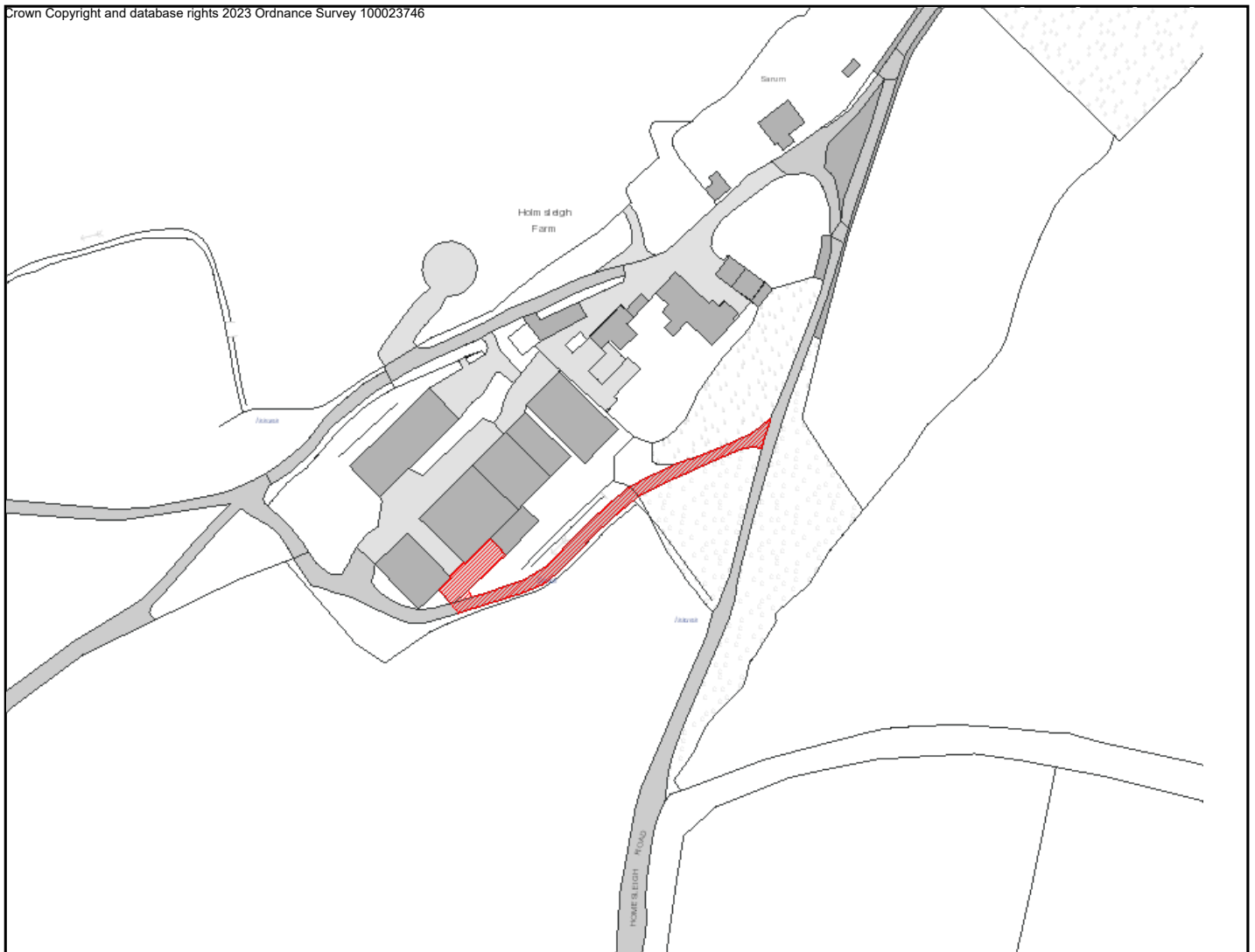
Location Holmsleigh Land And Buildings Monkton Honiton EX14 9NP

Proposal Retrospective application for the temporary siting of a static caravan as a rural worker's dwelling.



RECOMMENDATION: Approval with conditions

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		Committee Date: 25.04.2023
Dunkeswell And Otterhead (Monkton)	22/2782/FUL	Target Date: 14.02.2023
Applicant:	Mr & Mrs Phillips	
Location:	Holmsleigh Land And Buildings Monkton	
Proposal:	Retrospective application for the temporary siting of a static caravan as a rural worker's dwelling.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the committee as the officer recommendation differs from that of one of the ward members.

A temporary three year permission is sought for the retention of a static caravan to serve as accommodation for an onsite worker to manage a proposed satellite unit to the applicant's main farm based in South Molton. The proposal is to house the young stock and calves from the dairy unit (based at South Molton) at the site, as well as carrying out silaging on the land and nearby rented land and running a small flock of sheep.

Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan permits such dwellings subject to meeting all of the relevant criteria set out in the policy.

The key issue for consideration is whether the application demonstrates that there is an essential functional requirement for an on-site worker. It is also necessary to be able to demonstrate future operational viability of the business.

The submitted information sets out the functional requirement for the proposed enterprise in terms of Standard Man Days (SMDs), with 275 SMDs equating to a full-time worker. Taking into account the projected livestock numbers and other agricultural work outlined a need for a full-time worker at Holmsleigh is demonstrated and where the young nature of the livestock requires close supervision. In financial terms, the enterprise would be run in conjunction with the main farm. Budget forecasts set out how the business would be expanded and where at the end of the three year period a healthy trading profit would be achieved, indicating that the business would be capable of supporting the additional dwelling.

The concerns expressed by the Parish Council and third parties regarding the nature of the applicant's case and the purpose for which the caravan was originally sited are noted. However, the application needs to be assessed on the basis of the proposed scheme set out in the application and in this regard it is officer's position that the case presented represents a viable proposal which meets the relevant criteria of the policy. The proposed number and type of livestock proposed would equate to a functional need for a full-time worker and for them to be readily available (day and night). The business plan indicates how future operational viability would be achieved and where policy H4 facilitates such proposals.

In all other respects including means of access and impact on the character and appearance of the area and the wider designated landscape, the proposal is found to be acceptable and further details of foul drainage can be secured by condition.

As such, it is recommended that temporary permission is granted for the siting of the static caravan as a rural worker's dwelling.

CONSULTATIONS

Local Consultations

Dunkeswell And Otterhead - Cllr Colin Brown

Having carried out a site visit. I could not see any evidence of any cattle or animals on this land. There is a sign advertising wild camping.

Therefore I cannot support this application until there is evidence of some form of agricultural work taking place.

Dunkeswell And Otterhead - Cllr Colin Brown 6/4/22

I am told by residents living in Monkton that the land in question is being rented out to a farmer to keep sheep on and I can see on visiting the site camping is still taking place, if this was to be approved there needs to be a condition included which states that no camping or caravans are allowed to stay on the land associated with this application and no toilet blocks to be allowed on site.

Dunkeswell And Otterhead - Cllr David Key

I am not against the application but I think it should be on a three year licence the same as any other application.

Parish/Town Council

06.03.23

The Parish Council response to the additional covering letter uploaded on the 22nd February. The letter states the reason for the lack of livestock on this agricultural holding is because the property sale transaction didn't complete until 6th January 2023 but the applicants were happy to run the camping business on this land from July until now. A total of more than 216 days. This does not make any sense. Why did the

applicants believe they were justified in using the land as a campsite prior to completion but did not feel they could keep livestock on the land? An agreement was entered in to with a local farmer to rent some of the land at Holmsleigh and his sheep have been grazing the land for the last three weeks.

There is no mention of renting out land in the business plan. The documents submitted still bear no relation to what is actually happening at Holmsleigh.

31.01.23

The majority of Councillors voted to Object.

This planning application has raised a number of issues because the completed documentation does not reflect the information we were given at the last Parish Council meeting in December 2022 by the applicant. On the 8th of December Mrs Phillips, the applicant, attended our Parish Council meeting in order to address any potential concerns parishioners had regarding the static caravan. Mrs Phillips confirmed the planning application had been submitted although at the time it was not 'live' on the East Devon planning portal. Mrs Phillips explained that her son Joe (who was also in attendance at the meeting) needed to live on site in the static caravan in order to manage their 'wild' camping business ' Joe takes payment from those that have not booked on-line and manages day to day issues on site. Livestock and the management of livestock was not mentioned at any point during this meeting. No mention was made of any 'rural' work aside from the camping business. Since July 2022 a small amount of livestock have been on the land for a handful of days when the Enforcement Officer was on site. The site, whilst in rural Monkton, is not screened or in anyway detached from neighbours and the fields have been busy with campers in tents, motor homes and vans since July 2022 rather than livestock.

Link to this camping business ' <https://www.theottervalewildcamping-devon.com/>

Link to the camping business in South Molton-
<https://www.thelittlesilverstreamwildcampingdevon.com/>

As a result, a number of questions following this planning application have yet to be answered:

' Why does this application not correlate in any way to what the Parish Council and neighbours have been told by the applicant?

' A cess pit is mentioned with regards to the static caravan ' where is this situated and how is it managed?

' Mrs Phillips' son, Joe, could be based at South Molton? Travelling time and distance is the same regardless of where he is based.

' Why is the land at Monkton Barton mentioned? This rental ends shortly on the 50.74 acres at Monkton Barton and at this point it is unknown as to whether or not the Phillips' will be able to renew the rental agreement. The land may not be up for re-rental.

' Where is the planning application for the camping business?

' What relevance does the South West Water Underground Asset Information have on this application? The document details mains water pipes in Monkton, it does not state where private drainage/assets are on the land in question. Where is the static caravan discharging waste water to? Where are the toilet and shower blocks (in situ since July

2022 when the camping business commenced trading at Holmsleigh) discharging waste water and foul drainage to?

When purchasing the land, the applicants were aware there was no living accommodation on site, this was reflected in the price they paid.

Additional documents relating to this application have been uploaded to the planning portal, a Business Plan was most recently added on the 18th January. Having reviewed this plan we have noted that at no point are the camping businesses mentioned. A significant income is no doubt generated from these camping businesses ' why are they not mentioned in the business plan?

SWOT analysis mentions 'having left the family farm' which is perhaps misleading as Monkton Barton Farm was owned and sold by Mr & Mrs Phillips (the applicants) in September 2021 for £1.95 million at which point they moved to East Catkill Farm in South Molton.

The barns at Holmsleigh are functional and were in use until July 2022. The limited barns and circa. 50 acres of useable land at Holmsleigh are perhaps not the solution to solving the various issues mentioned in the business plan.

Other Representations

5 no. representations have been received which raise the following concerns/objections:

- Concerns in relation to a camping business operating from the site and impact of this in terms of litter, damage to property, traffic etc.
- Concern that the proposed dwelling is actually required in conjunction with a camping business to operate from the site.
- Concerns over nature of approach roads and effect of increase in traffic associated with the site.
- Concern that there is little evidence of livestock being currently kept at the site.
- Lack of notification of application
- Planning permission required for advertisement sign for camping

Technical Consultations

None received.

PLANNING HISTORY

None relevant

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

H4 (Dwellings for Persons Employed in Rural Businesses)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

TC2 (Accessibility of New Development)

Strategy 5B (Sustainable Transport)

TC7 (Adequacy of Road Network and Site Access)

Monkton Neighbourhood Plan (In Preparation)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Site Location and Description

The application site lies in open countryside within the designated Blackdown Hills Area of Outstanding Natural Beauty. It occupies an elevated site on a northwest facing valley side approximately 2 miles northwest of Honiton.

The site includes a range of farm buildings set across the slope of the land and accessed via a private access track from Holmsleigh road to the east. The static caravan to which the application relates is sited on a hardstanding area at the south-western end of the building group. To the northeast of the farm buildings, but outside the site, is a residential property, 'Holmsleigh Farm', and there are a number of other isolated residential properties in the vicinity.

Proposed development

The application seeks a temporary permission for the retention of the static caravan to house an agricultural worker. The application form advises that the caravan has been on site since 11/07/22.

Background

The application is accompanied by an agricultural appraisal that sets out the background to the application and the agricultural activities taking place.

The applicants' currently farm East Catkill Farm, South Molton and have done for the past 15 years. It is a County Council owned farm extending to 180 acres and the applicants farm it as a dairy enterprise, the most recent budget information indicates that they have 135 cows.

The appraisal advises though that there are extremely limited buildings at East Catkill Farm and a lack of undercover storage for fodder/machinery storage or for the housing of young stock or cows not in milk. To address this the applicants purchased the land and buildings at Holmsleigh (in July of 2022) which is near to other land which they already rent and grow fodder on. They have also explained that the purchase of Holmsleigh was part funded by the sale of the family farm (jointly owned with extended family) at nearby Monkton Barton.

As well as the agricultural building the applicants own adjoining land which extends to 70.1 acres. The buildings are currently being used to store the silage clamps for the dairy farm at East Catkill Farm and to store machinery from the main unit. It is advised that the buildings are to be updated to house the dairy young stock/dry cows from the main farm with the intention being to bring all young stock and dry cows to Holmsleigh to winter in the buildings and live out in the summer.

Additionally the applicants run a flock of sheep on permanent pasture land at Holmsleigh.

Reference has also been made to a camping enterprise run on the land, this, it is advised, has been run under permitted development rights relating to temporary uses of land and is not included in the budget or labour requirement figures.

ANALYSIS

The main considerations in the determination of the application relate to:

- The principle of development and assessment of agricultural need
- Impact on character and appearance of the area
- Other considerations

The principle of development and assessment of agricultural need

The development plan for the area currently consists of the adopted East Devon Local Plan 2013-2031 (EDLP). A Neighbourhood plan is being prepared for the whole of the parish of Monkton and a pre-submission consultation draft has been produced, whilst this contains a number of draft policies none of them relate directly to the principle of development in this instance.

Strategy 7 of the EDLP defines the countryside as all those parts of the plan area that are outside of site specific allocations or built-up area boundaries as defined by the Proposals Map. On this basis the site lies in open countryside and therefore falls to be considered under this policy.

Strategy 7 is quite specific by stating,

'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 goes on to say,

'and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located'.

Policy TC2 of the EDLP (Accessibility of New Development) is also relevant, it states that,

'New Development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car'

As the site lies outside a defined built-up area boundary there is a general presumption against residential development under Strategy 7 of the Local Plan, unless this is explicitly permitted by another policy of the Local or Neighbourhood Plan.

Whilst the presumption in favour of sustainable development, set out at para. 11 of the NPPF, is considered to apply (as the Council is currently unable to demonstrate an up-to date 5 year supply of housing land), in this case the location of the site at a distance from services and facilities required to serve it and the lack of options to access it by sustainable modes of transport are such that its location for unrestricted residential occupation would outweigh any benefits that might otherwise be delivered.

Policy H4, following guidance at para. 80 in the National Planning Policy Framework (NPPF), sets out a criteria based approach by which to assess applications for dwellings to support rural businesses and to establish whether an 'essential need' for such a dwelling has been demonstrated.

Policy H4 sets out a number of criteria to be satisfied, the proposal is considered against these below:

1. The proposal would be run in conjunction with the parent farm at East Catkill but relates to a new enterprise being run from the site. The policy states that a temporary dwelling may be allowed where 'need is unproven or a new business is being established' in order to, 'allow time to establish that there is a genuine functional and financial need for a permanent dwelling.'

Whilst the proposed enterprise would be run as part of the existing farm business the operations at Holmsleigh are new. It needs to be demonstrated that in functional terms there is an essential need for a rural worker to live on site. In relation to the financial test it is considered necessary to demonstrate that the existing business can support the additional dwelling, or would be in a position to do so at the end of the temporary period for which permission is sought.

In relation to the functional requirements of the holding, the submitted appraisal calculates that the management of the young stock and sheep enterprises as well as the silaging work undertaken on owned and rented land would equate to 353.1 Standard Man Days (SMDs), with a full time worker representing 275 SMDs. An additional allowance of 20% has been added for general farm management duties

giving a stated labour requirement of 1.53 labour units/full time workers. Whilst the 20% addition for management duties is more than the 15% usually attributed, even using the lower figure there is a demonstrated need for over 1 full time equivalent worker.

There is no reason to dispute the labour requirement figures put forward by the applicant, however, it is necessary to determine whether this labour requirement relates to an essential need for a rural worker to be permanently housed on the unit or in the specific rural location. The appraisal at para. 6.3 sets out the essential need for an on-site presence which is summarised as follows:

- Close supervision of young stock requiring the permanent availability of a worker on site at all times;
- Responding to emergencies and health and safety issues as they arise; including in case of fire resulting from overheating fodder stores;
- General site security.

Queries have been raised regarding the lack of livestock currently on the land. In response, the applicant in their latest submissions has advised on anticipated numbers with the intention being for 30-40 heifers to graze the land at Holmsleigh during the summer, with this increasing to 50-60 overwintering in the buildings. It is advised that repair of existing buildings, which is being undertaken, is required prior to their use by livestock. The business plan projects numbers of livestock to increase to 60-70 in year 2 and 80-90 in year 3. Taking the upper figure of 40 heifers for initial livestock numbers this equates to a labour requirement of 105 SMDs which added to the other stated labour requirements (sheep, silage) but excluding general farm management would give an overall functional requirement of 274 SMDs, this is just short of the recognised 275 SMDs that equate to a full-time worker but above it when general farm management duties are included.

The wording of the policy is such that it allows for temporary dwellings where need is unproven or a new business is being established. In this case the projected figures indicate that there would be a requirement for a rural worker to be present at most times and that as the stock numbers grow this need would increase. On this basis it is considered reasonable to allow the siting of a dwelling for a temporary period to demonstrate that there is a genuine financial and function need for the dwelling.

2. This criteria relates to proposals for permanent dwelling and is not applicable in this instance.

3. For temporary dwellings a financial assessment, in the form of a business plan, setting out projected future operations, is required to demonstrate future operational viability.

The application is accompanied by projected budgets for the financial years 2023-2024, 2024-2025 and 2025 – 2026. A covering letter accompanies the budgets and explains the proposed livestock numbers to be housed at the site, livestock and farm

management proposals and proposed investment in infrastructure (building repairs, covering over yard areas etc.).

The application site would be run in conjunction with the existing farm business at East Catkill Farm, as opposed to a separate enterprise and as such the budget figures are for the overall farm business.

Accounts for the previous financial year indicate the business running a small profit with increasing livestock numbers from the previous year. The budget projections indicate that the business would trade in profit for each of the next three years with profits increasing over time and enabling the business to support the costs associated with an additional dwelling/farm worker. On this basis, it is indicated that the proposal would be operationally viable.

4. The qualifying test of occupancy must involve at least one occupant being employed full time in the relevant rural business. The proposal would meet this with the labour requirements demonstrating a need for a full time worker from the outset and labour requirements increasing as livestock numbers increase.

5. There are no buildings on the operational holding suitable for conversion to meet the residential need and there are no properties for sale in the immediate locality that would either fulfil the functional requirement or be affordable. It is noted that the applicants have sold an existing farm business nearby (Monkton Barton) in the last three years and prior to their purchase of the Holmsleigh land and buildings. It is advised that the Monkton Barton farm was jointly owned with other extended family and as such the applicant's would not have had sole control over its sale and in this regard it is not considered that the sale can, in this instance, be taken into account against 'need'.

6. Any permission granted will be subject to an occupancy condition tying it to the relevant business/farm holding.

It is considered that the proposal meets the policy requirements of policy H4 of the EDLP.

In terms of national planning policy and guidance para. 80 of the NPPF includes at sub paragraph a) the essential need for a rural worker...to live permanently at or near their place of work in the countryside, as one of the exceptions to the development of isolated dwellings in the countryside.

Planning Practice Guidance (Paragraph: 010 Reference ID: 67-010-20190722) sets out considerations that it may be relevant to take into account when considering applications for rural workers these include:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);

- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

In the current case it is considered that there is evidence, in terms of the age of the livestock and close supervision required, of need on animal welfare grounds and for emergency care.

The business plan indicates potential future viability as part of the wider farm business and therefore it is considered to be reasonable to grant a temporary permission for a dwelling to allow the applicant the opportunity to demonstrate this can be achieved.

Impact on character and appearance of the area

Strategy 7 and 46 of the EDLP both seek to protect the countryside from development unless specifically justified and to protect (and in the case of Strategy 46) conserve and enhance the landscape character of the area.

The introduction of a caravan into the designated landscape, whilst temporary in nature has the potential to appear incongruous. In this instance though the caravan has been located close to the existing farm buildings so that it is screened in wider views from the northwest across the Otter valley. In more localised views, again views of the caravan from public vantage points are restricted due to the presence of adjoining farm buildings; the steep topography of the land to the rear; roadside vegetation on higher land to the south east and the lack of nearby public rights of way.

The caravan on site is therefore considered to be physically well related to the existing farm buildings and the natural beauty of the AONB landscape is conserved as required by Stgy 46 of the Local Plan.

Other considerations

Access and Highway Issues

The proposal would utilise the existing site access which serves the farm buildings and is considered to be capable of safely accommodating the traffic associated with the proposed residential use, in accordance with policy TC7 of the Local Plan.

A number of objectors have raised concerns about the nature of the approach roads, safety issues with these and potential for increased traffic movements. These concerns appear to be related to any camping use of the land at Holmsleigh, as opposed to traffic associated with the proposed development. As the application is not related to any camping use these objections are not relevant to the determination of the current application (see below).

Camping activities

A number of objectors as well as the parish council have raised concern that the subject of the application does not reflect information provided by the applicant in relation to a parish meeting held in December 2022. At that time, the parish council advised that the applicant referred to the need for the caravan to manage a 'wild camping business' operating from the site, with no mention of livestock management.

A website exists for 'Otter Valley Wild Camping' which gives details of the site and how to book.

There is no planning permission in place for use of the land for camping purposes. The applicant has explained that the campsite operates under the '28 day rule' where permitted development rights, set out at Class B, of Part 4, to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allow,

'The use of any land for any purpose for not more than 28 days in total in any calendar year...and the provision on the land of any moveable structure for the purposes of the permitted use.'

Were the applicant to wish to operate camping at the site beyond the 28 day period this would require a separate application for planning permission which would need to be judged on its merits and against planning policy at that time.

Whilst it may be the case that the applicant originally intended to site the caravan for alternative means that is not the subject of the current application which has been assessed above on the basis of the submitted information.

Drainage

The parish council has raised concerns in relation the use and management of a cess pit to provide for foul drainage to serve the temporary dwelling.

The National Planning Practice Guidance gives a hierarchy of drainage options that must be considered and discounted in the following order:

- 1 Connection to the public sewer
- 2 Package sewage treatment plant (which can be offered to the Sewerage Undertaker for adoption)
- 3 Septic Tank
- 4 If none of the above are feasible a cesspool

In this instance the proposal is located where connection to the public mains sewer is impractical and unviable due to the distances to the nearest point of connection and costs involved. The applicant has provided a South West Water plan showing the nearest public sewer to be approximately 1 km from the site.

In relation to the use of a package treatment plant, or septic tank, these have been dismissed by the applicant as not making logistical or financial sense for a temporary dwelling proposal and that a cesspit is more appropriate in such circumstances where investment in infrastructure is not sensible where there is uncertainty over the long term need for this. This reasoning is noted but it is also the case that many other proposals for temporary dwellings utilise other means of non-mains drainage higher up the drainage hierarchy. As the details of the cesspit, its capacity, maintenance regime and location are not provided and therefore its suitability as a temporary means of dealing with foul drainage associated with the development are unclear, it is recommended that any permission that may be granted includes a condition to the effect that, notwithstanding any existing arrangements, details of the means of dealing with foul drainage for the duration of the development are to be agreed in writing by

the Local Planning Authority, within a reasonable time period, in order to ensure the requirements of policy EN19 of the Local Plan are met.

Rental land

The parish council have queried the inclusion of rental land within the applicant's figures for silaging and where it is advised that the rental agreement on this land is due to end shortly. In response the applicant has advised that the land is let on a long term Farm Business Tenancy for 3 years which expires in September 2024, they suggest that were the landowner not to want to renew the lease then alternative land would be rented.

Whilst the parish council's concerns are noted, rental of land as part of a farm business is not uncommon. In this case, the primary need for the dwelling is for the supervision of livestock at the site. Although silaging is included within the standard man day calculations, even if the rented land were to be removed from the figures entirely and based on the labour requirements for the amount of livestock projected at the time the current rental agreement expires this would still equate to the need for a full-time worker.

Conclusion

The proposal seeks to provide a temporary agricultural workers dwelling to support the proposed enterprise which would effectively operate as a satellite to the applicant's main dairy farm based at a different site. The intention is for the application site to house the young stock and calves from the dairy herd and bring these on before it is understood they would be returned to the dairy herd or sold on.

The parish council and third parties have raised concerns that the caravan has been sited for alternative reasons, in association with a proposed camping business, but that is not what has been applied for and the application can only be assessed on the basis of what has been proposed. In this regard, there is considered to be a reasonable case for an on-site presence and the temporary nature of the proposal allows the applicant time to further establish the business and at the end of which the ongoing need can be reassessed.

The caravan onsite is located in close proximity to existing farm buildings and would be well related to these in terms of landscape and visual impact. Access to the site would be via the existing access serving the farm buildings and is considered to be suitable for such purposes.

In all other regards the proposal is considered to be acceptable or can be made so through the imposition of conditions and on this basis is recommended for approval.

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 permission hereby granted shall be for a limited period only beginning on the date of the permission hereby granted and expiring, on or before 3 years after this date, at which point the land shall revert to an agricultural use and the caravan shall have been removed and the site restored to its previous condition, unless the prior consent of the Local Planning Authority has been obtained in writing for a further period of such use.
(Reason - The permission is only justified for a limited period to allow the applicant to demonstrate the agricultural businesses viability and the continued functional need for the on-site accommodation of an agricultural worker and to control development in the open countryside in accordance with policy H4 (Dwellings for Persons Employed in Rural Businesses) and Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan 2013-2031).
3. The occupation of the mobile home shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990) or forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
(Reason - The dwelling is justified only by agricultural need and should remain available for this purpose in accordance with Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan 2013-2031.)
4. Notwithstanding any existing arrangements for dealing with foul drainage and within 1 month of the date of this permission, details of proposed means of foul drainage (including type, specification and location of drainage infrastructure) to serve the residential occupation of the caravan shall have been submitted to the Local Planning Authority for their written approval. Following any such written approval the drainage infrastructure shall be installed and brought into use within 2 months of the date of such approval and shall thereafter be maintained and retained for the period of the permission hereby granted, at the end of which it shall be removed and the site restored to its former condition.
(Reason - to ensure an appropriate means of foul drainage disposal is provided to serve the site in accordance with policy EN19- Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) 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:

	Proposed Site Plan	20.12.22
3116.01	Existing Combined Plans	20.12.22
	Location Plan	09.01.23

List of Background Papers

Application file, consultations and policy documents referred to in the report.

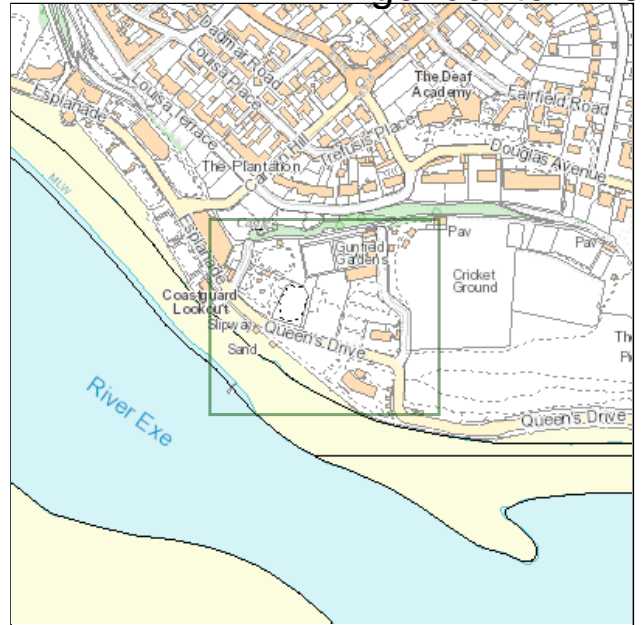
Ward Exmouth Littleham

Reference 23/0504/FUL

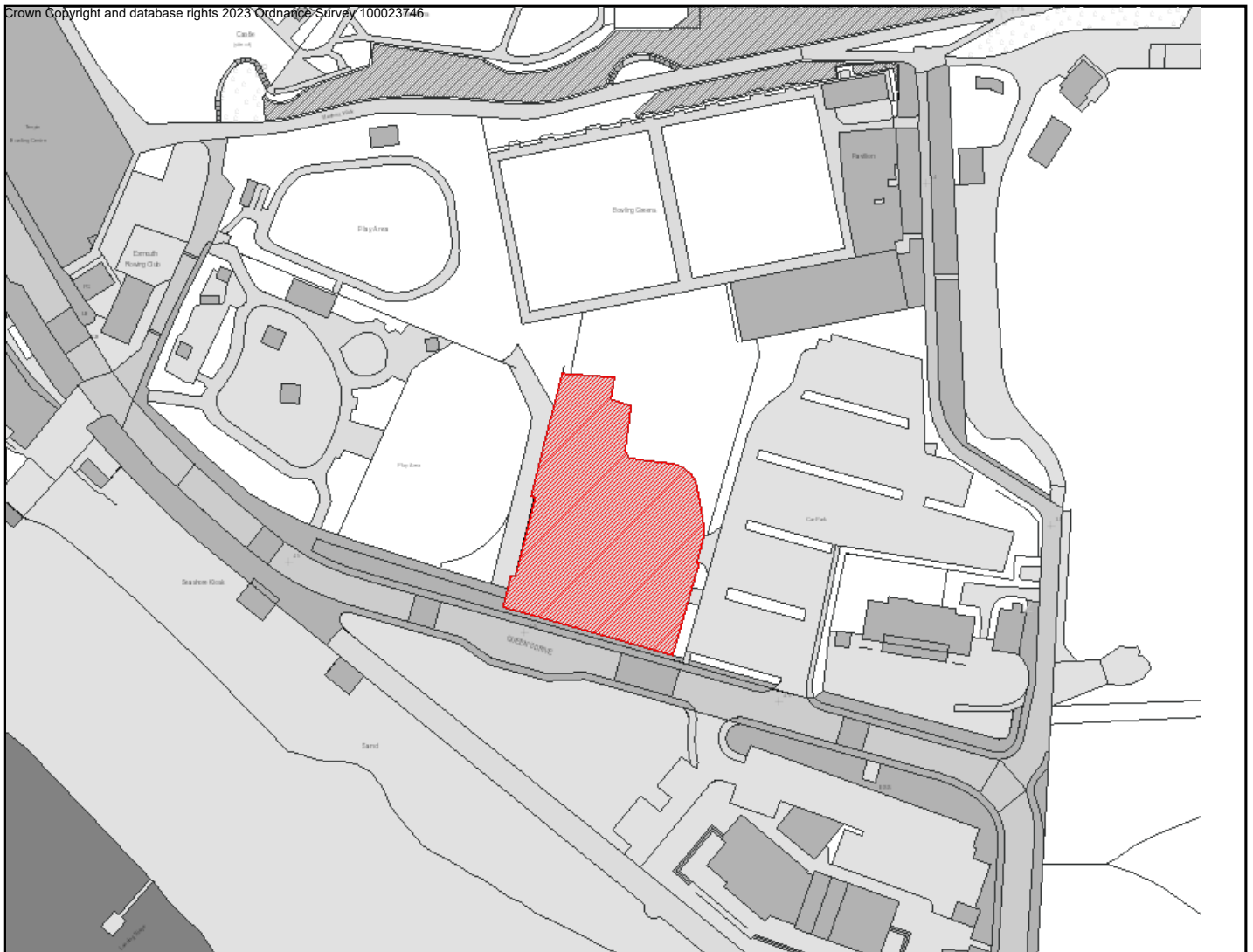
Applicant Mr Gerard Mills

Location Queen's Drive Space Queens Drive Exmouth Devon EX8 2AY

Proposal Use of land for outdoor sport and recreation purposes, specifically for external hire for the running of exercise classes



RECOMMENDATION: Approval with conditions



		Committee Date: 25.04.2023
Exmouth Littleham (Exmouth)	23/0504/FUL	Target Date: 05.05.2023
Applicant:	Mr Gerard Mills	
Location:	Queen's Drive Space Queens Drive	
Proposal:	Use of land for outdoor sport and recreation purposes, specifically for external hire for the running of exercise classes	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members of the Planning Committee because the applicant is East Devon District Council.

This application effectively seeks a renewal of a temporary planning permission that was granted in 2021 (ref 21/1196/FUL) for a change of use of land for outdoor sport and recreation purposes, specifically for external hire for the running of exercise classes. This planning permission was granted for two years and expires in July 2023.

This site forms part of a wider regeneration area identified in Strategy 22 of the Local Plan, and has been the subject of previous applications and public consultations seeking to secure long term uses. The Watersports Centre and temporary uses have been constructed, with Phase 3 (within which the site sits) expected to be part of further public consultation.

The proposal would continue to support the re-use of the land which would benefit the wider community and complement the recreational uses in this part of the town. It would be a temporary permission and therefore reversible and is considered to be acceptable in planning terms until the site's long-term future is decided. In addition, the grant of temporary planning permission does not prevent further application for leisure uses from being submitted, and in the absence of other uses being submitted for planning permission, and given that Phase 3 remains unresolved, it is difficult in planning terms to resist the use of a vacant site for sports and recreation that will provide some benefits to the local community. A condition is recommended to ensure the use ceases after the required two year period.

It is considered that the proposal complies with all the relevant policies in the

East Devon Local Plan and the recently 'made' Exmouth Neighbourhood Plan, as it would not be detrimental to highway safety, the visual amenity of the area, heritage assets, and wildlife or flood risk. Consequently, it is considered that the proposed use of the site for the running of exercise classes is acceptable, and in the absence of any significant planning harm, is recommended for a further temporary approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Meeting 27.03.23

No objection though members were concerned that there was restricted scope of use for sport and recreation due to the uneven ground. Members also cited their concern regarding the suitability/useability of the site for sports due to its tendency to become saturated with rainwater.

Exmouth Littleham Parish - Councillor De Saram 6/4/23

Many thanks for this report. I would agree with the Town Councils comments as shown below:

No objection though members were concerned that there was restricted scope of use for sport and recreation due to the uneven ground. Members also cited their concern regarding the suitability/useability of the site for sports due to its tendency to become saturated with rainwater.

I also note that as the report says "It would be a temporary permission and therefore reversible and is considered to be acceptable in planning terms until the site's long-term future is decided.

So as its a temporary use I see no reason not to support it until the site is in the next 4 years sorted out. So I say yes to the application which is before us

Technical Consultations

None

Other Representations

1 letter of objection has been received at the time of writing this report raising concerns which can be summarised as:

- Site should be used for overflow parking to addressed increased traffic on the seafront
- Should be used for EV charging
- Loss of revenue to the Council

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

D1 (Design and Local Distinctiveness)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

E20 (Provision of Visitor Attractions)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Exmouth Neighbourhood Plan (Made)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Government Planning Documents

National Planning Practice Guidance

Site Location and Description

The site lies within the built up area boundary of Exmouth. This part of which is recognised as a regeneration area; it lies close to the Exmouth Conservation Area to the north. It formerly comprised various structures associated with, or part of, the adjoining outside amusement park. The site is relatively flat and laid to grass and is defined by a post and rail fence which forms the boundary. There is an existing pedestrian and vehicular access to eastern side accessed via the adjacent car park.

The site is currently subject to a planning permission for temporary change of use to recreational space and the erection of a storage shed which expires in July 2023.

The site forms part of the Phase 3 regeneration for the area. The land to the west of the site is now occupied under the previous temporary consent as an events and entertainment space.

To the south of the site lies Queens Drive (where works to realign the road have taken place), with the beach and sea beyond. To the north, there is an escarpment

with residential properties on top that fall within the Conservation Area, to the east a car park and, beyond that, there is an arcade and crazy golf course. The bowling club lies to the north-east of the site.

Planning History:

Reference	Description	Decision	Date
21/1196/FUL	Change of Use of unused land to recreational space and erection of storage shed	Approval with conditions	20.07.2021
19/0836/FUL	Overflow car park of approximately 50 vehicles	Approval with conditions	15.07.2019

Proposed Development:

This application seeks planning permission for a further temporary change of use of land for outdoor sport and recreation purposes, specifically for external hire for the running of exercise classes. Planning permission is sought for a further two years. This application is effectively a renewal of planning permission 21/1196/FUL.

Issues and Assessment:

The main issues to consider in determining this application are in terms of the principle, the impact on the character and appearance of the area and heritage assets, residential amenity, highway safety and flood risk.

ANALYSIS

Principle:

The application site is located in a key area for recreation in Exmouth, with the Queens Drive Space, the Maer, the watersports centre, Bowling Centre, the beach, as well as various other recreation facilities located close to the site. The site lies within the built up area boundary of Exmouth, and there has been a long and established history of recreational activities taking place on the site and within the vicinity of it. This area forms part of a wider regeneration area identified in Strategy 22 of the Local Plan, and has been the subject of previous applications and public consultations seeking to secure long term uses. The Watersports Centre and temporary uses have been constructed, with Phase 3 (within which the site sits) expected to be part of further public consultation.

In terms of the principle, the site is located within the built-up area boundary of Exmouth, but is within an area specified as being for entertainment in the master plan for the regeneration of the area.

Policy EE6 of the Exmouth Neighbourhood Plan states that in phase three of the regeneration scheme and any subsequent phases for the QDD area on the Seafront:

- Buildings and land use should be related to serving the tourism industry as well as local residents and to the provision of visitor facilities for the benefit to the community through job-creation.
- Any new buildings should be of a scale that is in sympathy with the immediate vicinity and to preserve the views of the existing backdrop of trees along Madeira Walk.
- All buildings should be of high quality design and the balance between buildings and open areas should be maintained.
- Development should have regard to the Maer local nature reserve and the nearby AONB and also to the adjacent sports facilities."

The proposed continued use of the site for the running of exercise classes would supplement and facilitate the use of the aforementioned recreation facilities before Phase 3 is finalised and implemented. The proposed change of use will ensure that the site, which is in a prime location in Exmouth, remains in use and accessible to the public whilst the wider Queen's Drive regeneration project continues to develop. The proposed use for running exercise classes is a recreational use and would complement the surrounding recreational uses for a further temporary period of two years before phase 3 is finalised and implemented.

The proposal would continue to support the re-use of the land which would benefit the wider community and complement the recreational uses in this part of the town. It would be a further temporary permission and therefore reversible and is considered to be acceptable in planning terms until its long-term future is decided. In addition, the grant of temporary planning permission does not prevent further application for leisure uses from being submitted, and in the absence of other uses being submitted for planning permission, and given that Phase 3 remains unresolved, it is difficult in planning terms to resist the use of a vacant site for sports and recreation that will provide some benefits to the local community. A condition is recommended to ensure the use ceases after the required two year period.

Character and Appearance & Heritage Assets:

The surrounding area is relatively flat, save for the escarpment to the north, which is tree covered. With this in mind, the use of the land for exercise classes, given the nature of the surrounding land uses, is considered to be consistent with the area and landscape features.

The heritage assets viewed from the area of the application site include Trefusis Terrace which, although not listed, does lie within the Exmouth Conservation Area. The terrace which is elevated to the north and provides a rhythmic roofscape to the skyline. Furthermore, the setting of the conservation area identified as the land between the raised ridgeline and the beach is presently very open and without any significant structures. With the exception of the modest storage shed which is considered to be of a modest size and scale, this proposal would not alter this situation and as such it is considered that the proposal would have an acceptable visual impact, particularly bearing in mind the proposal is only for a further temporary

two year period. As such there would be no harm to heritage assets or the character and appearance of the area from a temporary consent.

The proposal would continue to comply with policy D1- Design and Local Distinctiveness and EN10-Conservation Areas of the Local Plan and the design policies in the Exmouth Neighbourhood Plan.

Highway Safety:

No comments have been received from the County Highway Authority in relation to highway safety. The site benefits from a suitable and safe access and location close to the town and a number of attractions. With a number of car parking options in the area coupled with the fact that people attending the exercise classes could walk, or cycle to the site it isn't considered that the proposed use would give rise to any significant highway safety or parking concerns. The proposal would continue to comply with the provision of policies TC7- Adequacy of Road Network and Site Access and TC9- Parking Provision in New Development of the Local Plan.

Residential Amenity:

The closest residential neighbours are those to the north of the site in Trefusis Terrace. It is considered that the proposed land use for outdoor exercise would not have any significant impact on occupiers of those properties. A condition imposed on the previous temporary permission which it is recommended to be re-imposed to ensure that there is no amplified noise emitted from the site that exceeds a background noise level of 52dB by more than 5 dB between the hours of 0700 and 2100 and no amplified sound is played outside of these times as previously suggested by the Council's EHO to ensure that potential impacts on residential amenity would be minimised. The proposal would comply with policy D1-Design and Local Distinctiveness and EN14- Control of Pollution of the Local Plan.

Flood Risk:

The site is within Flood Zone 3a, and at high risk of flooding from extreme sea levels. The site has historically been used for less vulnerable uses and it is proposed to continue to use the site as an area for outdoor exercise and leisure purposes, a use classified as water-compatible and as such is suited to the flood risk associated with the site. It is proposed to continue to discharge surface water from the site into the ground, as per the sustainable drainage hierarchy. The proposal would continue to comply with the provisions of policies EN21- River and Coastal Flooding and EN22-Surface Run-Off Implications of New Development of the Local Plan.

Temporary Permission:

It is acknowledged that a temporary planning permission has already granted to the use the site for the running of exercise classes and that guidance within the National Planning Practice Guidance states that it will rarely be justified to grant a second temporary permission except in cases where changing circumstances provide a clear rationale. The NPPG does also state that temporary permissions may be appropriate to enable the temporary use of vacant land prior to any longer-term

proposals coming forward. This is the case with this site insofar as longer term plans are still being drawn up for the phase 3 regeneration of the site.

The proposal would continue to support the re-use of the land which would benefit the wider community and complement the recreational uses in this part of the town. It would be a temporary permission and therefore reversible and is considered to be acceptable in planning terms until the site's long-term future is decided. In addition, the grant of temporary planning permission does not prevent further application for leisure uses from being submitted, and in the absence of other uses being submitted for planning permission, and given that Phase 3 remains unresolved, it is difficult in planning terms to resist the use of a vacant site for sports and recreation that will provide some benefits to the local community. A condition is recommended to ensure that the use ceases after the required two year period.

Planning Balance & Conclusions:

This application effectively seeks a renewal of a temporary planning permission that was granted in 2021 (ref 21/1196/FUL) for a change of use of land for outdoor sport and recreation purposes, specifically for external hire for the running of exercise classes. This planning permission was granted for two years and expires in July 2023.

This application site forms part of a wider regeneration area identified in Strategy 22 of the Local Plan, and has been the subject of previous applications and public consultations seeking to secure long term uses. Phase 3 remains unresolved, and this proposal for a further temporary permission of two years would continue to support the re-use of the land which would benefit the wider community and complement the recreational uses in this part of the town. It would be a temporary permission and therefore reversible and is considered to be acceptable in planning terms until the site's long-term future is decided.

In the absence of any harm to the character and appearance of the area, the amenities of the occupiers of surrounding properties, ecology and highway safety, it is considered that on balance, the proposal remains an appropriate land use for the site and that the social benefits to be derived in health and fitness terms outweigh the fact that longer terms plans for this regeneration site have not yet been finalised.

The proposal complies with all the relevant policies in the East Devon Local Plan and the recently 'made' Exmouth Neighbourhood Plan such that it is considered that the proposed use of the site for the running of exercise classes is acceptable, and in the absence of any planning harm, the application is therefore recommended for a further temporary approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The use of the land hereby permitted shall cease on the 23rd July 2025.
(Reason - To clarify the permission and as it is for a temporary period only).
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. The site shall only be used for outdoor sport and exercise and shall not be used for any other purpose (including any other purpose in Class F2 (c) of the Schedule to the Town and Country Planning (Use Classes) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
(Reason - To define the permission and to ensure the use is appropriate for the character and appearance of the area and to protect adjoining occupiers from noise, disturbance in accordance with the requirements of Policy EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031).
4. Between 0700 and 2100 hours there shall be no amplified noise emitted from the site that exceeds a background noise level of 52dB (LAeq 15min) by more than 5dB (LAeq 15min) when measured at the boundary of the nearest residential property. At all other times no amplified sound shall be broadcast from the site.
(Reason - To protect adjoining occupiers from excessive noise in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution 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, re-enacting or modifying that Order), no fences, gates or walls or other means of enclosure shall be erected within the site until such details have been submitted to and approved in writing by the Local Planning Authority.
(Reason - To retain the open character of the site in the interests of the character and appearance of the area in accordance with policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the East Devon Local Plan 2013-2031).
6. There shall be no flood lighting of the site.
(Reason - In the interests of the character and appearance of the area and to protect adjoining occupiers in accordance with the policies D1- Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031).

Plans relating to this application:

Block Plan	10.03.23
Location Plan	10.03.23

List of Background Papers

Application file, consultations and policy documents referred to in the report.

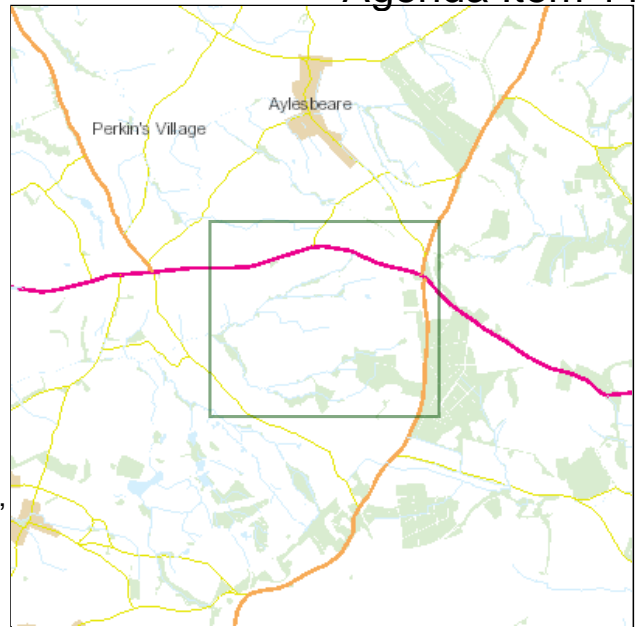
Ward Budleigh And Raleigh

Reference 22/2409/MFUL

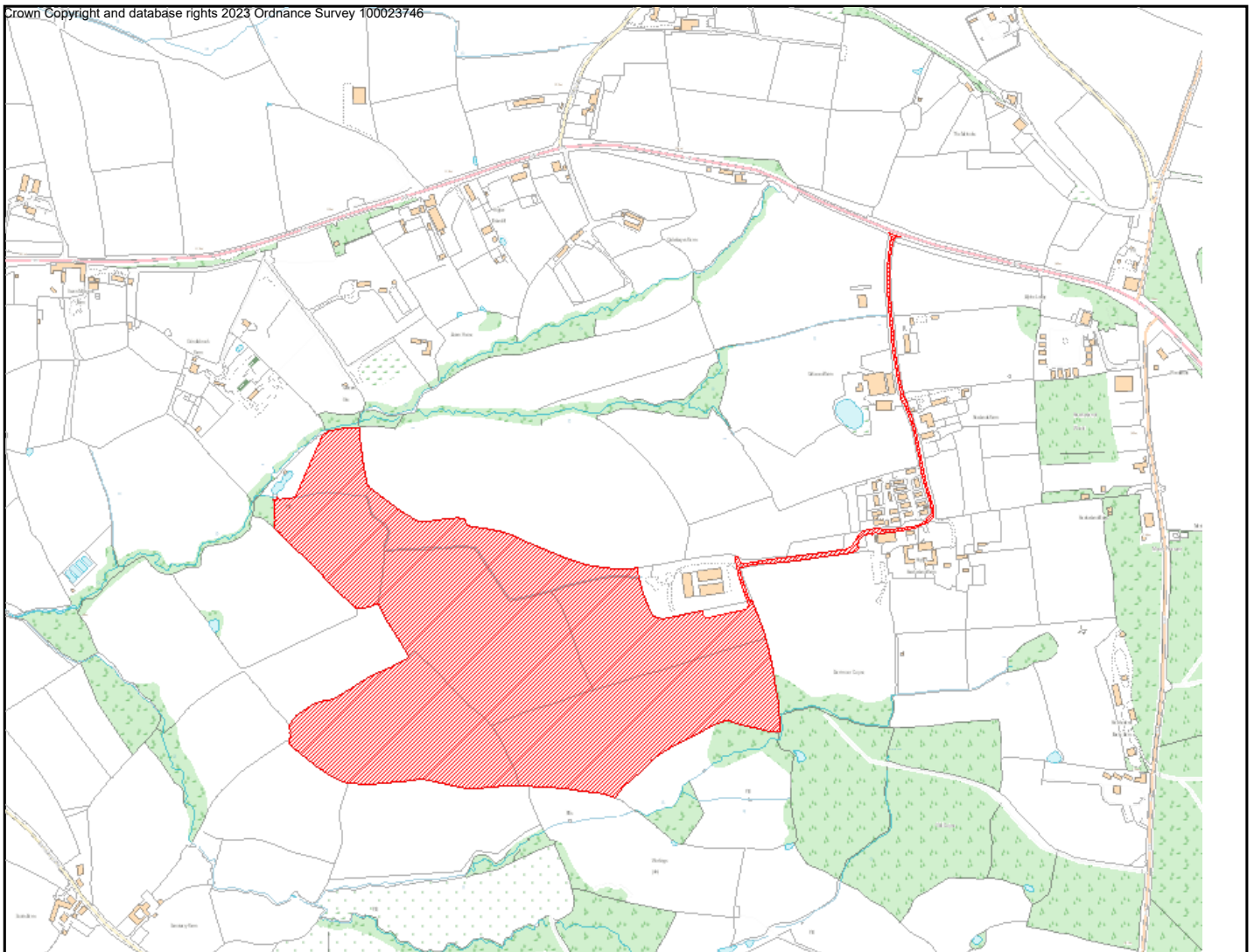
Applicant Mrs Mari Webster

Location Higher Hawkerland Farm Sidmouth Road
Aylesbeare Devon EX5 2JW

Proposal Proposed solar farm development with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, landscape and biodiversity enhancements.



RECOMMENDATION: Approval with conditions



		Committee Date: 25.04.2023
Budleigh And Raleigh (Colaton Raleigh)	22/2409/MFUL	Target Date: 27.01.2023
Applicant:	Mrs Mari Webster	
Location:	Higher Hawkerland Farm Sidmouth Road	
Proposal:	Proposed solar farm development with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, landscape and biodiversity enhancements.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The proposal seeks planning consent for the creation of solar farm, and associated equipment on the basis of a temporary consent for 40 years. This is a major category of development and as there is a parish objection to this proposal this application is referred to members of the Development Management Committee for determination.

The site is located within the open countryside, the principle of development is supported by Strategy 39- Renewable and Low Carbon Energy Projects of the Local Plan. This strategy supports and encourages renewable energy projects with the reasoned justification to the policy stating that 'Significant weight will be given to the wider environment, social and economic benefits of renewable or low-carbon energy projects whatever their scale'.

The application is accompanied by a series of reports detailing the impact on the landscape, ecology, trees, highways and method of construction amongst other matters.

The proposal, by the introduction of utilitarian features, would have an intrinsic change in the character and appearance of the current agricultural parcels of land. However, for the most part this resulting impact would be contained and additional landscaping would help soften this. The resulting impact is considered to fall within the moderate and low-moderate ranges.

On balance the proposal would aid the UKs aim to be net carbon zero by 2050. The local plan supports the principle of development subject to site specific constraints. Recognising that there could be some impact to the character and

appearance of the landscape the renewable benefits of the proposal are considered to outweigh this. Especially as the impact on the landscaping can be mitigated with additional landscaping measures.

Therefore a recommendation of approval is made.

CONSULTATIONS

Local Consultations

Parish/Town Council

Prior to making this application Spring attended a meeting of Colaton Raleigh Parish Council at which they presented their proposals for the solar farm at Higher Hawkerland Farm. Councillors had the benefit of this information to assist in determining their response and conclude that they are unable to support the application.

Concerns arise surrounding the following issues:

Visual impact

- Security fencing
- Infrastructure required for CCTV
- Impact of any lighting that may be necessary

Impact to wildlife

- Damage to wildlife habitats caused by the development and associated infrastructure
- Security fencing surrounding the site removes traditional pathways for transitory animals.
- Injury to animals (deer) who may be diverted onto the nearby A3052.
- Bird deaths are a common occurrence as large areas of glass are mistaken for water.
- Impact of any lighting on the site, particularly to bats

Decommissioning and reinstatement plan

- The cost of decommissioning and recycling will be an expensive process and could result in leaving an abandoned and derelict site if not managed properly
- A Method of Statement for Decommissioning should be provided clearly setting out who will be responsible for financing this process at the end of the 40-year project, particularly how panels and batteries will be recycled or disposed of without leaving a legacy for future generations
- Further degradation to the soil as large areas will be shaded from the sunlight. A Land Management Plan is required to ensure that the land can be reinstated agricultural use at the end of the 40-year project.

Other matters of concern arise from

- Potential fire hazard from battery storage systems that use lithium-ion batteries requiring specialist treatment in the event of fire and can cause highly noxious fumes
- Wider environmental impact of solar energy installations associated with the manufacture of photo-voltaic panels and batteries including the transportation of materials likely to be from China
- Promise of energy production for 40 years and dependence on China for the rare earth elements that are critical to such technology
- Will there be additional costs to DCC Highways (and thereby taxpayers) linked to the wear and tear given the increase in heavy lorries approaching the site?
- Noise from the generators. Councillors noted the noise study report but continue to have reservations.
- Whilst the application offers much nationally/internationally, there appears to be little local benefit to be derived. The application refers to 'Community Benefit' but no further details have been supplied as to how this might be applied

AMENDED INFORMATION -
No further comments.

Budleigh and Raleigh - Cllr Alan Dent
HIGHER HAWKERLAND SOLAR FARM
22/2409/MFUL

As a basic premise, I support this application for a solar farm. Green energy is fundamental to future energy requirements especially when cheaply generated.

The application for Higher Hawkerland Farm has been extensively researched and meets Government and EDDC Policy (Strategy 39) requirements.

Some aspects which I feel deserve highlighting are:

- o 22.78 hectares of Grade 3b agricultural land currently used for grazing sheep.
- o Peak generation of 18 megawatts from 31,600 solar voltaic panels creating a saving of 3,557 tonnes of CO2 per annum
- o Sufficient to power 5,926 homes within the South West.
- o Comprehensive Traffic and Construction plan submitted
- o Flood Risk assessment indicates that virtually all the site is within Flood Zone 1
- o Additional hedging as well as medium/high level security fencing to surround the site with overall minimal environmental impact.
- o Little traffic movement once operational phase underway
- o Net gain in biodiversity
- o 40 year operational period plus 6 months for decommissioning and reinstatement.
- o Solar panels contain high percentage of recyclable materials

For me this application meets the criteria for green energy production; utilises low grade agricultural land and will be of great long term benefit for the south west.

The application therefore has my support.

Technical Consultations

DCC Historic Environment Officer

Dear Sir/Madam,

Application No. 22/2409/MFUL

Higher Hawkerland Farm Sidmouth Road Aylesbeare Devon EX5 2JW - Proposed solar farm development with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, landscape and biodiversity enhancements: Historic Environment

My ref: ARCH/DM/ED/38115a

I refer to the above application. The proposed solar farm lies in a landscape where little in the way of formal archaeological work has been undertaken but where in the wider landscape there is evidence of prehistoric activity, particularly to the east where there is a concentration of funerary monuments on the higher ground. The area occupied by the proposed solar farm may contain evidence associated with prehistoric or Romano-British settlement and agricultural activity on the lower part of this landscape that may be affected by groundworks for the construction of the proposed development. The potential 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 brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be 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.'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with (i) a geophysical a survey of the proposed solar farm site, followed - if required by the results of the geophysical survey - by (ii) the excavation of a series of evaluative trenches to investigate any anomalies identified by the geophysical survey to determine the significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed 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.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment 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/>.

ADDITIONAL INFORMATION

I refer to the above application and your recent re-consultation.

The Historic Environment Team has no additional comments to make to those already made

Environment Agency

PROPOSED SOLAR FARM DEVELOPMENT WITH PERMISSION BEING REQUIRED FOR 40 YEARS, COMPRISING SOLAR ARRAYS, EQUIPMENT HOUSING, SUB-STATION, FENCING, CCTV, ANCILLARY EQUIPMENT, LANDSCAPE AND BIODIVERSITY ENHANCEMENTS. PROPOSED SOLAR FARM DEVELOPMENT WITH PERMISSION BEING REQUIRED FOR 40 YEARS, COMPRISING SOLAR ARRAYS, EQUIPMENT HOUSING, SUB-STATION, FENCING, CCTV, ANCILLARY EQUIPMENT, LANDSCAPE AND BIODIVERSITY ENHANCEMENTS.

HIGHER HAWKERLAND FARM SIDMOUTH ROAD AYLESBEARE DEVON EX5 2JW

Thank you for consulting us on the above planning application.

Environment Agency position

We have no objections to this proposal based on the information submitted with the planning application.

Whilst the flood map indicates that a small area of flood zone 2 and 3 encroaches within the red line boundary, there does not appear to be any development taking place within that area or within 5m of the watercourse. However, if there is to be any development or land raising within the area at risk of flooding please reconsult us for further comment.

Advice to applicant - Pollution Prevention

Run off from exposed ground / soils can pose a significant risk of pollution to nearby watercourses, particularly through soil/sediment run off and a Construction Environment Management Plan (CEMP) should address how such run-off can be minimised, controlled and treated (if necessary). The applicant should ensure that this is considered well in advance because some treatment methods can require an Environmental Permit to be obtained.

We refer the applicant to the advice contained within our Pollution Prevention Guidelines (PPGs), in particular PPG5 - Works and maintenance in or near water and PPG6 - Working at construction and demolition sites. These can be viewed via the following link:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Further guidance is available at:
Pollution prevention for businesses - GOV.UK (www.gov.uk)

We also advise that the use or disposal of any waste should comply with the relevant waste guidance and regulations.

AMMENDED PLANS

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

Environment Agency position
Our position is unchanged following our previous response on the 14/12/2022.

Please contact us again if you require any further advice.

DCC Flood Risk Management Team

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has proposed to manage surface water within the areas of the substations, transformers and access tracks. The applicant has also discussed the planned grazing regime and biodiversity goals for the site. However, swales should be included along the contours of the site to manage potential overland flows.

AMMENDED PLANS

Following my previous consultation response (FRM/ED/2409/2022; dated 19th 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 proposed to construct swales and scrapes where possible due to the constraints of the site.

The applicant has also proposed to construct these swales and scrapes first to allow surface water to be managed during the construction stage. The applicant should monitor these features and clear them out (if required) at the end of the construction stage.

Devon Wildlife Trust

We object to the planning application because we consider that the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity in paragraphs 174d and 175d of the National Planning Policy Framework or the

requirements of paragraph 99 of ODPM Circular 06/2005 Biodiversity and Geological Conservation.

The comments provided below are based on a Preliminary Ecological Appraisal produced by Western Ecology (July 2021). We consider that insufficient evidence has been provided because:

1. The report falls far short of the level of detail which is required as part of an application for full planning permission as it is a preliminary assessment only. A full Ecological Appraisal is required to detail and assess impacts of the scheme. The report does not adequately assess the impact of the proposals on protected species identified with the site. The extent of habitat loss has not been quantified, and an assessment of the impact of this loss or proposals for subsequent mitigation have not been included within the report.

Mitigation measures for dormice have been provided. This is inappropriate as the extent of hedgerow removal has not been quantified in the report. The measures outlined within the report are only acceptable for use in situations where minimal habitat loss is proposed and where the location of works does not result in the severance of habitat connectivity.

The lack of detail regarding the extent and location of hedgerow removal also means that it is not possible to ascertain whether bat activity surveys are required. A bat activity survey will be required if hedgerow removal works exceed minimal habitat loss or if proposals result in the severance of potential connectivity routes.

The report must confirm whether any trees require removal or arboricultural management works in order to accommodate the scheme. The suitability of each tree for roosting bats must be assessed prior to determination of the application for the site.

The report must provide details of how each protected species which is identified within the site (using up-to-date survey information) will be affected by the proposed works, with detailed proposals for how these impacts will be adequately mitigated/compensated.

2. Detailed proposals are required to confirm how badgers, hedgehogs and other small mammals will continue to move through the site following completion of the scheme. The Site Fence Plan does not appear to include any such mitigation.

3. Restoration - detailed proposals for restoration of the site should be included within the planning application. This should include a 10 year management plan as a minimum.

- o Restoration ecologist - the success of the restoration proposals will depend on the skills and knowledge of the ecologist employed to oversee the preparation works. An ecologist with proven experience in this area should be utilised.

- o Grassland preparation works - Restoration should include stripping nutrients, potentially over two seasons, and may include the addition of nitrate to help remove phosphorus. The use of over-sowing or tilling should be considered for individual

areas. Over-sowing is generally better for weed limitation. No spraying should be carried out.

- o Grassland seeding - large areas of habitat creation should consider variations of spring, summer and autumn flowerings and different habitats (damp, acid, neutral etc.). Multiple fields should be set aside to suit each habitat type. Seed should be harvested (preferably locally). If this is not feasible seed should be sourced from a reputable wildflower seed merchant e.g. Emorsgate) for each habitat/timing.

- o Grassland management - management activities should be implemented to allow minimum 3 month resting-up period for each habitat in appropriate season (i.e. spring, summer, autumn). Solar panels/frames/wiring should be designed to allow grazing stock to access site without damage to equipment. This is usually easier with sheep, but cattle should be considered where possible. Graze extensively with no inputs of fertilizer/manure. Do not supplementary feed (except minerals). If grazing is not feasible, grassland should be cut as a hay crop (single cut only in one season) with arisings removed. Aftermath and winter grazing should be implemented where possible. No spraying should be carried out.

- o Hedges (and copses) - should be planted (using species-rich mix) and managed to become mature, wide features with a minimum height of 3m. Trees should be selected every 10m to remain uncut and allowed to develop into standards. Where required, cutting should be carried out on rotation every three years. Gaps in existing hedgerow habitat should be planted to create a robust network. Consider hedge-laying and/or coppicing to enhance existing hedges - this must be done on rotation maintaining landscape connectivity.

- o Wetlands - should be created where opportunities exist, for example riparian damp habitats.

- o Heathland - consideration of creation of this habitat type should be given where appropriate and is particularly suitable for this site given the proximity of the East Devon Pebblebed Heaths Special Area of Conservation. This habitat type develops well alongside solar panels. This habitat would require grazing.

- o Overall design - links to further habitat connectivity throughout the wider landscape should be provided wherever possible through the creation of new and buffering of existing habitats.

For the reasons given above, we object to the planning application and recommend that it is refused.

Devon Wildlife Trust

NPPF para. 174

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;"

NPPF para. 175

"When determining planning applications, local planning authorities should apply the following principles:

d) opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."

ODPM Circular 06/2005 para. 99

Paragraph 99 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before a planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. In cases where there is a reasonable likelihood of a protected species being present and affected by the development, surveys should be undertaken and any necessary measures to protect the species should be in place (through conditions and/or planning obligations), before a permission is granted

EDDC Trees

No objection to the principle of the proposed scheme.

I do have a couple of queries on the layout of the proposed scheme and would welcome some additional comments from the applicant, as follows:

Will construction process require the installation of a permanent or temporary, access track access track and construction compound? If so, where and to what specification?

How will the proposed security/deer fencing be installed, where they cross existing hedgerows at a perpendicular angle?

The scheme looks to have addressed most areas of conflict with adjacent hedgerows and trees, there are however a couple of points, I would welcome additional comments from the applicant.

i) The proposed scheme has a life span of 40 years, semi and early mature trees have capacity to put on considerable growth in this time, where trees have the potential to shade the PV panels, how will this impact on their efficiency and what management steps would you need to be taken to address this?

ii) Using the measuring tool on uniform, the gap between the PV panels and the Hedgerow (H2) appears to be approximately 2.5m. Is there sufficient space to allow mechanised management post installation of the PV panels?

Should the scheme be approved, we will require an updated arboricultural method statement and tree protection plan, which includes the location of the underground service installations, any permanent or temporary hard surfacing, has the construction exclusion zones clearly marked (including hedgerows). This should include provision for the following arboricultural site monitoring visits:

i) Inspection of and signing off, of the correctly installed tree protection (or security fencing) measures prior to the commencement of works.

- ii) Submission of a ground protection specification designed by a engineer, appropriate to the anticipated loading.
- iii) Ad-hock monthly site inspection be project arboricultural consultant during the construction phase of the project.
- iv) Arboricultural sign off, of the completion of construction works, prior to the final removal of the tree protection measures.

Environmental Health

A Construction and Environment Management Plan (CEMP) must be submitted 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

Natural England

Thank you for your consultation on the above dated 1st November 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Based on the information provided we have the following comments to make.

This reply comprises our statutory consultation response under the provisions of Article 10 of the Town and Country Planning (General Development Procedure) Order 1995, Section 28 of the Wildlife and Countryside Act 1981 (as amended), the Habitat Regulations 2017 and the EIA Regulations 2017. SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

The following measures should be secured through appropriate conditions or obligations:

- A Construction Environmental Management Plan (CEMP) to safeguard soil resources, detail how hedgerows and trees will be protected and to ensure no impacts on the quality of water courses or bodies during construction.

- A Landscape and Ecology Management Plan (LEMP) including management of biodiversity habitats for a minimum of 40 years.
- The details for the delivery, management and monitoring of the net gain
- A requirement to safeguard soil resources and agricultural land, and for the site to be decommissioned and restored to agriculture when planning permission expires.

Natural England's detailed advice on this and other natural environment issues is set out below.

Designated Sites

The proposed development site is situated approximately 800m to the west of the East Devon Heaths Special Protection Area (SPA), the East Devon Pebblebed Heaths Special Area of Conservation (SAC), and the East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI). Natural England have reviewed the ecological evidence provided and agree that there is unlikely to be a pathway by which impacts from the development would affect the interest features of the aforementioned sites.

Natural England notes that the Habitats Regulations Assessment (HRA) screening report has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make

We provide the following advice, on the content of the Habitats Regulations Assessment report submitted by the applicant, on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

The assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

- A Construction Environmental Management Plan (CEMP) to safeguard soil resources, detail how hedgerows and trees will be protected and to ensure no impacts on the quality of water courses or bodies during construction.
 - A Landscape and Ecology Management Plan (LEMP) including management of biodiversity habitats for a minimum of 40 years.
 - The details for the delivery, management and monitoring of the net gain
 - A requirement to safeguard soil resources and agricultural land, and for the site to be decommissioned and restored to agriculture when planning permission expires.
- Natural England's detailed advice on this and other natural environment issues is set out below.

Natural England has published Standing Advice on protected species and wild birds to help planning authorities understand the impact of particular developments on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. Natural England will only provide bespoke advice on protected species where they form part of a designated site or in exceptional circumstances.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted. Please see Annex 1 for information regarding licensing for European Protected Species.

The Institute of Lighting Professionals has produced practical guidance on considering the impact on bats when designing lighting schemes - Guidance Note 8 Bats and Artificial Lighting⁵. They have partnered with the Bat Conservation Trust and ecological consultants to write this document on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats.

Where security fencing is proposed it should be permeable to allow the continued movement of species through the wider landscape. Where relevant, the Construction Environmental Management Plan (CEMP) should include details of the measures secured to provide ecological enhancements for protected species.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.
Local sites and priority habitats and species

Natural England notes that the applicant has prepared a Preliminary Ecological Appraisal (July 2021) to support the application. The appraisal recommends the retention and protection of hedgerows, and mitigation where it is necessary to remove

hedgebank habitat. The report also recommends a 5m buffer to protect retained hedgerows from accidental damage during construction, and mitigation to prevent construction activities harming the freshwater habitat associated with Pond C.

We would advise your authority to apply conditions to secure the following measures:

Protected species and development: advice for local planning authorities - GOV.UK (www.gov.uk)

Duty to provide and protect habitat for wild birds - GOV.UK (www.gov.uk)

Wild birds: surveys and mitigation for development projects - GOV.UK (www.gov.uk).
<https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>

- A Landscape and Ecological Management Plan (LEMP) to ensure retained and created habitats are managed favourably, and to ensure the long-term management of the trees and hedgerow, to maximise their benefit to wildlife.
- A Construction Environmental Management Plan will also be necessary to provide details on how hedgerows and trees will be protected, and to ensure no impacts on the quality of water courses or bodies and to detail how dust will be controlled during construction.

Biodiversity net gain

Natural England welcomes the commitment from the applicant to provide net gains for biodiversity. Whilst it is not Natural England's role to comment on the metric calculations or to provide detailed advice on biodiversity net gain at the planning application stage, we do advise and encourage the LPA to determine the application in accordance with Local Plan policy, and to check the calculations and supporting information to ensure the applicant has provided a clear narrative, and accurate assessment of condition, that enables the LPA to understand what has been factored into the calculations and how gains have been determined, in accordance with the mitigation hierarchy. The LPA are advised to secure the details for the delivery, management and monitoring of the net gain through planning condition or obligation.

This site offers the potential to enhance hedgerows and tree lines and to create new wildlife habitats which link to existing valuable habitats (e.g. PHI Deciduous Woodland). Providing 'stepping stones' between wildlife habitats supports adaptation to climate change and delivers wider ecosystem services. New native planting to enhance the existing hedgerows/tree line along the NW and SE boundaries in particular should be considered in the landscape scheme.

Protected Landscapes

The proposed development is for a site near to a nationally designated landscape namely East Devon AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies. You may also find useful the Devon Landscape Policy Group Advice Note No. 2: 'Accommodating Wind and Solar PV Developments in Devon's Landscape' particularly with reference to cumulative impacts and siting and design.

We also advise that you consult the relevant East Devon AONB Partnership. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision.

Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Best & Most Versatile Agricultural Land and Soil Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.

From the information contained in the submitted Agricultural Land Classification report the total development site is approximately 27ha with 100% of the land being subgrade 3b land, as a result of the site being limited by Wetness to ALC Grade 3b and also in a few places by Gradient to Grade 3b.

We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations.

Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Should you have any questions about ALC or the reliability of information submitted with regard to BMV land please refer to Natural England's 'Guide to assessing Development proposals on Agricultural Land'. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy⁷ (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance.

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. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade).

General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction⁹ 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.

We would also advise your authority to apply conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

Solar Parks

For additional information relating to Solar Parks please refer to the archived Technical Information Note at the link below, which provides a summary of advice about their siting, their potential impacts and mitigation requirements for the safeguarding of the natural environment. Solar parks: maximising environmental benefits (TIN101)

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Annex 1

European Protected Species

A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. Further information can be found in Natural England's 'How to get a licence' publication.

If the application requires planning permission, it is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice Natural England provides at formal consultation on the likely impacts on favourable conservation status and Natural England's guidance on how the three tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) are applied when considering licence applications.

Natural England's pre-submission Screening Service can screen application drafts prior to formal submission, whether or not the relevant planning permission is already in place. Screening will help applicants by making an assessment of whether the draft application is likely to meet licensing requirements, and, if necessary, provide specific guidance on how to address any shortfalls. The advice should help developers and ecological consultants to better manage the risks or costs they may face in having to wait until the formal submission stage after planning permission is secured, or in responding to requests for further information following an initial formal application.

The service will be available for new applications, resubmissions or modifications – depending on customer requirements. More information can be found on Natural England's website.

ADDITIONAL INFORMATION

Thank you for your email regarding the above proposal and additional information submitted. Natural England does not have any detailed comment to make further to our advice of 25th November 2022 (ref: 412295).

We would note briefly that the ecological survey (January 2023) recommends absence/presence surveys for great crested newt and our advice is that these should be complete before determination and not left to condition. We would also advise that

the CEMP includes reference to soil management during construction as per the documents cited in our original advice.

Please don't hesitate to contact me if you wish to discuss this further.

EDDC Ecology Consultation - Julian Perrett BSc MSc MCIEEM CEnv

Ecological Comments – Planning reference 22/2409/MFUL – Proposed solar farm development with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, landscape and biodiversity enhancements. Higher Hawkerland Farm Sidmouth Road Aylesbeare Devon EX5 2JW

Consultee Qualifications and Experience

The comments enclosed have been provided by Julian Perrett BSc. MSc. MCIEEM CEnv, director at Encompass Ecology Ltd. Julian has been a professional ecologist since 1997 and specialises in general site assessment of development sites, impact assessment, licensed species works and mitigation design and has gained extensive experience on many extensive solar farm projects in the south west.

Information presented to support 22/2409/MFUL

In relation to the current full application, the following ecological information has been presented to support the proposal, (all provided by Western Ecology), supported by other landscaping details (Amalgam Landscape) and site layout arrangement details (Spring).

- *Habitat Regulations Assessment – October 2022*
- *Preliminary Ecological Assessment - July 2021*
- *Great Crested Newt Surveys – July 2021*
- *Biodiversity Net Gain Plan – February 2023*
- *Preliminary Ecological Appraisal – January 2023*
- *Landscape and Ecology Management Plan (draft) – February 2023*
- *Construction and Environmental Management Plan (draft) – February 2023*
- *Biodiversity Metric (v. 3.1)*
- *Preliminary Ecological Appraisal (amended) – March 2023*
- *Response to additional queries – March 2023*

I have reviewed the ecological information presented, in terms of Best Practice, timings and extent of surveys undertaken, their appropriateness, and in light of the statutory consultee comments received. Further to the application submitted I can make the following comments;

Ecological reporting – Western Ecology

The supporting ecological assessment documents are found to be precise and of good quality and generally accords with Best Practice, with an external data search having been undertaken through Devon Biodiversity Records Centre (DBRC) to support the application process. The ecology reporting has also been updated to ensure the validity of the baseline assessment remains valid, however the ground-truthing survey element of works to confirm baseline conditions is nearing its 2 years limit of validity but still considered valid at this time.

Consultee concerns have been raised over the format of the principal report, with the current assessment supported by a preliminary ecological appraisal (PEA) rather than a full ecological impact assessment. However due to the nature of the inert scheme proposed without either significant habitat removal or species impacts, then the PEA report submitted is considered fit for purpose and assigns value to habitat and species interest applicable to the site, akin to an impact assessment process and hence is considered appropriate in this case.

Impacts on Designated Sites

The ecological reporting takes into account any perceived impacts on locally designated sites and a separate Habitat Regulations Assessment report has been produced assessing both individual and cumulative impacts for which no impacts have been determined.

This has been assessed by Natural England within their consultee response and my views are concurrent with those expressed by Natural England in this regard, without any significant detriment likely.

Habitat and Species Impacts

The scheme proposed is largely inert and will not involve any significant habitat removal. Access to field plots will utilise existing field gateways with only minor widening of such, if at all required, any such works to be undertaken under a RAMS approach. The applicant has responded and confirmed this in their latest communication that there will not be any enlargement/amalgamations of existing fields proposed and associated removal of hedgerow corridors and hence there is no requirement for additional species surveys (bat activity and dormouse) to fully establish any associated species implications of such.

The possibility of Great Crested Newt presence has been investigated in accordance with current Best Practice techniques (eDNA analysis) and all results obtained gave no indication of likely presence.

I am therefore content with the level of species surveys and habitat impacts envisaged.

BNG and Wildlife Policy

The application has been supported by a Biodiversity Net Gain calculation which appears from inspection to be valid and applicable to the habitats on site and those anticipated habitat conditions to be achieved through management.

Currently, the application will deliver +63.64% HABU (habitat area biodiversity unit) gain and a +13.51% HBU (hedgerow biodiversity unit) gain. This is acceptable to current planning policy and in excess of the +10% gains required under the incoming Environment Act legislation later this year.

It is also considered that the above increase in biodiversity, in association with the hedgerow and woodland planting propose as part of the scheme proposals is sufficient to deliver a biodiversity benefit *pers se*, concurrent with paragraphs 174 and 175 of the NPPF, a point also raised by consultees within the planning process. As such the plan is consistent with EDDC Local Plan Strategy 5: Environment and Policy EN5: Wildlife Habitats and Features.

Site management

Draft CEMP and LEMP documents have been presented to support the application.

We would recommend that these should be presented as final documents to be secured through planning condition to ensure the commitments made can be enforced.

With particular reference to the draft LEMP, further details should be included within section 4.5 - *Grassland Buffers adjacent to Hedgerows* to include an Ecological Constraint and Opportunities Plan (ECOP), consistent with BS2020:2013 to show the locations of these 'improved' areas on plan. Specific commitments to be made include the width of buffer strip (a 5 metre width is stated within the LEMP but only a 4 metre width within the LVIA document. This plan should also indicate the exact locations of where gaps under perimeter fences will be located to allow the continued free flow of wildlife (principally badgers) through the site area. If the perimeter fences are also to be raised off of ground level (as mentioned within the LVIA document), this distance should be stated on plan.

A commitment to the Emorsgate EM10 species mix (or other) to be used within the hedgerow buffers needs to be stated on plan and a clearer management strategy stated within the LEMP document such that sheep grazing will be maintained beneath the solar panels but possibly not within the fenced buffer strips (and wayleaves across the site) which for example will also not be subject to any management prior to July each year to benefit biodiverse growth, ground nesting birds, and complement the grazing management elsewhere on site. Again, this will serve to satisfy NPPF requirements. These are suggestions for the applicant to consider for approval.

Restoration

The applicant will have a commitment to maintain the site in good agricultural order so that it can be reverted to agriculture after the 40 year period. The information note from Natural England (TIN 101) gives more advice on this matter. Currently, the proposal would allow such a future reversion and hence we have no objection to the current proposal.

Other

I note that the local Parish Council have raised concerns over the possibility of the scheme proposed including a lighting element to the site which may deter wildlife usage of the site. The lighting arrangements should be confirmed with the applicant and if there is an artificial lighting regime required (other than infra-red security), then this may lead to the requirement for bat activity and dormouse surveys, subject to the degree of lighting anticipated. Currently, it is not considered that lighting will be a requirement.

The off-site cable/grid connection may need to be considered through the current or a future planning application and the ecological implications for such a proposed routing. This is not considered within the current consultation process.

Overall, on the basis of those amendments identified being made, I do not see on the basis of ecological grounds, why the proposal could not be approved.

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 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

2.1 Location and brief description of proposals and means of access

The site is situated to the west of Higher Hawkerland Farm with access from an existing private drive off the A3052 to the north.

2.2 Site description and context

The site comprises a cluster of six medium sized, irregularly shaped fields extending to 20ha overall, set on the mid-slope of an outlier ridge, with a westerly aspect, ranging in height from 85 to 125m AOD.

The fields comprise improved grassland bounded by generally thick, close cut hedgerows with occasional trees, but trees are numerous along the southern and southeastern site boundaries.

Surrounding landscape is generally pastoral with frequent trees and blocks of woodland and a few scattered dwellings. A group of large industrial sheds is situated adjacent to the northeastern boundary to the northeast of which is a static home park. A touring campsite is situated just beyond the northwestern boundary, separated from it by a narrow strip of woodland fringing the Gribble Brook.

The site is outside of the East Devon AONB, the boundary of which runs to the east and south of the site some 600m away at its nearest point.

There is no public access within the site and the surrounding public rights of way network is limited to a couple of short footpaths (Colaton Raleigh FP 18 and Colaton Raleigh FP 17).

The A3052 to the north and the B3180 to the east and southeast form the visual horizon to views from the site in those directions. Views to the south are contained by woodland to the southern boundary. A low ridgeline beyond Sanctuary Lane contains views to the southwest. There are extensive distant views to the Haldon ridge to the west, with the large sheds of Greendale Business Park and Hogsbrook Farm visible in the mid-distance.

Due to the local landform and tree and hedgerow cover there are limited opportunities for views into the site. Principal visual receptors are:

- Motorists and pedestrians using Sanctuary Lane who will have occasional partial/filtered views of the site over a short distance most clearly from a field gate to the north of Sanctuary Farm (LVIA viewpoint 4 – refer Appendix A fig. 3).
- Walkers on Colaton Raleigh footpath 18 between Scotts Farm and Winkliegh Farm will have partial heavily filtered views of the site.
- Users of the caravan site to the north – who will have clear views over the application site from higher parts of the campsite.
- Residents of a few isolated dwellings to the north and west and the static home site adjacent Hawkerland Farm.

There is a clear view over much of the site from a single gateway adjacent to the A3052 entrance to Greendale Business Park (LVIA viewpoint 7 – refer Appendix A figs. 1 and 2). The site is also partially visible from a short length of the A3052 to the north in glimpse heavily filtered views through trees and hedgerow. Additionally some residents on higher ground to the northeast edge of Woodbury Salterton may have long distance, partial views over the site.

3 REVIEW OF SUBMITTED INFORMATION

3.1 Landscape and visual impact assessment (LVIA)

3.1.1 Methodology and general presentation

The LVIA is clearly set out and the methodology generally follows industry standard guidance. However, in respect of the sensitivity criteria for visual receptors, being a holiday route the sensitivity of motorists on the A3052 should be considered to be at least low-medium rather than low as stated. For minor roads, as these are frequently used by pedestrians and cyclists, sensitivity for these receptors should be considered to be medium rather than medium-low.

The proposed development phases are clearly described

3.1.2 Baseline assessment

The baseline landscape assessment is comprehensive and the assessment of sensitivity of the relevant landscape character types to the proposed development is accepted (LCT Pebble bed heaths sensitivity **high** in AONB and **medium-high** elsewhere; LCT Lower rolling farmed and settled slopes sensitivity **high** in AONB, **medium** elsewhere).

The visual baseline assessment is generally comprehensive but at para. 3.40 it should be noted that the site is visible from the northeast edge of Woodbury Salterton (grid ref. SX 001 893).

Viewpoint photographs are presented as panoramas in accordance with best practice guidance but, it should be noted that, to reflect actual viewing experience, they need to be printed at A1 and held at arms-length in an arc. For the key viewpoints, VP1 and VP7, single frame baseline images in appendix A to this report provide equivalent realistic viewing experience when printed at A3.

3.1.3 Design and mitigation measures

Design and mitigation measures are generally appropriate but further tree planting is required within existing internal hedgerows following a north-south and northwest-southeast orientation

(refer Appendix B) in order to help screen views from the west and provide further landscape character enhancement.

The existing industrial buildings immediately to the northeast of the site are visually intrusive in the wider landscape. There is opportunity as part of the proposed scheme to include native woodland and tree planting within the field where the substation is proposed, which would provide screening of the buildings and substation in views from the west and southwest.

Further details are required of proposed overhead and underground cabling to enable any landscape and visual effects to be identified. If details are not currently available then their submission could be conditioned.

Further detail of landscape mitigation and enhancement measures would be required by condition should the application be approved.

3.1.4 Assessment of effects

Aside from the gradual appearance of the solar panels themselves and associated infrastructure it is accepted that the construction and decommissioning impacts and effects of the development are likely to be **negligible**.

The assessment of operational impacts and effects on landscape designations including the East Devon AONB as **no change/ neutral** is accepted.

In respect of effects on landscape character, at para. 6.20 the LVIA describes the development as being contained within relatively enclosed fields and further enclosed through proposed landscape mitigation measures. However, due to the elevated location and ground slope, the site is relatively open to the west and the potential for mitigation through enhanced hedgerow management and localised tree planting is

somewhat limited, as can be seen in comparing the photomontage images for viewpoint 7 at years 1 and 15.

The proposals will inevitably have a high level of effect on the character of the site itself, introducing industrial type infrastructure into a rural landscape setting and ,contrary to the LVIA assessment, it is considered that the effects on local landscape character are likely to be **moderate adverse** initially where, in accordance with table 4 of the LVIA methodology, 'proposed development would be noticeable and/ or partially alter a recognised landscape or landscape feature'. This effect is likely to reduce in time as landscape mitigation measures establish to **moderate-minor adverse** (where 'proposed development would have a discernible effect on the landscape character and /or landscape elements').

Further afield, towards the fringes of the LVIA study area, it is accepted that the level of effect on landscape character will be **neutral**.

For visual amenity receptors it is accepted that the effects of the proposed development on most potential receptors are **minor/ neutral**. The most significant visual effects identified in the LVIA would be **moderate adverse** experienced by occupants of a few dwellings on Sanctuary Lane to the west and users of the campsite to the north. Travellers on Sanctuary Lane and footpath 18 to the west would be likely to experience **minor adverse** effects over a short distance.

A **minor adverse** visual effect not identified in the LVIA is also likely for some occupants of one or two dwellings on higher ground on the northeast edge of Woodbury Salterton. Page 4 of 13

For viewpoint 7 at the entrance to Greendale Business Park which provides a commanding view over attractive rural landscape rising to the boundaries of the AONB the effect of the development is more likely to be **moderate adverse** initially, reducing to **moderate-low adverse** as landscape mitigation measures establish.

3.1.5 Cumulative effects

Assessment of cumulative effects is appropriate. The conclusion that the scheme will not give rise to cumulative effects is accepted.

3.2 Site layout and associated landscape related details and reports

3.2.1 Planning site layout dwg. no. SP-RL-D09-PL rev. R11 - The indicated drawing scale of 1:250 is wrong and should be corrected to 1:2500.

For ease of reference the field parcels should be individually numbered.

The arrangement of solar panels in some instances appears too close to existing or proposed hedges, particularly in the case of the central field to the north of the FAB link easement. In accordance with the submitted details on dwg. no. SP-SCD09-PL approximately five metres should be kept clear between the panels and fence/ hedge. Panel arrangements should be checked and amended accordingly.

The locations of proposed CCTV cameras should be added to the plan.

3.2.2 Elevations (solar panels) dwg. no. SP-ELD09-PL

The max. 3.5m height of panels and 4.5m aisle widths between arrays is acceptable.

3.2.3 Site clearances (field margins) dwg. no. SPSCD09-PL R02

The proposed 5m clearances between field hedges and the security fence and the security fence and solar arrays is acceptable.

3.2.4 Site fence dwg. no. SP-SF-D09-PL rev R02

A minimum 200mm gap should be provided under the security fence to allow the passage of small animals.

Fence posts should generally be driven or set in augured holes backfilled with excavated soil if suitable or stone aggregate.

3.2.5 Indicative Landscape Masterplan fig. 18 rev B

The section of existing hedge which appears to be omitted where it crosses the FAB link easement should be shown as retained.

Additional tree planting should be indicated to internal hedgerows (refer Appendix B) Additional woodland/ tree planting should be shown to the substation field and the north side of the proposed access track to help screen the existing industrial buildings beyond in views from the west and southwest (refer Appendix B). Page 5 of 13

3.2.6 Tree survey, impact assessment and protection

The submitted tree survey plans show a different layout of the solar arrays compared to the planning site layout and the drawings should be checked and co-ordinated to provide consistency and clarity.

3.2.7 Management and maintenance

No details provided. A 40 year Landscape and Ecology Management Plan should be provided by condition should the application be approved.

4 CONCLUSIONS & RECOMMENDATIONS

4.1 Acceptability of proposals

It is accepted that the scheme will not give rise to cumulative effects in relation to existing and consented sites within the District by virtue of distance and visual separation due primarily to topography.

The proposed development is likely to give rise to a few moderate and moderate-low landscape and visual impacts as discussed above. However, overall these are localised and by virtue of its siting and surrounding topography and vegetation cover, the visual and landscape impacts of the scheme are considered acceptable subject to the incorporation of additional landscape mitigation measures as noted above which will improve visual screening of the development, and also the existing industrial buildings to the northeast, in views from the west.

There are a number of issues with the submitted plans and details raised at section 3.2 above which require satisfactory amendments/ further detail to be submitted prior to determination of the application

4.2 Landscape conditions

In the event that amended information as noted at section 3.2 above is secured and approval is granted, 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 housings for inverters, storage units and substations.

c) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.

d) Details of the locations of security cameras.

e) Details of finishes of framing elements of proposed pv panels.

f) Construction details for proposed hardstandings, trackways and associated drainage provision including location, extent, associated grading and specification for material finishes.

2) 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 and cover the implementation, 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.

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 covering the removal of all temporary infrastructure from the site and identifying any areas of new habitat creation/ planting and any tracks and hardstandings which are 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.

(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 Page 7 of 13

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.)

Exeter & Devon Airport - Airfield Operations+Safeguarding

I acknowledge receipt of the above planning application for the proposed development at the above location.

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

ADDITIONAL INFORMATION –

We acknowledge receipt of the above planning application for the Installation of PV solar panels at the above location.

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

Accordingly, Exeter International Airport has no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter International Airport.

ADDITIONAL INFORMATION – 23/02/23

Updated site layout and landscape plan

The amended plans are acceptable in terms of landscape design.

Draft LEMP

Existing hedgerow

A survey of existing hedgerow condition should be included in the LEMP. This is required to assess and quantify the extent of initial remedial works and gapping up required and to provide a baseline for future monitoring is required. The survey should note the overall condition of each hedge and its position on the hedge management cycle and include a schedule of required works to bring to good condition. A plan should be provide showing the numbering of each hedge section.

It is likely that within the 40 year duration of the development existing hedges will require laying as part of the natural hedge management cycle. Provision should be made for this within the LEMP. Laying should be undertaken in a phased to help maintain overall screening of the site. Laying to be undertaken by appropriately skilled and experienced contractors in accordance with recommendations of Devon Hedge Group.

Planting details for hedges, copses and trees

In all instances planting details should include for weed/ vegetation clearance prior to planting either by application of systemic herbicide or scraping and removal of surface cover. As a minimum clearance should extend to 1m diameter around each tree/ shrub planting station for individual trees and copses and minimum 2m width strip for new hedgerow plantings.

Transplants shall be fitted with biodegradable spiral guards supported on canes or stakes, except tree species which will be provided with 1.2m high staked tree tubes.

On completion of planting and watering a 75mm depth organic mulch or biodegradable mulch mat should be laid and pegged extending 1m diameter around each tree/ shrub planting station and 1.5m width for new hedgerows.

Mulched areas to be kept clear of weeds by hand weeding/ application of chemical herbicide three times during growing season years 1-3 and annually years 4-5.

Proposed native species copse mixes

Proposed trees should be supplied as 900-1200mm whips rather than as 2-2.5m featherds.

For native species woodland and stream edge copse mix (page 14) include 10% *Quercus robur* supplied as 60-90cm transplants.

4.4 Scattered trees within existing hedgerows

The tree schedule only includes for 18 trees. Additional trees indicated to the perimeter of the barns and the eastern site boundary are not included and should be added in. Proposed species around the barns should include species such as hornbeam, oak and field maple.

Grassland establishment and maintenance.

Reference is made to detail management plan to be provided by condition. Could this detail be confirmed at this stage to avoid the need for this?

Maintenance schedule

A landscape maintenance schedule covering existing and new planting and grassland management for minimum 20 year period should be included.

5 Monitoring

Monitoring should include for practical completion inspection of planting works by consultant landscape architect and submission of sign off sheet to LPA.

Annual monitoring by ecologist and landscape architect should be undertaken in late autumn, years 1-5 and production of report setting out any remedial works required. Required works to be completed in following winter.

Table 6 – needs to be amended to include for above and other habitats/ trees to be managed and also for 5 yearly monitoring and review thereafter.

Environmental Health

I have considered the application and do not anticipate any environmental health concerns.

National Gas Transmission – Asset Protection

National Gas Transmission has No Objection to the above proposal which is in close proximity to a High-Pressure Gas Pipeline – Feeder.

I have enclosed a location map to show the location of National Gas Transmission high-pressure gas pipeline(s) within the vicinity of your proposal and associated information below.

No Objection – see email for comments.

Following a meeting with the Customer, we are happy to issue a No Objection with the following Conditions;

- Subject to the receipt of an Earthing Report
- Subject to the completion of a Deed of Consent

- Subject to receipt and approval of Detailed Designs, which reflect a minimum cover as specified by National Grid, likely to be 600mm, but can be more based on the cable voltage and the pipeline depth.

National Grid reserve the right to issue a further Objection should these conditions not be met.

The Health & Safety Executive

Solar Farms are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines.

This is because they do not, in themselves, involve the introduction of people into the area. HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development.

However, if the proposed development is located within a safeguarding zone for a HSE licensed explosives site then please contact HSE's Explosives Inspectorate. Their contact email is Explosives.planning@hse.gov.uk.

The HSE Land Use Planning Web App can be used to find out if a site is within an explosives site zone (as well as in zones for major hazard sites and major accident hazard pipelines).

If the development is over a major accident hazard pipeline or in the easement around a major accident hazard pipeline, please consult the pipeline operator.

If the development involves a new substation or the storage of electrical energy such as in a large battery storage unit and the development is proposed adjacent to a COMAH (Control of Major Accident Hazards) establishment then, please consult the operator of the COMAH establishment.

If the development involves a substation or the storage of electrical energy such as in a large battery storage unit and is proposed in the vicinity of a nuclear site, the Office for Nuclear Regulation (ONR) does wish to be consulted over such proposals. They can be contacted on ONR-Land.Use-Planning@onr.gov.uk

Other Representations

Five representations of support and one 'neutral' representation have been received.

Summary of Grounds of Support;

1. Helps to fulfill the strategy of COP27 aiming to reduce emissions and global temperature rise.
2. There will be no significant impact with regard to noise, traffic and the surrounding environment

3. The proposal for a solar farm at Higher Hawkerland which could potentially save over 3500 tonnes of carbon emissions annually as well as preserving the natural habitat of the area.
4. Improvements to habitat and hedgerows and note that the applicants have a long-term plan to revitalise the land and reduce the reliance on high-polluting fossil fuels.
5. Will not have a negative impact on the current farming enterprise, as sheep will continue to graze under the panels.
6. There is growing evidence to show that sheep utilize these panels as shelter, reducing lamb fatality by up to 10% as newborns and weaker lambs are not exposed to the elements of a bare field.
7. This project will be invaluable to support further residential development in the area
8. The scientific community has made it clear that a 1.5°C world is going to be too hard to achieve due to inaction from world leaders, but that every 0.1°C rise that is avoided will make a huge difference - therefore supporting the consent of renewable energy projects.

Summary of 'Neutral' Representations;

1. Potential for degradation to existing access road through construction traffic use.
2. Noise and disturbance during construction phase – suggest restriction on hours of delivery.

PLANNING HISTORY

Reference	Description	Decision	Date
21/1990/FUL	Retention of 1-bed temporary mobile home dwelling for farm worker (retrospective)	Approved	04.01.2023

20/1582/FUL	Change of use and subdivision of Barns 1 and 2 and part of Barn 3 from agricultural use to form 10no. storage and distribution units (Use Class B8), including external alterations to provide a roller shutter door and a by-pass door to each unit, provision of infill cladding to the existing hit & miss boarding to the external walls and provision of a gravel finish to the existing earth hardstanding to form Yard 1 and Yard 2 to be used for additional external storage associated with the units (retrospective)	Allowed at Appeal	16.11.2021
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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)

Strategy 47 (Nature Conservation and Geology)

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)

EN17 (Notifiable Installations)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Neighbourhood Plans

There is no neighbourhood plan in force for Colaton Raleigh parish.

Site Location and Description

The site is approximately 7.5 km east of the eastern edge of Exeter. Immediately to the east of the site, is the Higher Hawkerland farm complex and a development of approximately 15 dwellings/static homes adjacent to the north. These buildings together with some scattered farm buildings and associated dwellings are accessed via a track from the A3052 to the north, while 600m to the east of the site is the B3108.

Sanctuary Lane runs 500m to the south-west of the site between the A3052 and B3108 forming a rough triangular area that the application site sits within.

The main portion of the red line application site area (excluding the cable routes extending to the north-east) measures approximately 22 hectares and is comprised of a number of adjacent irregularly shaped fields of differing sizes that slope down to the west. The fields have previously been under a range of agricultural uses including crop land and grazing land. The application site boundary excludes a complex of farm buildings within the easternmost field.

In terms of statutory designations in relation to the site;

- East Devon AONB – located 600m east of the site (east of the B3180)
- East Devon Pebblebed Heaths SSSI – located approximately 1km east of the site (east of the B3180 and north-east of the A3052).
- East Devon Pebblebed Heaths SAC – located 800m east of the site (east of the B3180 and north-east of the A3052); and
- East Devon Heaths SPA – located 1km east of the site (east of the B3180 and north-east of the A3052).

In terms of heritage assets the following are worthy of mention;

- AA Box No.456, A3052 – Grade II Listed – 750m north-east of the site
- Higher Greendale Farmhouse and Greendale Barton, Whitecross Road – both Grade II Listed –
- 1.3km west of the site;
- Nutwalls and Nutwalls Cottage, Harp Lane – both Grade II Listed – 900m north of the site; and
- Withen Farmhouse, Withen Lane – Grade II Listed – 850m north-west of the site;

Proposed Development

The proposal seeks planning consent for the creation of PV solar farm, with associated infrastructure. The proposal would have the capacity to generate 18 megawatt at peak, which according to the applicant, would equate to a saving of approximately 3,557 tonnes of Co2 per annum. This consent is sought on a temporary basis of 40 years. Alongside necessary infrastructure and housing for equipment the main components of this planning application are the following;

- Approximately 31,600 solar photovoltaic (PV) panels, mounted to frames;
- Approximately 166 string inverters mounted behind the panels
- Five transformer stations;
- Access via an existing farm access from the A3052;
- Perimeter security deer fencing; and
- CCTV mounted on posts within each field.

The panels themselves would be situated at a 20 degree angle arranged in rows to face south in order to gain maximum exposure. The height of these panels when erected on the mounted farm would be approximately 3.05m in height. Surrounding the arrays around the periphery of the fields would be a buffer area to allow for a wildlife corridor and in some area enhanced planting.

An LVIA has accompanied this proposal taking into account the impact on the landscape. Additional landscaping measures in the form thickening of hedgerows and additional planting. These details are contained within a Landscape Masterplan.

A Construction Traffic Management Plan has been submitted with this planning application. This document aims to take into account traffic generation and type associated with the construction phase.

A landscaping masterplan has been submitted which provides the broad strokes of compensatory planting and mitigating screening.

ANALYSIS

The main issues concerning this planning application are the following;

- Principle of the development
- Impact on the character and appearance of the landscape
- Impact on ecology
- Impact on neighbour amenity
- Impact on heritage assets
- Impact on trees
- Loss of agricultural land
- Impact of gas pipeline
- Impact on Highways
- Flood risk and drainage

These shall be addressed in turn before proceeding to the planning balance.

Principle of the development

The Planning and Compulsory Purchase Act 2004, s38(6)) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined and carry full weight if regards to renewable energy.

The National Planning Policy Framework (NPPF) states that the provision of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development. Indeed, it is a core planning principle of the framework to support the transition to a low carbon future in a changing climate and to encourage the use of renewable resources.

It was the objectives of the European Union and UK law such as the UK Government Climate Change Programme, the Energy White Paper 2007 and the Climate Change Act 2008 to combat climate change. Under the Kyoto Protocol 1997, the UK has agreed to reduce emissions of the 'basket' of six greenhouse gases by 12.5% below 1990 levels by the period 2008-12. Under the Copenhagen Accord (2010) the UK, then part of the EU, agreed to make further emissions cuts of between 20 and 30% by 2020 on 1990 levels. This agreement was based on achieving a reduction in global emissions to limit average increases in global temperature to no more than 2°C. The 2009 UK Renewable Energy Strategy provides a series of measures to meet the legally-binding target set in the above Renewable Energy Directive. Key to achieving a targeted reduction in carbon dioxide emission by 60% from current levels by 2050 is the provision of renewable energy at least 30-40% of energy generation.

More recently the UK government published the paper Net Zero Strategy: Build Back Greener in October 2021 within which it is stated 'The science could not be clearer: by the middle of this century the world has to reduce emissions to as close to zero as possible, with the small amount of remaining emissions absorbed through natural carbon sinks like forests, and new technologies like carbon capture'. This was followed by the Carbon Reduction Policy (last updated February 2023) which aims to reduce

its Green House Gas emissions by 78% by 2035 in order to meet the overall goal of being carbon net zero by 2050.

The National Planning Policy Guidance at paragraph 5-003-20140306 states that whilst local authorities should design their policies to maximise renewable and low carbon energy development, there is no quota which the local plan has to deliver.

The Council itself has declared a climate emergency. The council has created a ten point action plan with the aim of being carbon natural by 2040. It is the council's ambition to reduce our carbon use at every opportunity and work towards the Think Globally – Act Locally aspiration. Within this action plan it is stated that the council should;

‘Support and encourage both commercial and domestic renewable and low carbon energy projects through the granting of planning permission for developments such as solar panels, wind turbines and other renewable energy solutions where they comply with Strategy 39 of the Local Plan’.

In planning terms, the site is located in the open countryside, as it is not within a built-up area boundary as defined by the East Devon Local Plan (referred to as the EDLP for the remainder of this letter). Development outside of built-up area boundaries falls to be considered under the provisions of Strategy 7 - Development in the Countryside of the EDLP which states the following:

The countryside is defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations shown on the local plan Proposals Map. 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, including:

1. Land form and patterns of settlement.
2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

Pursuant to the wider government aims of the UK government the principle of development is supported by Strategy 39 - Renewable and Low Carbon Energy Projects of the Local Plan. This strategy supports and encourages renewable energy projects with the reasoned justification to the policy stating that ‘Significant weight will be given to the wider environment, social and economic benefits of renewable or low-carbon energy projects whatever their scale’ (authors’ emphasis).

This support is subject to adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape impacts and visual impacts, being

satisfactorily addressed. It further states that applicants should demonstrate that they have taken appropriate steps in considering the options in relation to location, scale and design, avoiding harm and then reducing any harm through appropriate mitigation.

Officers are content with the site selection process, which takes into account the availability of a grid connection, agricultural land grading (discussed in detail later within the report), the site's accessibility, visual impact, and the avoidance of designated landscapes and is considered to be sound, in principle, in its approach. Each of these issues shall be looked at in depth within this report with the proposal considered in detail against all other relevant policies and potential impacts.

The wider context of other solar installations benefiting from recent planning consent;

- 19/2832/MFUL – Land to the south of Rockbeare Hill, Marsh Green (3.5km north of the application site, to the south-west of West Hill village) – Proposed 15MW solar farm, including solar arrays, equipment housing, sub-station, fencing, CCTV, and ancillary equipment for a period of 40 years. Approved July 2020.
- 19/1510/VAR – Great Houndbeare Farm, Aylesbeare, EX5 2DB (3km north of the application site to the south-west of West Hill village) – Variation of condition 3 of planning permission 17/0011/VAR (solar farm) to extend the operational lifetime of the solar farm from 25 years to 40 years. Approved December 2019.

The following solar farm has been refused planning permission with an appeal lodged;

- 22/0990/MFUL - Construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off site) – Land at Marsh Green Farm, Marsh Green

The following solar farm is currently pending determination;

- 22/0783/MFUL - Construction and operation of a ground mounted solar farm, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment, landscaping and associated development – Land East of Rutton Farm, Whimple

There is no intervisibility between this application site and with these other approved solar farms. This is due to the rolling topography and sheer distance. When taking into account the surrounding highway network and main destinations within the wider area it is unlikely that the majority of road users would travel between the above and already previously constructed solar farms (situated mostly within the west of the district) to then result in a harmful experience in terms of the overall cumulative impact of solar farms.

Therefore given the policies of the local plan and aims of government level there is not an objection against the principle of such development within the countryside. Indeed there is an emphasis to support such projects with site constraints can be satisfactorily mitigated.

The impact on the character and appearance of the landscape

The site comprises a cluster of six medium sized, irregularly shaped fields extending to 20ha overall, set on the mid-slope of an outlier ridge, with a westerly aspect, ranging in height from 85 to 125m AOD.

The A3052 is to the north with the B3180 to the east. The views from southeast form the visual horizon to views from the site in those directions. Views to the south are contained by woodland to the southern boundary. A low ridgeline beyond Sanctuary Lane contains views to the southwest. There are extensive distant views to the Haldon ridge to the west, with the large sheds of Greendale Business Park and Hogsbrook Farm visible in the mid-distance.

The fields comprise improved grassland bounded by generally thick, close cut hedgerows with occasional trees. There are numerous trees along the southern and southeastern site boundaries. The surrounding landscape is generally pastoral with frequent trees and blocks of woodland and a few scattered dwellings. A group of large industrial sheds is situated adjacent to the northeastern boundary, to the northeast of which is a static home park.

The proposal is situated within the rural context and as such the proposal would result in an intrinsic change to the character and appearance of these field parcels. The development would cover an extensive area of land with rows of above ground panels, metal support and security paraphernalia. This would occupy currently undeveloped land and as such this development would result in an intrinsic change to the agricultural character. Whilst aspects such as the security fencing could be constructed under permitted development rights the scheme would nevertheless produce the perception of an enclosed compound on what is open land free of development. Solar panels by nature and design require a sizable area which, in this case, would represent a sprawl of built form in a countryside location.

The above noted the impact on the character of the landscape only a slightly adverse impact would occur. The solar panels would, for the most part, not interrupt the ground conditions or topography and any alteration to landscape character would only be limited to the confines of the site. Agricultural activity could continue on site and this would mean that there would only be slightly adverse impact on the agricultural character of the land.

Of more concern is the visual impact on the appearance of the landscape. The solar panels themselves would have a utilitarian, industrial and engineered appearance alien to the countryside location. The panels by virtue of their colours and smooth texture would contrast with the natural pallet of the rural surrounds.

The immediate visual experience for users of surrounding highway network is currently that of attractive rural views. Motorist and pedestrians using sanctuary lane would have partial/filtered views of the site. Sensitivity from these views have been considered low-medium. This experience would be, no doubt, detracted by the harsh industrial appearance of the solar panels. Whilst any harm would only be experienced for a short stretch that does not detract from either the degree of visual harm or harmful experience to the countryside setting. The most significant visual effects identified in the submitted LVIA would be **moderate adverse** experienced by occupants of a few dwellings on Sanctuary Lane to the west and users of the campsite to the north.

Medium range views of the proposal could be glimpsed from the wider footpath and wider road network. In particular walkers using footpath 18 between Scotts Farm and Winkleigh Farm would have heavily filtered views. If the panels were surrounded by suitable planting this would filter and soften the visual impact from these medium range views.

There would have be only moderate visual impact significance from long range views given the separation distance and topography. In the wider public views of the overall landscape the development would be read largely in the context of the overall holding and activities surrounding the site. In particular existing industrial buildings to the northeast of the site are visually intrusive and the scheme could provide for an opportunity to include native woodland where the substation is proposed. This would provide appropriate screening of views from the west and southwest.

The LVIA describes the development as being contained within relatively enclosed fields and further enclosed through proposed landscape mitigation measures. However, due to the elevated location and ground slope, the site is relatively open to the west and the potential for mitigation through enhanced hedgerow management and localised tree planting is somewhat limited, it is considered that the effects on local landscape character are likely to be **moderate adverse** initially. In time as landscape mitigation measures establish to **moderate-minor adverse** (where 'proposed development would have a discernible effect on the landscape character and /or landscape elements'). Further afield, towards the fringes of the LVIA study area, it is accepted that the level of effect on landscape character will be **neutral**.

While the proposal would have slight localised adverse impacts on the character of the landscape there would be moderate and low-moderate adverse impact to the character and visual appearance of the countryside. Given that this recognised impact would soften over time, with additional landscaping conditioned, means that this is attributed limited weight against the scheme.

Ecology

During the processing of this planning application the original ecology assessment was updated. As submitted originally the proposal drew objection from the Devon Wildlife Trust, however, no objections raised from Natural England. In response to the ecology issues raised by this proposal the Council procured the services of an independent Ecologist to review the submitted information. This independent review also raised no objection to the proposal providing the view that there are no ecological

grounds for resisting the development. The supporting ecological assessment documents was found to be precise, of good quality and generally in accordance with Best Practice.

The proposed main site is located approximately 800m to the east of the East Devon Pebblebed Heaths Special Area of Conservation (SAC), and the East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI). Natural England have reviewed the ecological evidence provided and have not raised any objections in regards to this. Whilst an Appropriate Assessment is sometimes required for development in 10k of these designated sites the proposed development in this instance would clearly not give rise to recreation activity. This means that there are not likely to be significant effects on the designated SAC and so an Appropriate Assessment does not need to be conducted.

A site specific survey of the site has been conducted. This looked at the site with regards to potential for habitats and protected species;

Devon Hedges

The Devon hedges would qualify as a Habitat of Principal Importance. No habitat loss is predicted, although construction activities have potential to adversely impact hedges through accidental damage and pollution. It is a recommendation that all retained hedgerow should also be protected from accidental damage during the construction phase by a suitable buffer of at least 5 metres. Amended plans have been received which would secure this and so there is no requirement for additional species surveys (bat activity and dormouse)

Standing water: pond

Mitigation is recommended to prevent construction activities harming the fresh water habitat associated with Pond C, particularly as it feeds into a stream which runs off-site. A Construction Environmental Management Plan (CEMP) should be produced prior to the construction phase of the development, with specific regard to the waterbody within the north-west margin of the Site and the raised situation of the Site in relation to this waterbody.

Amphibians

It was recognised that there is potential for Great Crested Newt to be utilise aquatic and terrestrial habitats associated with the Site. This element is returned to below within the reptile section.

Badgers & Hedgehogs

The submitted draft LEMP appears to confirm the presence of badgers.

There is potential that Badgers, Hedgehogs and other mammals to become trapped within the construction site during the development phase, while any permanent security fencing may also prevent animals from dispersing through the site. Mitigation

measures to allow movement through the site and provision for means of escape should therefore be secured.

Birds

This report acknowledges that the Devon hedges are likely to be used by a variety of common bird species for nesting. If any activities are likely to impact these nesting habitats, they should be completed during the period September to February inclusive, outside the accepted bird nesting season. If not practicable, these habitats should be thoroughly inspected by a suitably qualified person prior to disturbance or removal. If nesting birds are found, all activities likely to damage the immediate area should be delayed until chicks have fledged.

Hazel Dormice

Mitigation work is required to minimise the risk of cable trenching and general construction works impacting Dormice.

Reptiles

Pond C with its associated rough grassland provide some potential for reptiles. Sympathetic site clearance involving RAMS should be implemented to avoid killing or injuring individual reptiles.

A survey with specific regard to Great Crested Newt has been conducted (July 2021) for potential sites within 500 metres of the proposed development. The results of this survey revealed negative eDNA results from all 6 ponds surveyed suggesting a likely absence of Great Crested Newts. It can be reasoned from the lack of eDNA in the ponds/ditches associated with this site, as well as the dominance of suboptimal terrestrial habitat in the surrounding area, that there are no local Great Crested Newt populations associated with these waterbodies/ditches. It is also reasonable to conclude from this survey that Great Crest Newts are unlikely to be active within the terrestrial habitat associated with the site.

In addition to the above a Biodiveristy Net gain Plan has been submitted. This predicts 63.64% net gain in habitat area and 13.51% net gain in hedgerow units. This is acceptable to current planning policy and in excess of the +10% gains required under the forthcoming Environment Act legislation later this year. It is also considered that the above increase in biodiversity, in association with the hedgerow and woodland planting propose as part of the scheme proposals is sufficient to deliver a biodiversity benefit *pers se*, concurrent with paragraphs 174 and 175 of the NPPF

The ecology information, as updated, has taken into account the ecological context of the site and made an assessment of its potential in this regard. Furthermore where the report highlights the needs for an additional survey on Great Crested Newts this has been carried out. The submitted plan indicates appropriate wildlife corridors and additional planting to the benefit of biodiversity net gain (although not a policy requirement at the time of writing). External lighting would be the subject of a condition to ensure the wildlife are not deterred from using the site.

Without an objection from Natural England or the independent ecologist the proposal is considered to comply with policy EN4 of the local plan and guidance contained within the National Planning Policy Framework.

Impact on Neighbour Amenity

The site is located in comparative isolation from any residential properties. Indeed, the nearest properties, at Grindlebrook Farm to the north west and Acorn House to the north, are around 200 metres away while the cluster of properties around Higher Hawkerland Farm itself and the nearer of the park homes at Newlands Park are approximately 300 metres and 250 metres to the east respectively.

It is therefore not anticipated that the solar farm would give rise to any harmful effects upon the living conditions of residents in the vicinity of the site. Whilst there may well be views from some residential properties towards the site and development, the distances involved are considered to be sufficient to mitigate these to a large degree.

The proposal could result in some glint and glare from the panels themselves. The applicant has conducted a 'Glint and Glare' Study to account for the potential impact of this. In summary this found no significant predicted impact on road users, dwelling observers, and aviation activity connected with Exeter Airport. However, as their purposes is to absorb light rather than reflect this is unlikely to be harmful. Further the panels themselves would be pointed in a southerly direction to maximise solar gain – away from the neighbours mentioned above.

Impact on Heritage Assets

There are no listed buildings or designated conservation areas either within, or in close proximity of, the application site.

However, the County Council's Historic Environment Team (HET) advise that, whilst there has been little in the way of archaeological work within the immediate area within which the application site lies, within the wider landscape - and particularly on the higher ground to the east - there is evidence of prehistoric activity in the form of a concentration of funerary monuments. As such, the site may contain evidence of prehistoric or Romano-British settlement and agricultural activity that may potentially be affected by ground works connected to the proposed development.

The HET therefore advise that such impacts should be mitigated by a programme of archaeological work, supported by a Written Scheme of Investigation (WSI), that should investigate, record and analyse evidence that might otherwise be destroyed and result in the loss of heritage assets with archaeological interest.

In line with the HET's comments, therefore, a pre-commencement condition to this effect (the wording of which has been agreed with the applicants) is recommended. It 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.

The HET also recommend that a second condition be attached to any grant of permission to ensure that the development is not brought into use until post-excavation works set out in the agreed WSI have been completed to an approved timescale and provision made for the analysis, publication and dissemination of results, and archive deposition, for the authority's approval.

It is envisaged that a suitable staged programme of archaeological works would take the form of, first, a geophysical survey of the site followed, if necessary, by the excavation of a series of evaluative trenches to investigate any anomalies identified by the survey to determine the significance of any heritage assets with archaeological interest that may be affected by the development. This will, in turn, determine the requirement for, and scope of, any further archaeological mitigation, either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of ground works or the monitoring and recording of ground works associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed 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.

Impact on Trees

In response to the consultation comments of the Council's Arboricultural Officer regarding the scheme layout, the applicant has highlighted the intended location of a proposed temporary construction compound at the eastern end of the site together with the laying of a comparatively short length of access track from an existing farm track to serve a proposed Distribution Network Operator substation. Both would be surfaced with permeable crushed stone similar to an ordinary unmade agricultural track.

Security/deer fencing would be constructed to stop short of, and avoid crossing, any hedge.

In terms of addressing potential long term issues with shade from maturing trees, given the intended 40-year term of any permission, the applicant advises that the layout details consider this and therefore the likelihood of overshadowing of the panels would be limited. In any event, it would be intended that any pruning back that may be required would be carried out by a qualified tree surgeon to the appropriate standard at a suitable time of year so as to avoid the bird nesting season.

In relation to the query concerning the ability to mechanically manage the panels where a 2.5 metre margin between them and one of the hedgerows has been identified, it has been advised that it is common practice to attend to such areas with hand tools. Nevertheless, the detailed layout of the panels within this part of the site has been slightly amended to show greater separation from the hedge.

It is recommended that the suggested condition regarding the submission of an updated arboricultural method statement and tree protection plan, including provision for site monitoring visits, be attached to any grant of permission. The applicant has indicated an acceptance to such a condition going forward.

At the time of writing further comments sought from the Arboricultural Officer in response to the additional information provided by the applicant remain awaited. However, it is considered that the additional information provides the necessary details to address the initial consultation comments to the extent that it can be concluded that the development would present no ongoing issues of concern in regard to trees, subject to the recommended condition being imposed.

Loss of Agricultural Land:

The submitted Land Classification report carried out by Soil Environmental Services Ltd as part of this application found that the application site consists of land which falls within agricultural land classification 3b. Through testing the wetness of soils throughout the site and its associated colouration, the report concludes that 100% of the site is composed of Grade 3b soils (a wet medium or heavy Clay Loam). Grade 3b land is deemed to be 'moderate'.

Annex 2 of the NPPF defines land designated as grades 1, 2 and 3a to be the best and most versatile. The agricultural land classification report that has been submitted with this application demonstrates that there would be no significant loss of BMV agricultural land.

Natural England have considered the ALC report and whilst noting that the development would not lead to the loss of over 20ha of BMV agricultural land which would make them a statutory consultee, have advised that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations.

Policy EN13- Development on High Quality Agricultural Land of the East Devon Local Plan states that land within classes 1, 2 and 3a shall be protected, and may only be developed if the following criteria are met:

- Sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable or available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs the agricultural considerations. Or
- The benefits of the development justify the loss of high quality agricultural land.

In this case the land is classified as 3b which is not protected under the policy provisions of Policy EN13. In any case, the first criterion of the policy requires that land of a lower grade such as grade 3b is used in preference to land within classes 1, 2 or 3a. As this is the case it is not considered that there will be a loss high quality agricultural land.

Impact upon gas pipeline

The site is dissected by the major gas pipeline and contains the inner and outer zones of the pipe. Policy EN17 (Notifiable Installations) states that proposals for development within a notified consultation zone around a hazardous installation will be permitted only if there is no health and safety risk to that development. The inner and outer zones are considered to be a consultation zone and, therefore, there must be no health and safety risk for the development to be acceptable.

Comments from the Health and Safety Executive have stated solar farms are not considered to be relevant development in relation to the vicinity of major hazard pipeline sites. This is because the development in itself would not involve the introduction of people into the area. These comments also recommend consultation with the pipeline operator, consultation has been made with the Nation Grid and WWU but at the time of writing there has not been any response.

Consequently, it is considered that the proposed solar farm would not have a health and safety risk due to the fact that it would not result in people being introduced to the site and residing for significant time which would represent a hazard. Therefore the application is considered to comply with Policy EN17 (Notifiable Installations) of the East Devon Local Plan.

Impact on the Local Highway Network

In respect of assessing the impact of the proposals on the highway network, there are considered to be two principle issues; that of the impact of the development on the strategic highway network and; on highway safety during the construction phase. The application is supported by an outline Construction Traffic Management Plan (CTMP) and a Construction Environmental Management Plan (CEMP).

The application site is served by a private track that stems off of the A3052. The existing access arrangements have previously been reviewed and considered acceptable by the County Highway Authority during the assessment of 20/1582/FUL for conversion and subdivision of a number of barns to 10 units of storage. All construction vehicles would utilise this route which has historically been used for agricultural purposes, occupants of Newlands Park and those using the storage facilities at Higher Hawkerland Farm.

The junction, which widens to 6.0 metres allows sufficient width for vehicles to pass one another and considered to have adequate visibility. Speed warnings are also present along the private track that advise speeds of 10 – 15 mph and a number of speed bumps.

In general, the footfall of traffic attracted to solar farm is considered to be low and limited to maintenance vehicles. The CTMP details that a transit van would visit the site approximately twice a month for this purpose. The proposal does however have the potential to impact upon traffic and highway safety during the construction and de-commissioning phases of the development.

The CTMP details that approximately 25 – 30 construction workers shall be required on site during a standard working day. Majority of the non-local work force is expected to be transported to the site to minimise impact on the local and strategic highway network.

Table 5.1 of the CTMP provides a schedule of works during the construction phase and number of two-way traffic movements, these are summarised below;

- Solar Modules and Mounting Structures – 145 deliveries (290 two way movements)
- Inverters/Transformer – 5 deliveries (10 two-way movements)
- Substation – 2 deliveries (4 two way movements)
- Internal Access Tracks – 90 deliveries (180 two-way movements)
- Other, sand, gravel, waste – 100 deliveries (200 two way movements)

The majority of deliveries shall be made by articulated and rigid lorries. The private track is a typical rural lane with a width of 2.5 – 3.0 metres and therefore fairly narrow. Notwithstanding this, a Swept Path Analysis is included within the CTMP to demonstrate that the articulated lorries, the target form of delivery vehicle, would be able to navigate themselves down the private track to the application site.

The applicant acknowledges that the delivery of materials could also have adverse impacts on nearby neighbours at Newlands Park. As such, the CEMP specifies that deliveries shall be organised through a booking system and only take place between 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 on Saturdays and shall be restricted to 10 deliveries on any given day. All parking for contractors shall be provided on site.

Colaton Parish Council have queried whether there be additional costs to DCC Highways as a result of wear and tear from construction traffic. It is assumed that the Parish are referring to the A3052 which is the main arterial route to the site and is adopted by the County Highway Authority. Despite the absence of any comments from the County Highway Authority with regards to this matter, the A3052 is already heavily trafficked by a wide range of commercial and domestic forms of transport. Furthermore, it is considered that disaggregating the impacts of the construction traffic, during a relatively short period, against the impact of existing traffic on the A3052 would be an onerous requirement and an exercise likely to conclude that the impact is negligible.

Flood Risk and Drainage

The north-western boundary shared with Grindlebrook Farm is located within Flood Zones 2 & 3. A modest part of the south-westernmost parcel is also location within Flood Zone 2. Both these areas and their respective risk have been identified within the Flood Risk Assessment (FRA). The FRA asserts that the risk associated with these areas are not as a result of their proximity to nearby watercourses but from overland flows.

The Environment Agency have reviewed the FRA and have raised no objections despite flood mapping within the FRA indicating that a small area of flood zone 2 and 3 encroach within the boundary. Their comments acknowledge that the application site is not within 5 metres of a watercourse and that no development or infrastructure deemed 'vulnerable' is located within the areas at risk.

The EA are to be consulted on any works that would raise ground levels within these areas as this could displace water during a flooding event. However, from the information that accompanies the application, the areas of land concerned are either outside the proximity of the fencing or, where levels are to be altered, these would be lowered to form scrapes or a swale.

With regards to surface water drainage and attenuation, the provision of solar arrays has the potential to increase runoff rates. Original comments from the County Council's Flood Risk Management Team requested further information to demonstrate how the applicant intends to manage overland flows. In response a Surface Water Drainage Addendum was submitted to the Local Planning Authority, the document has been produced by Calibro and is dated 7.02.23.

Grassland buffers are to be established along existing hedgerows and ditches. All grassland shall be kept at <50mm to act as a buffer strip to intercept surface water. A series of scrapes and a network of swales are proposed throughout the site and these are shown on Drawing 60-101. The plans depict swales of various widths that follow the contours of the site to intercept any overland flows that will inevitably run across the site in a south-westerly and westerly direction. The central strip reserved for Fablink and a building exclusion zone owing to the proximity of an underground gas pipeline shall be managed as rough grassland to act as a further buffer.

The Environment Agency, whilst in support of the principle of development, advise that run off from exposed ground and soils can pose a significant risk of pollution to nearby watercourses, particularly through soil and sediment run off. Therefore, as detailed within paragraph 22 of The Construction Environment Management Plan (CEMP), all surface water attenuation features should be constructed in advance of works uphill from them.

After considering the flood risk of the site and the surface water attenuation measures, it is considered that the development would meet the objectives of Policy EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the Local Plan. In light of support from the Environment Agency, and in the absence of further comments from the County Flood Risk Management Team, it is considered that the application is acceptable on flood risk grounds. If permission is to be granted it will be conditional on grounds that the recommendations within the FRA are adhered to and that the Surface Water Drainage Scheme is implemented prior to installation of any units of the PV array are installed.

Other Matters

Airfield Operations

Exeter and Devon Airfield operations have been consulted on this proposal. This proposal has been examined from an Aerodrome Safeguarding aspect and they have confirmed that it does not appear to conflict with safeguarding criteria. Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.

Noise

The closest residence to any sound-emitting equipment is approximately 200m as confirmed by an independent noise assessment (which is conducted on a 'worst-case scenario' basis and in accordance with British Standard 4142:2014). According to this noise report the noise levels at the nearest receptor will be below the existing ambient background noise levels thereby not resulting in harm to adjacent occupiers. It is noted that the EH officer has not raised an objection in this regard.

CCTV

For security and monitoring purposes CCTV will be used within the site and details for the design of these have been illustrated on the plans. However, the location and angle of view needs to be secured via condition to ensure that this is reasonable for a countryside location.

Gas Asset Protection

The comments of the National Grid are noted and this features several conditions attached to their formal response of 'no objection'. However, these conditions do not have a planning basis and would instead be for the applicant to agree with the National Grid separately.

Planning Balance

There are competing interests involved in the consideration of this planning application.

The council's landscape architect considered that the scheme would not give rise to cumulative effects in relation to proposed, existing and consented sites within the District by virtue of distance and visual separation, due primarily to topography. In summary the proposed development is likely to give rise to a few moderate and moderate-low adverse character and visual impacts. The potential cumulative impact in the event that any other solar farm proposals are approved/ implemented have also been considered and this proposal would not lead to any harmful cumulative impact.

Satisfactory ecology reports have been submitted which have not raised objections by Natural England or from an independent ecologist. Although additional CEMP,

LEMP and Landscaping information has been submitted, which have provided enough information to be able to recommend approval, specific elements of these require further details to be submitted. It is therefore reasonable and necessary to request finalised versions of these via condition. Overall these issues do not weigh against the scheme.

In line with the development plan and NPPF significant weight should be placed on the environmental, social and economic benefits which this solar farm could bring. The renewable energy generated would be a benefit which would outweigh the moderate localised moderate and low moderate adverse impacts identified to the landscape. Mitigation measures would significantly reduce the resulting moderate adverse effects through imposed conditions. In doing so the proposal would reach an appropriate balance between the harm and benefits of the scheme, as required by local plan policy 39.

Within the UK renewable energy potential currently lies principally with solar or wind based development; under current policy guidelines it is very challenging to deliver on shore wind turbines. This means that within East Devon it can be reasonably argued that Solar PV is the only realistic means of delivering significant renewable energy. Any such development will inevitably have some landscape impact. Whilst siting solar PV on existing buildings is to be encouraged it is not possible to enforce this and as such this is very unlikely to deliver the quantum of renewable energy proposed by this and other solar PV farms. It is necessary therefore to weigh in the balance the importance of the loss of a view versus the policy aim of meeting targets to prevent irreversible climate change.

It is concluded that the public benefit arising from this renewable energy proposal would support the government's national strategy and policy requirement to be carbon net zero by 2050 and East Devon Council's aim to be carbon neutral by 2040 and so should be afforded a significant amount of weight within the overall planning balance. Furthermore, short term economic benefits would arise during the construction period and a modest form of energy security would be provided by this proposal.

It is therefore recommended that this proposal is approved for a temporary period of 40 years.

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. Within 40 years and six months following completion of construction of development, or within six months of the cessation of electricity generation by the solar PV facility, or within six months following a permanent cessation of construction works prior to the solar PV facility coming into operational use, whichever is the sooner, the solar PV panels, frames, foundations, inverter modules and all associated structures and fencing approved shall be dismantled and removed from the site. The Local Planning Authority shall be notified in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted and approved in writing by the LPA no later than three months following the cessation of power production. Such details shall include a detailed decommissioning plan covering the removal of all temporary infrastructure from the site and identifying any areas of new habitat creation/ planting and any tracks and hardstandings which are to be retained. Additionally a plan should show how the site will be returned to agricultural use and shall include a demolition and restoration programme. 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 Strategies 7 (Development in the Countryside), 39 (Renewable and Low Carbon Energy Projects) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031.)
4. The site, including the land around and beneath the solar panels, shall remain available for agricultural purposes, which shall include ecological purposes such as wildflower margins, hedgerow and tree maintenance, and conservation grazing. (Reason - To ensure the continuation and retention of the land for agricultural purposes in addition to the solar farm, to safeguard countryside protection policies in accordance with Strategies 7 (Development in the Countryside) and 39 (Renewable and Low Carbon Energy Projects) of the East Devon Local Plan 2013- 2031.)
5. 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 EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) of the adopted East Devon Local Plan 2013-2031 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 prior to the construction phase to prevent any archaeological loss thought the construction period.)

6. The development shall not be brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

(Reason - To comply with paragraph 205 of the National Planning Policy Framework (2021), 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.)

7. Prior to the commencement of development, an updated arboricultural method statement and tree protection plan shall be submitted for the written approval of the Local Planning Authority. This shall include the location of the proposed underground service installations and any permanent or temporary hard surfacing, and shall also define construction exclusion zones (including hedgerows). It shall also include provision for the following arboricultural site monitoring visits:

- i) Inspection of and signing off, of the correctly installed tree protection (or security fencing) measures prior to the commencement of works.

- ii) Submission of a ground protection specification designed by a engineer, appropriate to the anticipated loading.

- iii) Monthly site inspections by an arboricultural consultant during the construction phase of the project.

- iv) Arboricultural sign-off of the completion of construction works prior to the final removal of the tree protection measures.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees and hedges on the site during and after construction. The condition is required in the 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.)

8. The development hereby approved shall be carried out in accordance with the recommendations within the Flood Risk Assessment prepared by Calibro, issue date 06/09/22.

(Reason: To protect the local environment and water courses and ensure that suitable means of controlling surface water drainage exists in accordance with Policy EN21 - River and Coastal Flooding of the East Devon Local Plan 2013 - 2031).

9. Prior to the installation of any solar arrays all swales and scrapes as detailed within the Surface Water Drainage Addendum and the drawing titled 'Proposed Swales & Scrapes', prepared by Calibro and dated 07/02/2023, shall be constructed and thereafter maintained to allow the disposal of surface water for the lifetime of the development.

(Reason: To protect the local environment and water courses and ensure that suitable means of controlling surface water drainage exists in accordance with

Policy EN22 - Surface Run-Off Implications of New Development of the East Devon Local Plan).

10. The development hereby approved shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) prepared by Western Ecology dated February 2023. 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 and no high frequency audible reversing alarms used on the site.
(Reason - To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution, to preserve the integrity and fertility of site soils and support the return of the land to agricultural on the expiry of the consent; to prevent additional surface water run-off due to soil compaction and to comply with the provisions of Policies D1 (Design and Local Distinctiveness), EN13(Development Affecting High Quality Agricultural Land) and EN14 (Control of Pollution); of the East Devon Local Plan 2013 - 2031.)
11. Prior to commencement of development of any part of the site, the Planning Authority shall have received and approved a fully detailed Construction Transport Management Plan (CTMP) 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
 - (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) Details of the amount and location of construction worker parking.

(m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

(Reason: A pre-commencement condition is required to ensure that adequate facilities are available for construction and other traffic attracted to the site in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the Adopted East Devon Local Plan 2013-2031.)

12. Notwithstanding the submitted landscape details, no development shall begin until a final site specific Landscape and Ecology Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall follow the principles established in the submitted indicative landscape masterplan and 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 final 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 schedule and monitoring shall thereafter be carried out in accordance with the approved plan for the duration of the operational phase of the development.

(Reason – This condition is pre commencement to prevent any harm occurring during the construction phase, 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 development hereby approved shall be carried out in accordance with the recommendations and mitigation measures set out within the Preliminary Ecological Appraisal, prepared by Western Ecology and dated July 2021 (updated March 2023).

(Reason - To ensure that the development is not harmful to wildlife, in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).

14. No external lighting shall be installed on the site until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be carried out in accordance with the approved details and no further lighting shall be installed without a grant of express planning permission from the Local Planning Authority.

(In order to retain the rural character of the area and to prevent light pollution, in accordance with Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONB's) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031.)

15. Notwithstanding the submitted details and prior to the commencement of their installation, details of the CCTV cameras to include their exact siting, angle of direction and operational monitoring requirement shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the agreed details.

(Reason - To demonstrate to the satisfaction of the Local Planning Authority that the CCTV cameras will not impinge upon the privacy and amenities of the occupiers of adjacent properties in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.)

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no photovoltaic panels, fences, walls, or other means of enclosure or fixed plant or machinery, buildings, structures other than those expressly authorised by this permission shall be erected within the boundaries of the site.

(Reason - To ensure ancillary development is not harmful to the rural character of the area in accordance with Strategy 7- Development in the Countryside of the East Devon Local Plan 2013-2031).

Plans relating to this application:

SP-CT-D09-PL R02 : CCTV	Other Plans	28.10.22
SP-EL-D09-PL R03 : existing site	Layout	28.10.22
SP-EL-D09-PL R02	Proposed Elevation	28.10.22
SP-IN-D09-PL R02	Other Plans	28.10.22

transformer/inverter housing

SP-LP-D09-PL R01	Location Plan	28.10.22
SP-SCDP09-PL R02 : site clearances	Other Plans	28.10.22
SP-SF-D09-PL R02 : site fence	Other Plans	28.10.22
SP-SSD9-PL R02 : 33kv substation	Other Plans	28.10.22
SP-AL-D09-PL R04 : PV array	Layout	08.02.23
SP-RL-D09-PL R06: proposed site	Layout	16.03.23

List of Background Papers

Application file, consultations and policy documents referred to in the report.

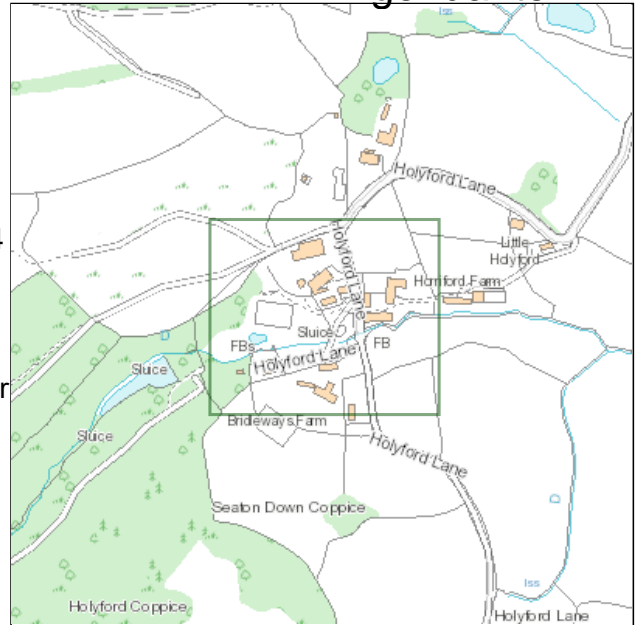
Ward Coly Valley

Reference 22/0395/FUL

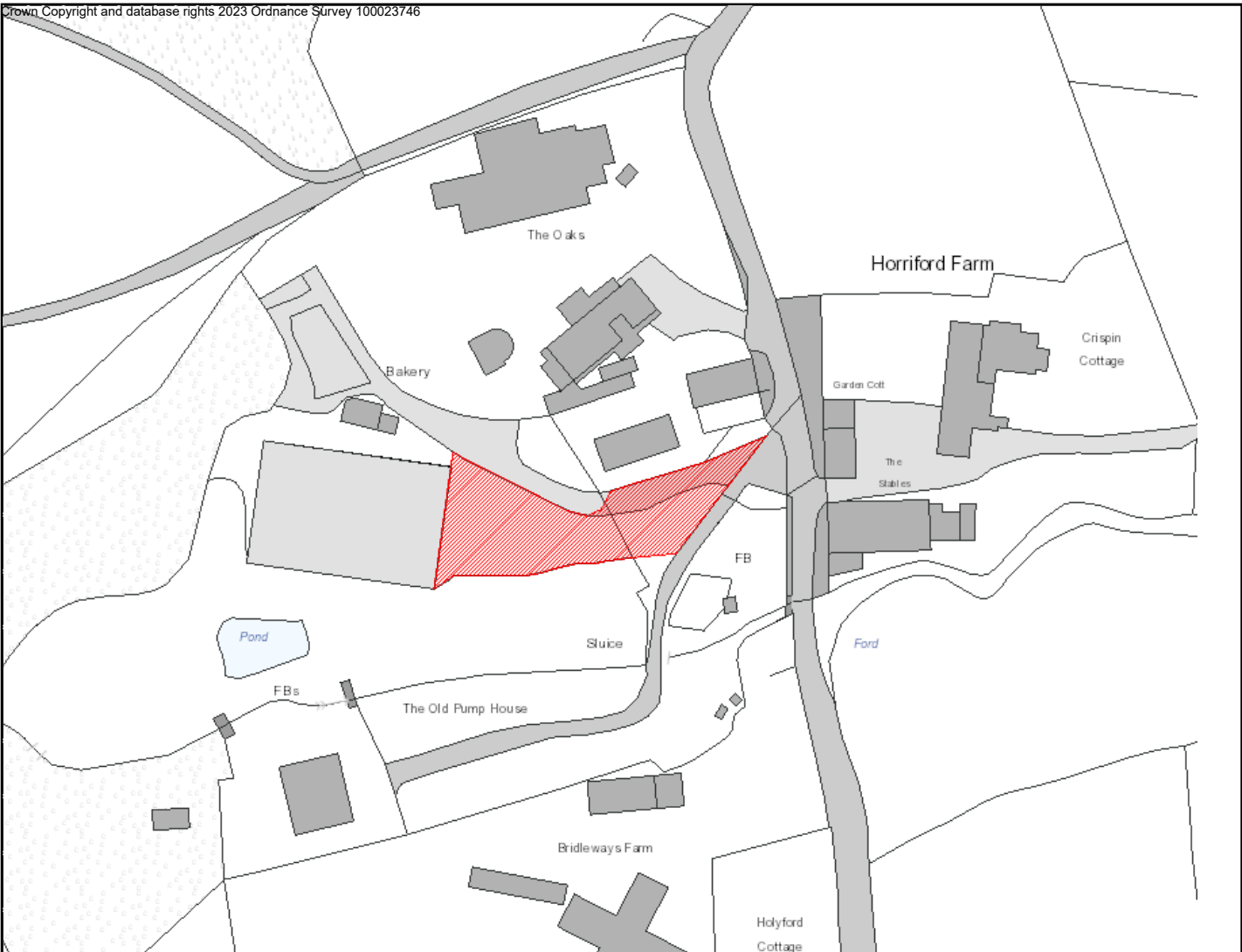
Applicant Mr Bernard Vanier

Location The Oaks Holyford Lane Colyford Colyton EX24 6HW

Proposal Change of use of land to garden and construction of building to form artist studio/workshop and garden machinery store for use incidental to the enjoyment of the main dwellinghouse and associated works, including retention of earthworks, level changes and Devon Bank; hardsurfacing, and; installation of gates and landscaping (part retrospective).



RECOMMENDATION: Approval with conditions



		Committee Date: 25.04.2023
Coly Valley (Colyton)	22/0395/FUL	Target Date: 18.04.2022
Applicant:	Mr Bernard Vanier	
Location:	The Oaks, Holyford Lane, Colyford	
Proposal:	Change of use of land to garden and construction of building to form artist studio/workshop and garden machinery store for use incidental to the enjoyment of the main dwellinghouse and associated works, including retention of earthworks, level changes and Devon Bank; hardsurfacing, and; installation of gates and landscaping (part retrospective).	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before committee on the referral of the Committee Chair.

The application site is located in a rural location in countryside between Seaton and Colyton. It is accessed from Colyford to the east via Holyford Lane. The host dwelling 'The Oaks' forms part of a small collection of residential properties and associated outbuildings. There is also a small commercial patisserie occupying buildings to the north of the site and between it and The Oaks.

Permission is sought for the change of use of an area of land adjacent to the residential curtilage of the applicant's property and an equestrian exercise area (not in use). The land is accessed via an existing driveway that serves The Oaks.

It is understood that the applicant is a keen amateur artist who specialises in sculptures and that the purpose of the building would be to provide an undercover space where he is able to undertake his hobby and which would provide specialist space and cover for metalwork and ceramics, as well as providing a garden machinery store to assist in the upkeep of the gardens. The Council's environmental health officer has confirmed that any amenity impact that might arise from activities within the building could be acceptably controlled by condition.

The building would occupy low lying land to the south of the host dwelling and has been designed to be partially cut into the natural slope of the land. It would have a simple functional form and would be clad in timber under a low mono-

pitched roof. A Devon Bank has been constructed to the south of the site and a landscaping condition could require the restocking of this with native species so as to minimise any visual impact. Additionally, conditions could prevent external lighting and remove permitted development rights for further development on this part of the site. Subject to such conditions the landscape and visual impact of the building is found to be acceptable and where the building would be viewed in context with other buildings in the group including those of a similar scale and form.

In other regards the Environment Agency who initially objected to the application have lifted their objection following flood modelling works.

Consideration has been given to the impact of the building in relation to Holyford Farm (grade II listed) and its associated curtilage buildings but the separation distance from this together with the conditions that can be imposed to control landscaping, noise impacts and the details of any gates, leads to the views that harm to the setting would not arise.

Objections have been put forward with regards to the loss of trees from the site prior to the submission of the application. Although such loss is disappointing it is not considered that their removal required permission and nor is it the case that re-planting of the site with native trees can be reasonably required.

On balance and on the basis that the current condition of the site is the starting point for determination, the proposal is considered to represent an acceptable form of development. The proposed use, as ancillary to the residential use of the adjoining dwellinghouse, is in keeping and conditions can be imposed controlling activities within it to ensure residential amenity is protected. Subject to the conditions set out below the proposal is considered to be acceptable and is recommended for approval.

An appropriate assessment also concludes that subject to specified conditions that the proposal would not, either alone or in combination with other development, give rise to a likely significant effect on the Beer Quarry and Caves Special Area of Conservation.

CONSULTATIONS

Local Consultations

Parish/Town Council

11/01/23 - The Colyton Parish Council do not support this application for the following reasons:

1. Although the floor plan has been reduced, it was felt the development was oversized and not in sympathy with the surroundings through height and choice of materials.
2. The proposal would not enhance the unspoilt, quiet valley.

3. Concern expressed regarding the potential noise pollution from the metal workshop.
4. There should have been a tree survey and wildlife survey completed before the clearance of trees and excavations on the site.
5. The site was previously part of the edge of Holyford Woods and a rare wildlife habitat
6. The proposals would not be in accordance with the Neighbourhood Plan which recommends sympathetic development in the countryside
7. The recommendations of the Pre-App seem, to an extent, to have been ignored.
8. The Devon Bank with planting has been completed, but this should have sought formal planning permission first.
9. Concern was expressed regarding the future use of the building as a commercial premises for the selling of sculptures, as mentioned in the planning documents.

18/03/22 - Colyton Parish Council do not support this comment for the following reasons:

1. The development was oversized and not in sympathy with the surroundings through height and choice of materials.
2. The proposal would not enhance the unspoilt, quiet valley
3. Concern expressed regarding the potential noise pollution from the metal workshop
4. There should have been a tree survey and wildlife survey completed before the clearance of trees and excavations on the site.
5. The site was previously part of the edge of Holyford Woods and a rare wildlife habitat
6. The proposals would not be in accordance with the Neighbourhood Plan which recommends sympathetic development in the countryside
7. The recommendations of the Pre-App seem, to an extent, to have been ignored
8. The Devon Bank with planting has been completed, but this should have sought formal planning permission first.

Technical Consultations

21/03/23 - CONSULTATION REPLY TO CENTRAL TEAM LISTED BUILDING CONSENT/CONSERVATION AREA PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: The Oaks, Holyford Lane, Colyford, Clyton

GRADE: II APPLICATION NO: 22/0395/FUL

CONSERVATION AREA:

PROPOSAL: Change of use of land to garden and construction of building to form artist studio/workshop and garden machinery store for use incidental to Change of use of land to garden and construction of building to form artist studio/workshop and garden machinery store for use incidental to the enjoyment of the main dwellinghouse and associated works, including retention of earthworks, level changes and Devon Bank; hardsurfacing, and; installation of gates and landscaping.

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

SITE DESCRIPTION

Holyford farmhouse is grade II listed and is a thatched and clay tiled building constructed C16. To the south is a stone outbuilding with corrugated iron roof and to the west side is the former historic stables. The proposed site lies to the west.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

OFFICER ASSESSMENT

The proposed unit is for a personal permission for a metal workshop accessed from the existing access road opposite Horriford Farm; a spur road would be taken off the existing access to the metal workshop. The proposed building would be timber clad and a two storey, mono pitched roofed structure visible from Holyford Farm but partly hidden by an existing bank.

- o It isn't clear how much of the building will be seen above the existing bank.

Further information is required to clarify. .

- o The proposed building could be sound proofed with sound insulation and the doors and windows remain closed during hours of operation.

- o There are no details of the entrance gates

- o The proposed building does not visually relate to the character and appearance of Holyford farm and the outbuildings around it. Due to its closer proximity and level of land it will have some relationship to the group unlike the Oaks. The historic buildings in this group are more traditional with natural stone and timber clad walls and clay double roman and corrugated iron roofs. The proposed building is alien to this character and its style of architecture contrasts against it.

- o It is recommended the appearance of the building is reconsidered to more clearly reflect the character and appearance of the group of buildings..

PROVISIONAL RECOMMENDATION - PROPOSAL

Holding response

EDDC District Ecologist - Rory Chanter

30/09/22 - The proposal is not supported by an Ecological Impact Assessment (EclA) report, despite being requested during the Pre-app, having potential ecological impacts, being in close proximity to a Local Nature Reserve and immediately adjacent to priority habitats. The site appears to have been cleared of willow/alder wet woodland in the year prior to the application being made (as

ascertained through photographs provided). No professional assessment has been made of the current habitats on the site, and concurrently no valid ecological impact assessment has been made. The development of this site may result in the loss of habitats used by protected species (and subsequent killing or injury of protected species and destruction of resting places), alongside potential indirect impacts such as impacts from lighting and pollution. Without an EclA, EDDC cannot carry out its biodiversity duty under Section 40 of the NERC Act.

The site is situated within the Beer Quarry and Caves Special Area of Conservation (BQ&C SAC) sustenance zones for greater horseshoe bats, lesser horseshoe bats and Bechstein's bats. These species are well documented within the Holyford Valley, due to bat radio tracking and trapping work carried out by local bat research groups. The habitats immediately adjacent to the site form an area of key foraging habitat for all three SAC qualifying feature species (greater and lesser horseshoe bats, and Bechstein's bats). Destruction of habitats on the proposal site and the potential illumination of surrounding foraging and commuting habitats (all habitats in the vicinity) would result in a likely significant effect (LSE) on the qualifying features of BQ&C SAC.

The EclA required should consider both direct and indirect impacts of the proposals, as well as forming a shadow HRA conclusion and providing the LPA with all information necessary to carry out HRA. Refer to the latest version of the Beer Quarry and Caves SAC Guidance attached.

Avoidance, mitigation and compensation measures are likely to be required in order to ensure that the boundaries of the site and surrounding habitats are not illuminated beyond 0.5 lux (as a result of glazing and internal luminaires, as well as external lighting), and that and habitats lost to development or illuminated are adequately compensated for through compensatory habitat creation, to ensure that there is no net loss in bat foraging/commuting resources. It would be expected that no external lighting be proposed. Refer to the BQ&C SAC Guidance document on the EDDC website for full details.

Therefore, currently, the application is not compliant with EDDC Local Plan policies EN4 and EN5, Strategies 5 and 47.

In order to address these requirements, the applicant should provide an EclA report, alongside all relevant information necessary for EDDC to carry out a HRA, including full mitigation and enhancement proposals. These documents and assessments should be prepared by a qualified ecologist with experience of carrying out HRA.

The area in question was also identified as "important woodland" in the neighbourhood plan. The proposals are also therefore not considered to be in accordance with this element of the neighbourhood plan.

Environment Agency

25/01/23 - Thank you for your consultation of 22 December 2022 following submission of further information in respect of this planning application.

Environment Agency position:

We consider that the proposed development will be acceptable if subsequent planning permission includes a condition to secure implementation of the flood mitigation measures set out in the applicant's flood risk assessment. Our recommended condition and advice regarding flood risk management are set out below.

Condition - Implementation of Flood Risk Assessment:

The development shall be carried out in accordance with the submitted flood risk assessment (Ref. December 2022/Dennis Gedge Consulting Engineer) and the following mitigation measures it details:

- o Finished floor levels shall be set no lower than 43.11 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

Advice - Flood risk:

Site-specific modelling has been undertaken which demonstrates that the development site is at a lower risk than what is indicated on the flood map planning. The flood map for planning will now be updated based on this modelling and the site will be considered to be located in the low probability flood zone 1. We are therefore happy to remove our objection on the basis that the development will be safe from flooding.

There is, nevertheless, a small area of the access road where flood depths will be increased because of the development. As this location of moderately increased depth (0.01-0.1m) is not to a residential property and this increase, when compared to the baseline flood depths for the design flood event, will not be increasing the hazard banding we do not have any objections on this basis.

The planting of trees and vegetation is beneficial for the infiltration and absorption of surface water. This planting will not negate the surface water risk in the area but is a positive aspect of the application that we support.

Note for the Local Planning Authority - Surface water:

Incremental development in this area has meant that there has been a gradual increase in impermeable area within the catchment. As this is a minor development, we understand that the Lead Local Flood Authority may not be commenting directly. Nonetheless, we recommend that it is important that the LPA considers surface water drainage and how increase in run-off will be managed on site.

13/05/22 - Thank you for your consultation of 25 April 2022 following submission of further information in respect of this planning application.

Environment Agency position:

We maintain our object in principle to this proposal on flood risk grounds. The land raising works result in a reduction in floodplain storage and therefore an increase in flood risk to third parties. More detail setting out the reason for our position are set out below.

Reason - Flood risk:

We have reviewed the 'EDDC Pre-app Response' document and the change to the application description and therefore now understand that planning permission for the raising of ground levels and construction of hedgebank is being sought as part of this application. As the land where levels have been raised is within the functional floodplain we are concerned that the works result in a reduction in floodplain storage and therefore an increase in flood risk to third parties.

A letter (reference DW08801) has been submitted by Mr. Dennis Gedge addressing concerns that were raised in our response dated 05 April 2022. As the raising of ground levels to allow for the workshop to be above the flood level is something that we object to, we maintain that this site is flood zone 3b functional floodplain and therefore the development is not appropriate for this site. The National Planning Policy Framework (NPPF) (e.g. paragraphs 159 and 167) is clear that development must not increase flood risks elsewhere.

We understand that the site levels have already been raised and hedgebank constructed and that this part of the application is retrospective. As we object to both the workshop and associated level raising and hedgebank construction ground levels must be reinstated to the original levels.

Overcoming our objection:

To be able to remove our objection the workshop must be moved out of flood zone 3b. When located out of the functional floodplain, finished floor levels of the workshop must be 600mm above the proposed flood level to account for a freeboard. We will maintain an objection if ground levels of the functional floodplain are raised because this will increase risk to third parties, in accordance with the NPPF and Planning Policy Guidance.

05/04/22 - Thank you for consulting us on this application.

Response:

We object to this proposal in principle.

Reason:

The Flood Risk Assessment (FRA) has incorrectly interpreted flood zones in the area. The FRA, specifically the 'Proposed Block Plan' drawing shows a drawn-on flood zone that is different to that of the Environment Agency mapping.

The correct flood zone extents put most of the proposed building in Flood Zone 3B functional floodplain. In line with NPPF technical guidance this development is not appropriate in the functional floodplain and it is therefore recommended that the application is rejected on flood risk grounds.

Note to the LPA:

Although the Devon hedgebank has not formed part of this application, we are aware that this work has occurred in recent months and is detailed on the development drawings. This bank is in the functional floodplain and is therefore changing the flood function of the land, in doing so flood risk to third parties is being increased.

Overcoming our objection:

The FRA must be updated to show the correct flood zone extents. The entire development proposals must then be moved out of the functional floodplain.

The FRA has stated that the 0.1%AEP is usable as the 1%AEP, plus climate change level, however there have been no flow calculations submitted to support this statement.

Environmental Health

20/01/23 - No deliveries shall be accepted or despatched to or from the site except between the hours of 8:00 until 18:00 Monday to Friday, or 8:00 until 13:00 on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise.

23/12/22 - As per my previous comments made on the 4th April.

04/04/22 - I have considered the application and I do have environmental health concerns regarding the proposed building, due to its use as a workshop (including metalworking) in relation to noise. In order to address these concerns I recommend approval with the following conditions attached:

o Before the development commences the details of a scheme of noise insulation measures to include the walls, floors and roof that must be sufficient to provide effective resistance to the transmission of airborne and impact sound between the uses hereby permitted and neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be completed prior to the commencement of the use hereby permitted.

o A suitable and sufficient means of extract ventilation and/or air conditioning shall be provided within the building so that windows and doors can be kept closed when machinery/power tools are being operated. The specific noise level of any fixed plant or equipment installed and operated on the site must not exceed 25dB LAeq(1hr) at the boundary of the nearest noise sensitive property.

o The windows and doors shall be kept closed at all times when any noise generating equipment, machinery or power tools are in use.

Reason : To protect adjoining occupiers from excessive noise.

DCC Flood Risk Management Team

03/02/23 - Given the small scale nature of the proposal and the fluvial concerns addressed via the EA, I don't think there's any further comments we wish to make.

You may want to seek details of how surface water will be managed during the construction stage (perhaps via condition).

22/03/22 - Recommendation:

Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order (2015). However, we have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the above planning application, which is outlined below.

Observations:

The applicant has proposed to reuse surface water from the roof. The applicant has also proposed to construct all of the external areas with permeable gravel. The applicant should confirm whether the retaining wall drainage will flow onto this gravel.

We are aware of potential engineering works which may have occurred recently within the vicinity of the site. These works may have occurred within Flood Zones 2 and 3. The applicant should clarify what works have recently occurred, as these works may have altered the capacity of the flood zones.

Natural England

30.03.23 - Thank you for your consultation on the above dated 16 March 2023 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE:

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED.
We consider that without appropriate mitigation the application would have an adverse effect on the integrity of Beer Quarry and Caves Special Area of Conservation (SAC).

Please be advised that, on the basis of the mitigation outlined in the Appropriate Assessment being secured, Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of Beer Quarry and Caves SAC.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Protected Species:

Natural England has produced standing advice

(<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>) to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Other Representations

16 no. representations have been received of these 11 are considered to raise objections to the scheme (including from the Devon Wildlife Trust and the Campaign to Protect Rural England) and 4 are in support.

Reasons for objection

- The proposals site was formerly important woodland and should be protected from development.
- The mitigation measures proposed in the submitted Ecological Appraisal do not provide sufficient security that such measures will be delivered
- Noise impacts on the local area from machinery proposed to be and already in use
- Pollution of air and water through release of particulates associated with metal work
- Loss of trees and habitat already taken place and no biodiversity net gain is secured.
- Impact on nearby heritage assets
- Development out of keeping with its context.
- The proposal appears to be designed more for commercial than ancillary residential use.
- No indication of biodiversity net gain
- The site was formerly a natural extension to Holyford Woods and its loss and development would be harmful to the character of the area and represent a loss of wildlife habitat.
- Design of building, use of materials and scale is not appropriate in this context
- The development approved under application 17/1353/FUL did not specifically refer to a new driveway which this development is served by.
- Any access gates, together with the driveway would add to the suburban character of the development
- The proposal does not demonstrate how it would meet the sustainable development requirements of the Neighbourhood plan.
- Loss of ancient wet woodland habitat
- Light pollution from proposed unit
- The proposal is contrary to policies of the newly made Neighbourhood Plan
- The proposal represent sporadic development in the countryside
- The proposal has already virtually destroyed a Devon bank
- The scale of the building will dominate the area

- The pre-application request for an ecology survey has been ignored and no indication of mitigation of any impacts of the development have been provided.
- There are already a number of outbuildings providing storage space for garden tools and machinery
- Increased traffic associated with the use.
- No indication of the dimensions of the building have been provided on the submitted plans
- Inaccuracies and discrepancies on submitted plans
- New building is unjustified in this context
- The plans indicate two toilets which appears unnecessary for an ancillary residential building.
- Impact of the building alone and cumulatively with other development on the hamlet and rural context
- Impact on tourism businesses operating there and the setting of nearby listed buildings
- The flood risk assessment fails to adequately address the flooding implications of the development which could give rise to increased flood risk of adjoining sites.
- The application of the sequential test suggests that the building should be sited in an area of lower flood risk.

Reasons for support

- The proposal is well-designed to minimise its impacts
- Extensive hedge planting has been undertaken
- The proposal would 'fit' in the landscape.
- The proposal could/would include extensive sound proofing
- The height of the structure is required to accommodate large sculptures but by cutting the building into the site the impact of the building's height would be reduced.
- The proposal is for personal not commercial use only
- The proposal would be well screened from the public highway, local footpaths/bridleways and other viewpoints
- The design has been conceived to minimise the visual impact
- The site previously consisted of brambles nettles and few willow trees and was not comparable with the rich habitat of Holyford Woods
- The proposal including Devon bank would provide a more diverse habitat than that which has been removed.
- The building will contain the noise of the power tools currently used in the open air.

PLANNING HISTORY

Reference	Description	Decision	Date
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17/1353/FUL	Change of use of paddock to domestic garden, erection of 2 no. sheds and creation of vehicular access to the highway	Approval with conditions	03.11.2017
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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

Strategy 38 (Sustainable Design and Construction)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)

EN5 (Wildlife Habitats and Features)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN14 (Control of Pollution)

Colyton Neighbourhood Plan (Made)

Coly 1 – Protecting the Natural Environment

Coly2 – Trees, Woodlands and Hedgerows

Coly6 – Sustainable Development

Government Planning Documents

Site Location and Description

The application site relates to a small parcel of land located to the south of and outside of the recognised curtilage of the property known as 'The Oaks'. There are a number of outbuildings between the site and the dwellinghouse one of which houses a commercial patisserie. In the immediate vicinity are a number of other residential properties which together form the small hamlet of Holyford.

The site lies at the bottom of a shallow valley through which the Holyford Brook runs approximately east-west. The site lies within Flood zones 2 and 3. Public bridleways are located to the south (approximately 35 m away) and the north (approximately 77 m away) and a public footpath also lies to the northwest (approximately 89 m away). Holyford (Horriford) Farm, which is Grade II Listed, lies approximately 41 m to the east of the site, with the curtilage listed dwellings Garden Cottage/The Stables being only 19 m away to the east, on the opposite side of the highway. These are the closest neighbouring dwellings to the site.

The site is irregularly shaped and includes an area of cleared woodland, an open brook and a newly created earth bank on the southern boundary, as well as part of an existing access drive that leads from Holyford Lane to the south of the Oaks.

The site lies outside of any Built up Area Boundary defined within the East Devon Local Plan (LP) and is therefore considered as open countryside. It falls outside of any specific landscape designations and within landscape character type '3B Lower rolling farmed and settled valley slopes', as described in detail in the East Devon Landscape Character Assessment.

Planning history

There is a relatively extensive planning history relating to the adjoining site, The Oaks, the most recent and most relevant of which date from 2017 (17/1353/FUL as above).

This application related to land to the north of the application site and southwest of The Oaks, the current application site overlaps partially with the site of 17/1353/FUL in that the initial section of driveway from Holyford Lane is shared.

Proposed development

The proposals includes a number of inter-related elements as follows:

1. Change of use of land to garden, relating to the majority of the site area (other than that which falls within the area approved under 17/1353/FUL);
2. Construction of a building to form an artist studio/workshop and garden machinery store for use incidental to the enjoyment of the main dwellinghouse. The building would be finished in vertical timber cladding;
3. Other associated works, including retention of earthworks, level changes and Devon Bank; hardsurfacing, and; installation of gates and landscaping.

In relation to 3. Some of the works have already taken place and as such permission is sought retrospectively, this relates to some levelling and other works within the main site area following the clearance of the woodland. In this regard it should be noted that the clearance of the woodland itself does not require planning permission. The 'Devon bank' has also already been formed and marks the southern boundary of the site.

During the course of the application the proposed building has been revised to show a reduction in the footprint and massing of the building. The footprint has been changed from an L shape plan form to a simple recti-linear plan form and reduced from 138 sqm (internal floor area of 210sqm) to 88 sqm (internal floor area of 117sqm). The height has also been reduced by 0.5 metres

ANALYSIS

It is considered that the main issues in the determination of the application are as follows:

- The principle of the development
- Flood Risk impact
- Impact on the character and appearance of the area
- Ecological Impact
- Heritage Impact
- Amenity Impact
- Other Issues

These are discussed below.

Principle

East Devon Local Plan (2013-2031)

The application site falls outside of a defined settlement boundary and as such in accordance with Strategy 7 of the EDLP falls to be considered as open countryside.

Within the open countryside Strategy 7 only supports development where such development is explicitly permitted by another policy of the Local Plan or, where relevant, Neighbourhood Plan.

There are no specific policies of the Local or Neighbourhood Plan that would support the development proposed either in relation to the proposed change of use of the land to residential garden or the erection of a building on that land for ancillary residential purposes.

Colyton Neighbourhood Plan (2020 – 2031)

As with the EDLP the CNP does not include any policies which explicitly support development of the nature proposed.

The proposal is therefore considered to represent a departure from the development plan. Nevertheless despite the lack of explicit policy support, it needs to be

considered whether any harm would arise from the proposal or whether despite the lack of policy support its impact might otherwise be acceptable. In this regard it is recognised that a similar approach was taken in relation to application 17/1353/FUL and where in that instance no harm was identified and the change of use of an area of adjoining land to residential garden and erection of ancillary buildings was found to be acceptable.

Flood Risk Impact

The application site lies partially within Flood Zone (FZ) 1 and partially in Flood Zone (FZ) 3 as shown on the Council's flood maps, which are provided by the Environment Agency. Whilst the original plans indicated that the footprint of the building would lie in FZ 1 other areas of the site, including earthworks and level changes already undertaken (including the Devon Bank) are shown to be within FZ3.

The Environment Agency (EA) raised objection to the proposal as originally submitted on the basis that the flood zones indicated on the submitted plans did not correlate with the EA's own flood maps which showed parts of the site, including part of the building footprint within FZ3B (functional floodplain).

Following the EAs objections the applicant has engaged with the EA and has submitted a flood map challenge – suggesting that the flood maps in the vicinity of the site are flawed and should be redrawn. The flood map challenge has been considered by the EA who have, as a result, accepted that the flood maps for the area do not reflect the realities on the site. The EA have subsequently advised that the flood maps will, in due course, be updated but that in relation to this application it can be concluded that the site lies within Flood Zone 1 and therefore has a low probability of flooding. They have indicated that a small area of the access road where flood depths will be increased but as the increase is modest and does not affect a residential property they have no objection to this. The planting of additional trees and landscaping is seen as a benefit and the EA has encouraged the LPA to consider how surface water drainage would be dealt with. Overall and subject to a condition to secure the mitigation measures set out in the submitted FRA the EA's original objection has been withdrawn.

In relation to surface water drainage Devon County Council as the Local Lead flood Authority has commented on the application that given its small scale nature and that fluvial concerns have been addressed by the EA that they have no additional comments to make. They have however suggested that consideration could be given as to how surface water would be managed during the construction stage and this could be conditioned

Impact on the character and appearance of the area

The application site has previously been cleared of trees and earthworks undertaken to alter site levels and to create a bank along the southern site boundary.

The parish council and a number of third party representations make reference to these works and concerns regarding both the ecological impact and loss of important woodland. Policy Coly 2 of the Colyton Neighbourhood Plan, amongst other aims,

seeks to: retain and protect areas of natural woodland; resist development that would result in the loss of or damage to trees, or where this is unavoidable provide suitable replacement planting together with ongoing management measures.

The application site appears to be covered by the area defined on Map 4 of the Colyton Neighbourhood Plan as important woodland and therefore covered by policy Coly 2.

In relation to tree removal at the application site this took place prior to the application being submitted and where the trees were not formally protected, as such their removal did not require planning permission. Correspondence with Forestry England in relation to the need, or not, for a felling licence has been undertaken and they have advised that this was investigated at the time but where it was determined that no offence had been committed under the relevant legislation (Forestry Act 1967). This being the case whilst the concerns raised by the parish council and third parties relating to the loss of natural habitat and tree cover are recognised and the removal of trees from the site is disappointing, this did not require planning permission and there is no planning requirement for the area to be replanted and managed as woodland. This being the case it is not considered that its former appearance can be taken into account in respect of the current application.

The proposal includes the retention of the Devon bank that has been constructed and planted with, amongst others, native species hedge plants along the southern boundary of the site and which would give rise to some biodiversity benefits. In addition, a line of Poplars has been planted to the south of the Devon Bank. At present the Devon Bank planting and line of Poplars are at a stage where they provide limited screening benefits, however their effect in this regard will increase over time and assist in filtering views of the building and reducing its visibility. On this point, comment have been made in relation to the Poplars representing an inappropriate form of planting in this location, whilst these comments are noted this planting does not need permission and therefore is beyond control.

Public views of the site would be afforded primarily on approach from the south via Seaton Bridleway 7 and in views from the east from the junction of the access track with Holyford Lane. In such views, the proposals would be seen as part of the loose knit development of properties and outbuildings that form Holyford and from the south against the backdrop of rising land. The materials proposed have been chosen to minimise the visual impact of the building and to help it blend into its surroundings. The partially sunken nature of the development, the reduction in the scale and height of the building, the removal of any glazed openings from the southern and eastern elevations together with the screening afforded by the Devon Bank (and in time the planting atop this) would have the effect of reducing the impact of the building. Whilst the aims of policy Coly 2 are noted and the proposal would remove this area of land for 'woodland' use, given that the development proposed through the application would not result in loss of any trees and there is no policy requirement that could require planting of trees on the site, there is no mechanism to require the land to be restored to its former condition. In this context and given the scale of the development, its simple form and use of materials and the screen planting that could be secured by condition it is not considered that refusal on the grounds of its impact on the character or appearance of the area could be sustained and any wider landscape views of the

site would see the building in association with the existing group of buildings that comprise Holyford.

Ecological Impact

The application site was previously an area of tree cover which was cleared prior to the submission of the application. It has therefore been suggested that the requirements of the Environment Act 2021 and the need to demonstrate 10 % net biodiversity gain are relevant. However, whilst current policy (including Stgys. 3 and 5 and policy EN5 of the EDLP and Coly 1 of the CNP) encourage net gain where possible the legal requirement under the Environment Act has no effect yet (until brought into force through secondary legislation).

It has further been suggested that the removal of trees and changes undertaken has resulted in the loss of valuable wet woodland habitat and that this should be reinstated. However, as set out above there is currently no requirement for this and the removal of the trees and undergrowth from the site did not require planning permission. The starting point for assessment therefore is the current condition of the site which is a cleared site with limited ecological or biodiversity value, although there are nearby sites, such as Holyford Woods Local Nature Reserve, that provide habitat for protected species such that these (specifically bats) are likely to be active in the area.

The proposal includes retention of a Devon bank that has been constructed on the southern site boundary and has been planted with native species, in time this will provide habitat enhancement. Other areas of new planting are also indicated to the east of the building.

The amended application is accompanied by a Preliminary Ecological Appraisal (PEA) which has considered the potential direct and indirect impact of the proposal based on the site's current status.

The site itself is recorded as an area of tall ruderal habitat, dense bramble scrub, scattered shrubs, a recently constructed hedgebank supporting a series of recently planted native and exotic shrub species, areas of gravel and a wet ditch. The report concludes that subject to specified compensation and enhancement measures the proposal would represent a positive biodiversity impact. Those compensation and enhancement measures include provision of bat roosting and bird nesting opportunities, provision for invertebrate habitat and restocking of the hedgebank with native broadleaved shrub species.

In terms of indirect impacts the site is located in close proximity to the Beer Quarry and Caves Special Area of Conservation (SAC), which is located approximately 3.5 km to the west of the site. The BQ&C SAC is designated in part due to its internationally important population of greater and lesser horseshoe and Bechstein's bats. The Council in association with Natural England has produced Habitat Regulations Assessment Guidance in relation to the BQ&C SAC and this indicates that the application site lies within the sustenance zones and Landscape connectivity zones for all three species of bats. These zones are considered to be functionally linked with the BQ&C (SAC) and as such it is necessary to have regard to any

potential impacts the proposal may give rise to and, where so required, to conduct a Habitats Regulations Assessment.

The Local Planning Authority has a duty under Conservation of Habitats and Species Regulations 2017. This duty is for all “competent authorities” (including Local Planning Authorities and other public bodies) to “have regard to the Habitats Directive in the exercise of its functions”.

Regulation 61 (1) of the Habitats Regulations states the following:

“A competent Authority, before deciding to undertake, give any consent, permission or other authorisation for, a plan or project which:

*a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives”.*

The Council has screened the proposal under the Habitat Regulations using information available. The screening has considered the stand alone and in combination impacts of the development on the designated site in the absence of any mitigation and taking account of the following avoidance measures:

- No external lighting to the building.
- No lighting/glazed apertures along the southern elevation of the building

However, the PEA report has confirmed that the proposal would result in the loss of a small area of tall ruderal habitat and the initial HRA screening report therefore concluded that likely significant effect could not be ruled out without mitigation and that full appropriate assessment was therefore required.

The completed Appropriate Assessment is appended to this report, it concludes that with mitigation measures proposed (landscape planting, prevention of external lighting and of new openings on the south elevation of the building) and appropriate conditions to secure these that likely significant effect can be ruled out.

Natural England has been consulted on the Appropriate Assessment and concur with its conclusions.

Heritage Impact

The host dwelling, ‘The Oaks’ is not listed but the neighbouring property to the east, Holyford Farm is grade II listed.

The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special regard is paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Para. 199 of the NPPF requires great weight to be given to heritage assets conservation, with the more important the asset the greater the weight to be given. Para. 202 states

that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal. Policy EN9 of the EDLP reflects similar aims.

The neighbouring resident at Holyford Farm has raised concern that the proposed development both through its physical presence and any increased activity associated with it could alone, or in combination with existing activity on the adjoining site, harm the setting of the designated heritage asset. Further, it is suggested that such harm could potentially damage the economic viability now, or in the future, of Holyford Farm as a tourism/hospitality business if the tranquil rural setting was changed.



Aerial photo of site with Holyford Farm in pink (curtilage listed outbuildings on roadside to southwest of this and the site of the application building indicated by the arrow.

The planning statement accompanying the application acknowledges the presence of the listed building but does not provide any detailed assessment of the significance of the asset or the impact of development on it, on the basis that the separation distance is such that the proposal would not harm the setting of the listed building.

The Setting of a heritage asset is defined in the glossary at annex 2 to the NPPF as,

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

In this case the immediate setting of Holyford Farm is its curtilage but its wider setting includes surrounding land. The application site is located to the west of the asset on the opposite side of Holyford Lane and located over 50 metres from it. There are a number of existing buildings which lie between the site and the asset or are closer to

it. It is also noted that there is existing tree and vegetation cover that further provides a visual separation between the sites.

The Council's conservation officer has assessed the proposal and its potential to impact on the setting of Holyford Farm, they acknowledge that views of the site would be partially screened but consider that further information is required to determine how much of the building would be visible above the Devon Bank, details of the proposed gates and also recommends that consideration is given to amending the design of the building to better relate it to the historic building group of which Holyford Farm forms part. On the first point, the submitted section plan indicates the height of the building in relation to the Devon Bank and therefore the extent of building that would be visible above it. It also gives an indication of screening that might be afforded by planting atop the bank, it is not clear what additional information could be provided in this respect.

The proposed unit has been designed to have a simple form and its siting cut into the slope would further help to reduce its visibility as would the proposed external materials and measures proposed to reduce lighting at night. A further area of planting is indicated to the east side of the building, in the line of site down the driveway and this would further assist in filtering views of the proposed building. Given the aforementioned, it is not considered that the proposal would result in any harm to the setting of the nearby listed building in terms of its physical proximity or visual impact. With regard to other potential harm through for example increase in noise or activity these issues are considered below.

Amenity Impact

The application is for an artist's studio and workshop and garden store ancillary to the residential use of the property, as such it is not a commercial use that is proposed but for the applicant's own personal use.

The planning statement acknowledges that, "*...there may be some level of noise arising from the use of tools and machinery used in the fabrication of artwork and structures,*" but that, "*... the noise levels would be no more than that to be expected in an ordinary domestic environment where occupiers of properties could use power tools and machinery for DIY purposes or repair/restoration of private vehicles etc*". It is further advised that such activities are currently undertaken in the open air due to a lack of suitable buildings and where it is suggested that housing such activities within a purpose built building would be beneficial in controlling noise.

Concerns have been raised by the parish council and some local residents in relation to the impact of the development on the tranquillity of the area and also in relation to other potential polluting impacts of the proposal.

The type of activities that would be undertaken do have the potential to give rise to some harmful impact, however it is also acknowledged that undertaken on a personal basis would not in themselves be subject to control, other than were a statutory noise nuisance to occur. Whilst the provision of a building to house these activities would be likely to give rise to an increased frequency in them taking place, containing them within the building would also enable their impact to be reduced through sound proofing etc.

The Council's Environmental Health Officer has considered the proposal and subject to conditions to: require a scheme of noise insulation; limit the noise output at the boundary of nearby neighbouring properties and to control delivery times has raised no objections to the proposal. These conditions on the whole are considered reasonable, however with regard to control over deliveries to the site it must be borne in mind that this is not an application for a commercial business and that deliveries are therefore likely to be limited in time and frequency and no doubt within the hours proposed by the condition, however as there is no control over timing of deliveries to the applicant's residential property, of which the proposal would form part, such a condition would likely prove to be unenforceable.

Other Issues

A number of representations have been made raising concern about the potential future uses of the building were permission to be granted. These concerns are acknowledged but an application can only be determined on the basis for which it has been applied. Any future proposals to seek further development or a change in the use of the building would in themselves require a further application for planning permission which would be judged on its merits at the time.

CONCLUSION

The application seeks permission for a change of use of an area of land adjacent to the residential curtilage of the property and an equestrian exercise area (not in use). It is understood that the applicant is a keen amateur artist who specialises in sculptures and that the purpose of the building would be to provide an undercover space where he is able to undertake his hobby and which would provide specialist space and cover for metalwork and ceramics, as well as providing a garden machinery store to assist in the upkeep of the gardens.

The site is located on low lying ground to the south of the host dwelling and would be served by an existing driveway. It is partly cut into the natural slope of the land and would be clad in timber to give a more natural and recessive appearance. A Devon Bank has been constructed that would, in time, help to filter views of the building from surrounding public vantage points and the development could be conditioned to prevent external lighting and any openings on the southern elevation of the building. Whilst the building was originally objected to on flood risk grounds the Environment Agency has lifted their objection following flood modelling works. Consideration has been given to the impact of the building in relation to Holyford Farm (grade II listed) and its associated curtilage buildings but the separation distance from this together with the conditions that can be imposed to control landscaping, noise impacts and the details of any gates, leads to the views that harm to the setting would not arise. Other objections that have been raised relate to the status/condition of the site prior to the submission of the application and where trees have been removed. Whilst the loss of trees from the site is disappointing it is not considered that their removal required permission and nor is it the case that re-planting of the site with native trees can be reasonably required.

On the basis of the current condition of the site, which is the starting point for determination, the proposal is considered to represent an acceptable form of development the use of which, as ancillary to the residential use of the adjoining dwellinghouse, is in keeping and where conditions controlling activities within it can ensure residential amenity is protected. Subject to the conditions set out below the proposal is considered to be acceptable and is recommended for approval. An appropriate assessment appended to the report also concludes that subject to specified conditions that the proposal would not, either alone or in combination with other development, give rise to a likely significant effect on the Beer Quarry and Caves Special Area of Conservation.

RECOMMENDATION

- 1. Adopt the appropriate assessment appended to this report**
- 2. 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. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for:
 - a) the full period of its construction, and;
 - b) the permanent surface water management of the site thereafter;have been submitted to, and approved in writing by, the Local Planning Authority. Both the temporary and permanent surface water drainage management systems must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the site. Development shall proceed in accordance details as agreed.
(Reason - To ensure that surface water runoff from the site both during the construction phase and thereafter is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area and to accord with policy EN22 - Surface Run-off Implication of New Development. A pre-commencement condition is required to demonstrate prior to the commencement of any works that surface water can be effectively managed without increasing flood risk negatively affecting water quality or impacting on surrounding areas and infrastructure.)
3. The building hereby permitted shall be used only in conjunction with, and ancillary to, the use of The Oaks as a single dwelling house and shall not be used as a separate dwelling or for any commercial, industrial or business purpose.
(Reason - The building is unsuitable for independent residential occupation due to its relationship with adjacent dwellings and it is in an unsustainable/inaccessible location where a separate unit of accommodation would not be adequately served by a range of service and facilities and a commercial use could cause undue noise/disturbance to adjoining occupiers in accordance with the requirements of Policy D1 - Design and Local

Distinctiveness and Strategy 3 - Sustainable Development of the Adopted East Devon Local Plan 2013-2031.)

4. No development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

5. No development above foundation level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) a scheme of noise insulation measures (to include the walls, floors and roof) sufficient to provide effective resistance to the transmission of airborne and impact sound between the building hereby permitted and neighbouring properties has been submitted to and approved in writing by the Local Planning Authority.

- b) a suitable and sufficient means of extract ventilation and/or air conditioning sufficient so that windows and doors can be kept closed when machinery/power tools are being operated. The specific noise level of any fixed plant or equipment installed and operated on the site must not exceed 25dB LAeq(1hr) at the boundary of the nearest noise sensitive property.

Development shall proceed in accordance with the agreed details which shall be fully implemented prior to the initial beneficial use of the building hereby permitted and thereafter retained and maintained as such.

(Reason: To protect adjoining occupiers from excessive noise in accordance with the requirements of policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031.)

6. Notwithstanding the requirements of condition 5 (above), all windows and doors shall be kept closed at all times when any noise generating equipment, machinery or power tools are in use.

(Reason - To protect adjoining occupiers from excessive noise in accordance with the requirements of policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031.)

7. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include:

- Details of the replanting of the Devon bank on the southern boundary of the site with native species (to include details of layout, species mix and ratio, size and plant numbers);

- Details of the planting of any other trees, hedges or shrubs, including but not restricted to within the planting area to the immediate east of the building;
- Details of all areas of hard surfacing.

The landscaping scheme shall be carried out in the first planting season after commencement of the construction of the building hereby approved, unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the 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 D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

8. 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/doors or other openings [other than those expressly authorised by this permission] shall be constructed.

(Reason - In order to minimise the potential for light spill so as to avoid potential adverse impacts on protected species that may be using the site in accordance with Strategies 3 (Sustainable Development) and 47 (Nature Conservation and Geology) and policy EN5 (wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031.)

9. There shall be strictly no external lighting of the site or building.

(Reason - In order to minimise the potential for light spill so as to avoid potential adverse impacts on protected species that may be using the site, in accordance with Strategies 3 (Sustainable Development) and 47 (Nature Conservation and Geology) and policy EN5 (wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031.)

10. 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 works within the Schedule Part 1 Class E for the provision within the extended area of curtilage hereby permitted of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such.

(Reason - To enable the local planning authority to retain control over future development in order to protect the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

11. 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), no fences,

gates or walls shall be erected within the extended area of curtilage hereby permitted.

(Reason - To enable the local planning authority to retain control over future development in order to protect the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

12. Development shall proceed in accordance with the recommendations of the Preliminary Ecological Appraisal dated November 2022 and prepared by EcoLogic Consultants.

(Reason - In the interests of enhancing the biodiversity values of the site and maintaining the favourable conservation status of protected species that may be using the site, in accordance with Strategies 3 (Sustainable Development) and 47 (Nature Conservation and Geology) and policy EN5 (wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031.)

13. The development shall be carried out in accordance with the submitted flood risk assessment (Ref. December 2022/Dennis Gedge Consulting Engineer) and the following mitigation measures it details:

o Finished floor levels shall be set no lower than 43.11 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

(Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policy EN21 (River and Coastal Flooding) of the East Devon local Plan 2013-2031 and guidance on managing flood risk set out in the National Planning Policy Frameworks and accompanying Planning Practice Guidance.)

NOTE FOR APPLICANT

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:

02 F	Proposed Floor Plans	14.02.23
03 F	Block Plan	21.12.22
04	Location Plan	21.12.22

01 F	Proposed Elevation	21.12.22
preliminary (221015 rev 00)	Ecological Assessment	21.12.22
	Flood Risk Assessment	21.12.22
010	Sections	07.02.23
01G	Proposed Elevation	07.02.23

List of Background Papers

Application file, consultations and policy documents referred to in the report.

Regulation 63 – Habitats Regulations Assessment

**Stage 1: Screening for Likely Significant Effect on the Beer Quarry and
Caves SAC**

Part A: The proposal

1. Type of permission/activity:	Change of use of land to garden and construction of building to form artist studio/workshop and garden machinery store for use incidental to the enjoyment of the main dwellinghouse and associated works, including retention of earthworks, level changes and Devon Bank; hardsurfacing, and; installation of gates and landscaping.
2. Application reference no:	22/0395/FUL
3. Site address: Grid reference:	The Oaks, Holyford Lane, Colyford, Devon, EX24 6HW
4. Brief description of proposal:	<ul style="list-style-type: none"> • Type of development It is proposed to develop the site by constructing a rectangular plan building measuring approximately 8 m by 11 m, to be utilised as an art studio, workshop and garden machinery store with associated toilet facility, while the remainder of the site will be utilised as a garden serving the property. • Distance to the European site 3.2 km • Is the proposal site within a consultation zone (landscape connectivity, core sustenance, pinch point, hibernation sustenance zone) Bat consultation areas: <ul style="list-style-type: none"> • Greater Horseshoe Sustenance Zone; • Greater Horseshoe landscape Connectivity Zone; • Key Lesser Horseshoe Sustenance Zone (associated with: key lesser horseshoe roosts located immediately north and west of Colyford); • Lesser Horseshoe Landscape Connectivity Zone; • Bechstein's Bat Sustenance Zone; and, • Bechstein's Bat Landscape Connectivity Zone. • Size The development area (redline boundary): 0.07 ha • Current land use (habitat type and immediately adjacent habitat types) The proposed development area (redline boundary) includes areas of area of tall ruderal habitat, dense bramble scrub, scattered shrubs, a recently constructed hedgebank supporting a series of recently planted native and exotic shrub species, small areas of garden waste, areas of gravel and a wet ditch. The full extent of the land ownership (blueline boundary) includes an extended garden, private dwelling including trees, grassland and garden borders. The site is located approximately 0.8 km to the west of the village of Colyford, with gardens and residential dwellings to the north and east and agricultural land with small woodlands and hedgerows to the south and west. • Timescale c. 1 year construction project. • Working methods

	Standard construction methods relevant to small construction site/project.
5. European site name	Beer Quarry and Caves SAC (BQ&CSAC) – SAC EU Code UK0012585
<p>6. Qualifying Features and Conservation Objectives:</p> <p>Ecological characteristics associated with the features (including those associated with the site, and information on general trends, issues or sensitivities associated with the features if available).</p>	<p>Annex II species that are a primary reason for selection of this site</p> <ul style="list-style-type: none"> • 1323 – Bechsteins bat (<i>Myotis bechsteinii</i>). This complex of abandoned mines in south-west England is regularly used as a hibernation site by small numbers of Bechstein’s bat <i>Myotis bechsteinii</i> as well as an important assemblage of other bat species.) <p>Annex II species present as a qualifying feature, but not a primary reason for site selection</p> <ul style="list-style-type: none"> • 1303 – Lesser horseshoe bat (<i>Rhinolophus hipposideros</i>) • 1304 – Greater horseshoe bat (<i>Rhinolophus Ferrumequinum</i>) <p>Conservation Objectives (Natural England 27/11/2018): <i>“With regard to the SAC and the natural habitats and/or species for which the site has been designated (the ‘Qualifying Features’ listed below), and subject to natural change;</i></p> <p><i>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;</i></p> <ul style="list-style-type: none"> • <i>The extent and distribution of qualifying natural habitats and habitats of qualifying species</i> • <i>The structure and function (including typical species) of qualifying natural habitats</i> • <i>The structure and function of the habitats of qualifying species</i> • <i>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely</i> • <i>The populations of qualifying species, and,</i> • <i>The distribution of qualifying species within the site.</i> <p><i>These Conservation Objectives should be read in conjunction with the accompanying Supplementary Advice document (where available), which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.”</i></p> <p>The designated area of the SAC is relatively small and comprises the quarry and caves and the immediately surrounding areas. However, the qualifying features (the bat populations) are dependent upon a much wider area outside the SAC boundary which provides foraging habitat and commuting routes and supports other critical roosts. Protection of key areas of habitat in the area is therefore essential in order to maintain and enhance the favourable conservation status of the qualifying features.</p>

7. Ecological survey
Summary of effort and findings

Name of documents containing ecological survey information:

Preliminary Ecological Appraisal, The Oaks, Holyford Lane, Colyford, Devon, EX24 6HW. Ecologic 2022.

Summary of survey effort (no. transects, static detector deployments and bat emergence surveys, if applicable): N/A

Summary of relevant findings and Bat Activity Index (number of bat passes from greater and lesser horseshoe bats – note that Bechstein passes are unlikely due to low amplitude, flight patterns and cryptic call parameters):
N/A

Relevant figure excerpts from document (maps, tables, if relevant/concise):

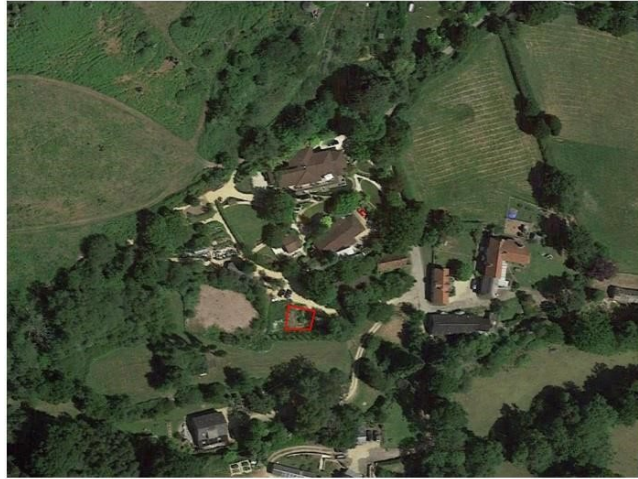


Figure 1. Aerial plan of site location



Figure 2. Site habitat plan



Figure 3. The proposed building

Part B: Screening assessment for Likely Significant Effect – In absence of proposed mitigation

<p>8. Is this application necessary to the management of the site for nature conservation?</p>	<p>The application is not required for management of Beer Quarry & Caves SAC</p>																			
<p>9. What BQ&CSAC consultation zones is the proposal within (insert “X”)?</p> <p><i>Refer to the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document and online mapping</i></p>	<table border="1"> <tr> <td>10 km GHB Landscape connectivity zone</td> <td>X</td> </tr> <tr> <td>4 km GHB Sustenance zone</td> <td>X</td> </tr> <tr> <td>2 km GHB Hibernation sustenance zone</td> <td></td> </tr> <tr> <td>11.2 km LHB Landscape connectivity zone</td> <td>X</td> </tr> <tr> <td>2.5 km LHB Sustenance zone</td> <td>X</td> </tr> <tr> <td>1.2 km LHB Hibernation sustenance zone</td> <td></td> </tr> <tr> <td>10.25 km Bechstein’s Landscape connectivity zone</td> <td>X</td> </tr> <tr> <td>2.5 km Bechstein’s sustenance zone</td> <td>X</td> </tr> <tr> <td>Pinch point</td> <td></td> </tr> </table>	10 km GHB Landscape connectivity zone	X	4 km GHB Sustenance zone	X	2 km GHB Hibernation sustenance zone		11.2 km LHB Landscape connectivity zone	X	2.5 km LHB Sustenance zone	X	1.2 km LHB Hibernation sustenance zone		10.25 km Bechstein’s Landscape connectivity zone	X	2.5 km Bechstein’s sustenance zone	X	Pinch point		
10 km GHB Landscape connectivity zone	X																			
4 km GHB Sustenance zone	X																			
2 km GHB Hibernation sustenance zone																				
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2.5 km LHB Sustenance zone	X																			
1.2 km LHB Hibernation sustenance zone																				
10.25 km Bechstein’s Landscape connectivity zone	X																			
2.5 km Bechstein’s sustenance zone	X																			
Pinch point																				
<p>10. Summary assessment of potential impacts to Qualifying Features of the European site, in the <u>absence</u> of mitigation measures.</p> <p>Consider scale, extent, timing, duration, reversibility</p>	<p><i>A – Landscape (large) scale connectivity impacts</i></p> <p><i>B - Direct impacts on the SAC roost or other key roost(s)</i></p>	<p>N/A</p> <p>The development site is c. 0.07 ha, comprising of an artist studio/workshop and garden machinery store, located south of a private garden within the hamlet of Holyford.</p> <p>N/A</p>																		

<p>and likelihood of the potential effects.</p> <p><i>Impacts of these types are considered to result in result in a Likely Significant Effect (LSE) on the SAC. Refer to the flow chart on page 19 of the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document</i></p> <p>If the proposal is located in a Landscape Connectivity Zone (LCZ) ONLY, then the only impact to result in an LSE is “A – Landscape scale connectivity impacts”.</p> <p><i>Consider construction phase and operational phase. For some proposals, it may also be necessary to consider de-commissioning and after-use.</i></p>	<p><i>C - Change in habitat quality and composition (loss or change in quality of foraging habitat)</i></p>	<p>The development is within a small area adjacent to the curtilage of an existing dwelling, removing a very small area of tall ruderal habitat including invasive plant species.</p>
	<p><i>D - Severance or disturbance of linear features used for navigating or commuting</i></p>	<p>N/A</p>
	<p><i>E - Disturbance from new illumination causing bats to change their use of an area/habitat</i></p>	<p>The proposed development is to construct a new artist’s workshop and garden machinery store. The proposed development will only include internal lighting. The development will be partially sunk below surrounding ground levels, further reducing any external light spill. No external lighting is proposed.</p>
	<p><i>F - Disturbance to or loss of land or features secured as mitigation for BQ&CSAC bats from previous planning applications or projects</i></p>	<p>N/A</p>
	<p><i>G – Loss, damage, restriction or disturbance of a pinch point</i></p>	<p>N/A</p>
	<p><i>E - Other impacts – e.g. physical injury by wind turbines or vehicles</i></p>	<p>N/A</p>
<p>11. Potential for in-combination effects (<i>other permissions granted and proposals in the area that could result in impacts when assessed in combination – review planning permissions in the vicinity with similar impacts</i>)</p>	<p>The application is small scale and low-impact in nature.</p> <p>Minimal/negligible impacts are considered to arise regarding tall ruderal habitat removal (0.07 ha), and occasional light spill from the internal lighting. Consequently, the application could represent a minimal/negligible impact.</p>	
<p>12. Natural England consultation comments (if available)</p>	<p>N/A</p>	
<p>Part C: Conclusion of Screening</p>		
<p>13. Is the proposal likely to have a significant effect ‘alone’ or ‘in</p>	<p>East Devon District Council concludes that, in the absence of mitigation measures, a Significant Effect on the Beer Quarry and Caves SAC is likely, either ‘alone’ or ‘in-combination’ with other plans and projects.</p> <p>An Appropriate Assessment of the proposal will therefore be necessary.</p>	

<p>combination' on a European site?</p> <p><i>Refer to the flow chart in the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document</i></p>	
<p>Local Authority Officer Date</p>	<p>Charlie McCullough 16.03.23</p>

The Conservation of Habitats and Species Regulations 2017

Regulation 63 – Habitats Regulations Assessment

Stage 2: Full Appropriate Assessment of effects on the qualifying features of the Beer Quarry and Caves SAC

Part D: Assessment of Impacts with Mitigation Measures

NB: In undertaking the Appropriate Assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain, the Authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.

14. Assessment of impacts taking account of mitigation measures included in the proposal and possible additional restrictions

Applicant's proposed mitigation – Provide document reference numbers and titles below:

Potential LSE (as identified in section 10. A-H)	Avoidance/Mitigation/Compensation measures proposed <i>Consider both Construction and Operational Phases, and monitoring requirements.</i>	Competent Authority conclusion regarding effectiveness of mitigation and residual LSE <i>Consider how measures would be implemented, how certain EDDC is that measures will remove LSE, how long it will take for measures to take effect, monitoring requirements and changes that would be made if monitoring shows failure of measures.</i>	Secured by
14. A - Landscape (large) scale connectivity impacts	N/A		
14. B - Direct impacts on the SAC roost or other key roost(s)	N/A		
14. C - Change in habitat quality and composition	The development is restricted to a small area adjacent to the curtilage of an existing dwelling, removing a very small area of tall ruderal habitat including invasive plant species and introducing a new artist's studio workshop (ancillary to the residential use of the adjoining site).	The loss of the small area of habitat is considered to be mitigated by the proposed enhancement of native planting to the southern hedgebank by planting this up with native broadleaved shrub species and removing existing non-native	Landscaping condition

<p><i>(loss or change in quality of foraging habitat)</i></p>	<p>The retained habitats are to be enhanced by:</p> <ul style="list-style-type: none"> - Restocking of the southern hedgerow with native broadleaved tree/shrub species and removing the cherry laurel; and, -Removal of non-native invasive species from the full extent of the site area, including: Himalayan balsam, montbretia and cherry laurel. <p>The non-native invasive species are to be appropriately removed and eradicated from the site by a professional prior to/or at the commencement of any development works.</p>	<p>species. This would enhance this feature as a potential bat feeding and commuting route.</p>	
<p>14.D - <i>Severance or disturbance of linear features used for navigating or commuting</i></p>	<p>N/A</p>		
<p>14.E – <i>Disturbance from new illumination causing bats to change their use of an area/habitat</i></p>	<p>The proposed development is to construct a new artist’s workshop and garden machinery store. The proposed development would only include internal lighting with no window openings proposed on the southern elevation facing the hedgebank.</p> <p>The proposed building is also sunk into the site and therefore partially below adjoin ground levels, further reducing the potential for lightspill.</p> <p>No external lighting is proposed.</p> <p>Internal lighting is to be installed sensitively, to avoid illuminating any areas beyond the building footprint or its immediate surround.</p> <p>Internal lighting is to be recessed utilising LED and/or low-pressure sodium luminaires instead of mercury or metal halide</p>	<p>The building is proposed for an ancillary residential use and where its lighting can be suitably controlled (including prevention of any external lighting) by condition to avoid likely significant effect.</p>	<p>Conditions restricting installation of any new external lighting or new openings on the southern elevation of the building.</p>

	lamps. This type of lighting can be utilised more directionally and will reduce the range of light wavelengths emitted.		
14.F - <i>Disturbance to or loss of land or features secured as mitigation for BQ&CSAC bats from previous planning applications or projects</i>	N/A		
14.G - <i>Loss, damage, restriction or disturbance of a pinch point</i>	N/A		
14.H - <i>Other impacts – e.g. physical injury by wind turbines or vehicles</i>	N/A		

Part E. In-combination impacts	
15. List of plans or projects with potential cumulative in-combination impacts	There are no known projects in the immediate vicinity of the site likely to give rise to in-combination impacts.
16. How impacts of current proposal combine with other plans or projects individually or in combination	N/A
Part F: Further Information	
17. Compliance with current East Devon Local Plan <i>List relevant environmental policies/ strategies and how this proposal achieves or opposes these policies/ strategies</i>	<p>The EDDC Local plan (2013 to 2031) contains a number of environmental policies, of which the following are relevant:</p> <ul style="list-style-type: none"> • Strategy 5 (Environment); • Strategy 47 Nature Conservation and Geology); and, • Policy EN5 (Wildlife Habitats and Features). <p>The proposal complies with these policies/strategies through:</p> <ul style="list-style-type: none"> • Minimising the loss, and avoiding fragmentation, of habitats; by maintaining and strengthening the hedgebank on the southern boundary • Including enhancement of natural habitats (hedgerow restocking & non-native invasive species removal); and, • Would not give rise to (direct or indirect) impact on internationally/nationally designated sites.
18. Does the proposal take into account measures agreed at outline or pre-app stages (if applicable)	Yes
19. Does the proposal take into account Natural England consultation responses, and include suitable	N/A

measures as identified in the Natural England consultation? (if applicable)	
Part G. Conclusion of Appropriate Assessment - The Integrity Test	
<p>20. List of avoidance/mitigation/compensation measures and safeguards to be covered by condition or planning obligations (Unilateral Undertaking or S106)</p> <p>page 388</p>	<p>List of avoidance, mitigation and compensation measures, as per section 14:</p> <ul style="list-style-type: none"> - Restocking of the southern hedgerow with native broadleaved tree/shrub species and removal of cherry laurel; -Removal of non-native invasive species from the full extent of the site area, including: Himalayan balsam, montbretia and cherry laurel. Such species to be appropriately removed and eradicated from the site by a professional prior to/or at the commencement of any development works. -Internal lighting only with no window openings proposed on the southern elevation facing the hedgebank. Lighting to be installed to be recessed and to utilise LED and/or low pressure sodium luminaires so as to avoid illuminating any areas beyond the building footprint or its immediate surround. -The proposed building sunk into the site and therefore partially below adjoining ground levels, further reducing the potential for lightspill. -No external lighting proposed. <p>Control over the landscaping requirements and lighting restrictions to be controlled by planning conditions.</p>
21. Conclusion of integrity test.	<p>EDDC concludes that Adverse Effects on the Integrity of Beer Quarry and Caves SAC qualifying features can be ruled out, providing that the avoidance, mitigation and compensation measures detailed in section 20 are carried out in full and secured by the proposed appropriate conditions.</p> <p>These mitigation measures are considered to remove potential Likely Significant Effects and provide certainty beyond reasonable scientific doubt that the proposals would have no impact on the Integrity of the SAC.</p>
22. Completed by: Date:	Charlie McCullough 16.03.23

23. Natural England comments on this Appropriate Assessment:

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED.

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of Beer Quarry and Caves Special Area of Conservation (SAC).

Please be advised that, on the basis of the mitigation outlined in the Appropriate Assessment being secured, Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of Beer Quarry and Caves SAC.

24. Natural England

Officer:

Neil Sherwood

30.03.2023

Date:

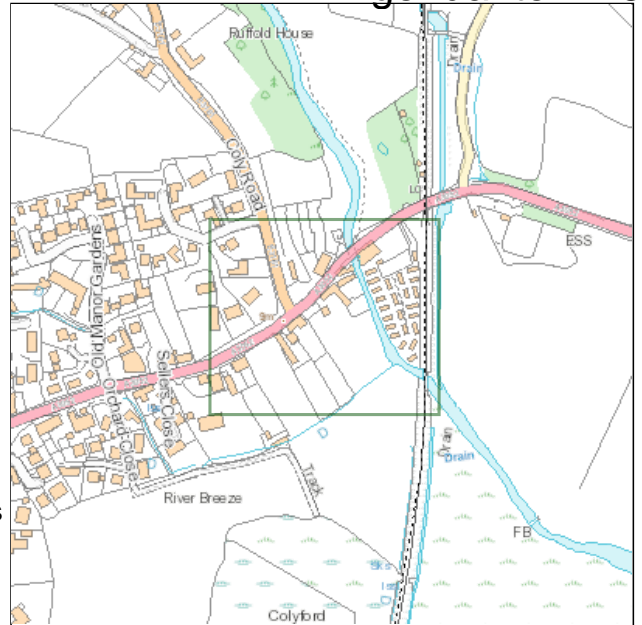
Ward Coly Valley

Reference 22/2632/FUL

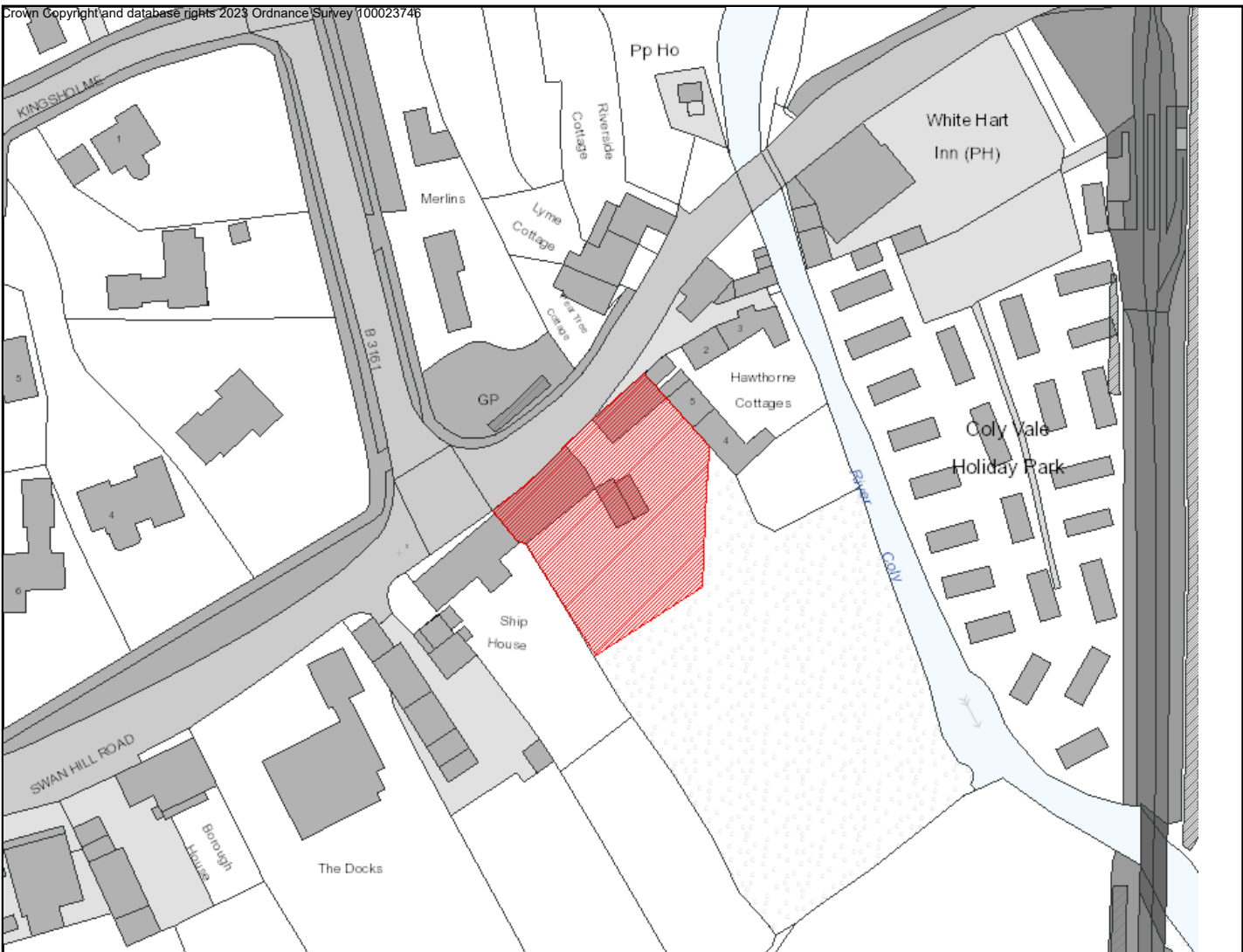
Applicant Deborah Rymer

Location Clarkham Cottages Swan Hill Road Colyford
Devon EX24 6QG

Proposal Construction of 1 no. dwelling, means of access
and associated works



RECOMMENDATION: Approval with conditions



		Committee Date: 25.04.2023
Coly Valley (Colyton)	22/2632/FUL	Target Date: 23.01.2023
Applicant:	Deborah Rymer	
Location:	Clarkham Cottages Swan Hill Road	
Proposal:	Construction of 1 no. dwelling, means of access and associated works	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members as the proposal is a departure from the development plan.

The application site is located within Colyford and accessed off of the A3052. The site address ‘Clarkham Cottages’ refers to a former thatched building that comprised of two dwellings that date back to the late 19th Century. The former cottages were damaged during a storm between 1970 and 1980 albeit were never reinstated. All that remains is a single storey flat roof structure that consists of a mixture of stone and brick.

Permission is sought for the construction of a two storey dwelling. The external walls of the build would be finished in stone and render. Natural slate and clay ridge tiles are proposed for the roof. All openings would be constructed of timber or aluminium.

A single storey element is proposed off of the southwest elevation and a two storey gable end shall propel off the rear. An area of hardstanding shall be provided immediately to the south-west of the build for parking and turning.

The Local Authority can no longer demonstrate a 5 year land supply of housing and therefore development constraint policies such as Strategy 7 (Development in the Countryside) and 27 (Development at the Smaller Towns and Villages) no longer carry significant weight. As a result, paragraphs 11 d) of the National Planning Policy Framework is triggered;

“(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date 8 , granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or**
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**

As per the requirements of 11, (d) (i) and (ii), The main issues for consideration are the following;

- Proximity to existing services and facilities.**
- Impact on the Colyford Conservation Area and nearby listed buildings.**
- Ecological Impact.**
- Impact on neighbouring amenity.**
- Impact on the local highway network.**

The application site is well related to a number of services within the core of the village including the Colyford Service Station, café, the Wheelwright pub and the White Hart Inn. Slightly further afield is the Post Office, a small shop, butchers, the village hall, Elmwood Care Home and Saint Michael’s Church. Colyton Grammar School and Leisure Centre are accessed off Stafford Lane. The majority of these services and facilities are accessible on foot via dedicated footpaths that run adjacent to the A3052.

There are a couple of bus stops located on the A3052 and another, almost immediately opposite the application site, on Coly Road. No’s 9A and 20 provide services to and from Exeter – Seaton and Seaton – Taunton. The Seaton Tram also stops within Colyford on a daily basis between April and September.

The proposal dwelling seeks to take on a form and orientation sympathetic to the linear character of the road. The design seeks to mimic that of a traditional cottage with a pair of chimney stacks, slate roof, and decorative clay tiles. The windows on the principle elevation are narrow, constructed in timber and located immediately beneath the eaves to reinforce characteristics prevalent elsewhere within the conservation area.

The overall scale and spacing between the dwelling, the highway and nearby heritage assets ensures that development would appear as a natural addition to the street scene and conserve the setting and therefore the significance of adjacent heritage assets. The removal of the dilapidated garage building and its replacement with the proposal building is considered to reinforce the established pattern of development that underpins the character of the conservation area whilst acknowledging the local vernacular. As such, there is considered to be some minor enhancement to the Colyford Conservation Area. The Local Authority’s Conservation Officer has raised no objections to the scheme.

Owing to the site’s proximity to the Beer Quarry and Caves Special Area of Conservation (SAC), the proposals are habitat development as per the

provisions of the Conservation of Habitats and Species Regulations. A Habitats Regulation Assessment (HRA) is therefore required to ascertain as to whether the development would result in likely significant effects. The designated area of the SAC is relatively small and comprises of the quarry and caves and areas that immediately surround it. However, a number of bat populations are dependent on a much wider area beyond the SAC boundary which provide foraging habitat and commuting routes that support key roosts. Protection of these areas is therefore essential in order to maintain and enhance favourable conservation status.

The HRA concludes that the development is unlikely to result in 'likely significant effects'. This HRA has been circulated to Natural England who have accepted the conclusions drawn. Therefore there is no need for an Appropriate Assessment. Despite this, if permission is to be granted, development shall still need to be undertaken in accordance with the submitted Ecological Appraisal and the recommended mitigation measures.

With regards to the 'tilted balance' as required by paragraph 11 (d) of the NPPF, it is the position of officers that the development would not result in significant or demonstrable harm. In order to access services and facilities that are not readily available in the village a degree of dependency on private modes of transport is to be expected. Notwithstanding this, owing to the level of accessible facilities that are available within Colyford and nearby public transport links, the subsequent environmental harm is considered to be low.

Finally, once factoring in the modest heritage benefits identified to the Conservation Area and minor environmental benefits by providing EV charging and air source heat pumps, the planning balance is considered to tilt in favour of the development. As such the application is recommended for approval subject to conditions listed at the end of the report.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Colyton Parish Council feel that the design of the property is very good and would support the application on the condition that the property is set back from the road slightly and a footpath installed at the front of the property. This would grant safer access for pedestrians coming to and from the property and would give a higher level of visibility for vehicles entering and leaving the property which is on a busy main road right near a junction.

Councillor Helen Parr

10.03.2023 - I support the recommendation of Approval with Conditions, and on that basis I do not wish to attend the meeting (In response to an email prior to taking the application before Chair Delegation).

Technical Consultations

Natural England

11.01.23 - See scanned document for comments.

08.03.23 - See scanned document for comments

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

County Highway Authority

The property has suitable visibility with walls below 0.6m high, the proposed footway would not provide a net benefit as it does not adjoin a longer contiguous footway and therefore can actually be a safety concern with drivers not expecting pedestrians to be re-joining the carriageway.

Overall, however the County Highway Authority (CHA) is satisfied with the trip generation from one dwelling and has no objection to raise.

Recommendation:

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

Conservation

CONSULTATION REPLY TO PLANNING PROPOSAL AFFECTING THE SETTING OF LISTED BUILDINGS AND CONSERVATION AREA.

22/2632/FUL

Clarkham Cottages, Swan Hill Road, Colyford, Devon, EX24 6QG

Construction of 1 no. dwelling, means of access and associated works

The location, orientation, form, design and use of materials as proposed for the dwelling and associated works, would continue to preserve the contribution the setting makes to the significance of the surrounding listed buildings and conservation area.

Recommend approval

06.01.23

SLG

Other Representations

None

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 27 (Development at the Small Towns and Larger Villages)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

EN10 (Conservation Areas)

EN9 (Development Affecting a Designated Heritage Asset)

Colyton Neighbourhood Plan (Made).

Coly6 (Sustainable Development)

Coly7 (Housing Development within the Built-up Area Boundary)

Coly 9 (Parking Provision for New Housing Development)

OFFICER REPORT

Site Location and Description

The application site is located within Colyford and accessed off of the A3052. The site address 'Clarkham Cottages' refers to a former thatched building that comprised of two dwellings. Photos of the former pair are included within the applicant's Design and Access Statement at Figures 1, 2 and 3. The building is also shown within historic ordnance surveys dating back to the late 19th Century.

The submission details that the former cottages were damaged during a storm between 1970 and 1980 albeit were never reinstated. All that remains is a single storey flat roof structure that consists of a mixture of stone and brick. The building is connected to an adjacent outbuilding within the curtilage of Hawthorne Cottages both of which immediately front and run parallel to the A3052.

Proposed Development

Permission is sought for the construction of a two storey dwelling. The external walls of the build would be finished in stone and render. Natural slate and clay ridge tiles are proposed for the roof. All openings on the principal elevation would be constructed of timber and aluminium on the rear.

A single storey element is proposed off the southwest elevation and a two storey gable end shall propel off the rear. An area of hardstanding shall be provided immediately to the south-west of the build for parking and turning.

The main issues for consideration are the following;

- Principle of development.
- Proximity to existing services and facilities.

- Impact on the Colyford Conservation Area and nearby listed buildings.
- Ecological Impact.
- Impact on neighbouring amenity.
- Impact on the local highway network.

Each issue shall be considered in turn.

Principle of Development

The Council's position with regards to the spatial distribution of housing has changed as the LPA can no longer demonstrate a 5 year land supply of housing. The Council's latest Housing Monitoring Report ending 31st March 2022 went before Strategic Planning Committee on the 4th October where the report put before members stated the following;

"This report provides a summary of house building monitoring information to the year ending 31 March 2022. It had been noted in the previous Housing Monitoring Update that the housing land supply position was declining and that action was needed to address this position. In the meantime the annual requirement figure has gone up from 918 homes per year to 946 homes per year as a result of changes to the affordability ratio which is a key input into the government's standard method for calculating housing need. The increased need figure combined with a declining supply position means that a 5 year housing land supply can no longer be demonstrated. The report advises Members of the implications of this and what actions are and should be taken to address this position."

Under government policy if an authority cannot demonstrate a 5 year housing land supply then the presumption in favour of sustainable development will apply as set out in paragraph 11d of the National Planning Policy Framework. This states:

"(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date 8 , granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Development constraint policies, such as Strategy 7 (Development in the Countryside) that applied built-up area boundaries to settlements can no longer carry significant weight. Proposals for residential development that are outside of these areas that are not compliant with the spatial strategy of the Local Plan should be approved unless points (i) and (ii) above apply. With regards to sub-paragraph (i) the protected areas referred to includes AONB's, SSSI's, designated heritage assets and areas at risk of flooding among others.

On the 10th January 2022, East Devon District Council decided to 'make' (adopt) the Colyton Parish Neighbourhood Plan (NP). As the NP has been adopted within the last two years and as Colyford is included within the Neighbourhood Plan area, paragraph 14 of the NPPF applies.

“14. In situations where the presumption (at paragraph 11(d)) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply⁹ “

However, the housing policies within the NP only support the principle of residential development within BUABs through the provisions of Coly 7 (Housing Development within the Built-up Area Boundary) and exception sites through the provisions of Coly8 (Rural Exception Sites). Despite this, paragraph 8.7 of the Neighbourhood Plan acknowledges that Colyton, which has been allocated with a BUAB through the NP (see Map 8), is considered *“appropriate to accommodate growth and development. It has been defined using the standard criteria adopted for the task. Colyford has not been similarly delineated and therefore, in strategic policy terms, it is regarded as part of the ‘countryside’ and subject to Local Plan Policy S7, which limits development to that which “would not harm the distinctive landscape, amenity and environmental qualities within which it is located”*.

It is the position of officers that residential development elsewhere within the Neighbourhood Plan area outside of the Colyton BUAB is not precluded by the NP albeit is subject to strategies and policies of the Local Plan. As a result, in the absence of a five year land supply, the various strategies and policies relevant to the spatial distribution of housing no longer carry significant weight. Paragraph 11d) of the NPPF is therefore triggered.

Location and Accessibility to Nearby Services and Facilities

The application site is located towards the eastern end, albeit well related to, the built up form of the village. The northern side of Swan Hill Road (A3052) is lined with dedicated footpaths into the centre of the village. Within a 130 metre walk from the site are the Colyford Service Station, café, the Wheelwright pub and the White Hart Inn. Slightly further afield is the Post Office, a small shop, butchers, the village hall, Elmwood Care Home and Saint Michael's Church. Colyton Grammar School and Leisure Centre are accessed off Stafford Lane. A number of smaller businesses are dotted elsewhere within the village including an IT consultancy and a caravan supply shop.

There are a couple of bus stops located on the A3052 and another, almost immediately opposite the application site, on Coly Road. No's 9A and 20 provide services to and from Exeter – Seaton and Seaton – Taunton. The Seaton Tram also stops within Colyford on a daily basis between April and September. Outside of these months the frequency of service is reduced.

As such, there is considered a wide range of nearby services and facilities to support the day to day needs of prospective occupants. The majority of which are accessible via foot or, in order to access the Grammar School and leisure centre, by bike. The

village does lack a GP and arguably is limited in employment opportunities. Despite this, the proximity of nearby public transport links ensures that there is a realistic opportunity for prospective occupants to utilise sustainable modes of transport to access employment opportunities elsewhere.

Overall, despite Colford having not been allocated a BUAB through the provisions of Strategy 7 or Strategy 27, the site is well related to the core of the village and located near a number of services and facilities which are within walking distance. Furthermore, as a result of the LPA being unable to demonstrate a 5 year land supply of housing, the provisions of Strategies 7 and 27 no longer carry weight in the planning balance. As such, it is the position of officers that the sustainability credentials of the site perform well against other policies, such as Strategy 5b (Sustainable Transport) and Policy TC2 (accessibility of New Development), that can still be attributed weight. This weighs in favour of the application.

Impact on the Conservation Area and other Designated Heritage Assets

The site is located within the Colyford Conservation Area which was first designated in September 1999. There are three listings covering four properties within close proximity to the application site, all of which are Grade II listed. These include;

Ship House – Located immediately west of the site and consists of a range of 17th Century cottages of stone construction with rendered frontages, brick chimney stacks and thatch roof.

Pear Tree Cottage – Located opposite side of the A3052, late 18/ early 19th century, stone construction, brick detailing and thatch roof.

Lyme Cottage and Riverside Cottage – converted to two dwellings early 17th century and constructed of chert with brick detailing, brick chimney stacks and thatch roof.

The Conservation Area appraisal details the wide range of traditional housing constructed from chert stone, beer stone, red brick which are vernacular to the village. Rendered masonry and cob are also prevalent throughout the western end of the village on buildings that front the A3052. Roof coverings are usually thatched or slate on steeper pitches.

To facilitate development the remnants of the former dwelling would be removed. During an officer site visit it was noted that this structure has been converted into private storage for the applicants. The external wall that fronts the highway exhibits evidence of a number of repairs with brick and a pair of openings having been boarded up. Due to its dilapidated state and prominence from public views along Swan Hill Road, the existing structure negatively impacts the street scene and appearance of the wider conservation area.

The proposal dwelling seeks to take on a form and orientation sympathetic to the linear character of the road. The design seeks to mimic that of a traditional cottage with a pair of chimney stacks, slate roof, and decorative clay tiles. The windows on the principle elevation are narrow, constructed in timber and located immediately beneath the eaves to reinforce characteristics prevalent elsewhere within the conservation area.

The overall scale and spacing between the dwelling, the highway and Ship House ensures that development would appear as a natural addition to the street scene and conserve the setting and therefore the significance of adjacent heritage assets. Removal of the dilapidated garage building and its replacement with the proposal building is considered to reinforce the established pattern of development that underpins the character of the conservation area whilst acknowledging the local vernacular. As such, there is considered to be some minor enhancement to the Colyford Conservation Area. The Local Authority's Conservation Officer has raised no objections to the scheme.

Ecology

Owing to the site's proximity to the Beer Quarry and Caves Special Area of Conservation (SAC), the proposals are habitat development as per the provisions of the Conservation of Habitats and Species Regulations. A Habitats Regulation Assessment (HRA) is therefore required to ascertain as to whether the development would result in likely significant effects.

UK legislation requires Local Planning Authorities (LPAs), and other competent authorities, to assess plans or projects which may have a likely significant effect on a European Site, alone or in-combination with other plans or projects. Such plans or projects can only proceed if the competent authority is convinced, they will not have an adverse effect on the integrity of a European Site, other than in exceptional circumstances. These requirements are known as Habitats Regulations Assessment (HRA) requirements.

The designated area of the SAC is relatively small and comprises of the quarry and caves and areas that immediately surround it. However, a number of bat populations are dependent on a much wider area beyond the SAC boundary which provide foraging habitat and commuting routes that support key roosts. Protection of these areas is therefore essential in order to maintain and enhance favourable conservation status.

The application site is located within the following designations:

- Bechstein's Landscape Connectivity Zone
- Greater Horseshoe Bat Landscape Connectivity Zone
- Lesser Horseshoe Bat Landscape Connectivity Zone
- Lesser Horseshow Bat Sustenance Zone

Due to the site's location within the above designations, the applicant's ecologist has provided an initial HRA screening document that assesses the development's impact upon the wider area. In particular, the screening assessment has regard to the impact of light spill from the development upon vegetation to the south of the application building.

It is acknowledged that in reality the southern garden is already likely subjected to a degree of light spill from existing street lighting and southerly facing windows that

serve properties along the A3052. The assessment details that any external lighting shall be operated on a Passive Infrared Sensor (PIR) and positioned not to illuminate any of the roosting provisions recommended within the Bat and Protected Species Survey.

The assessment concludes that the development is unlikely to result in 'likely significant effects'. This HRA has been circulated to Natural England who have accepted the conclusions drawn and have themselves come to the same position. In the absence of likely significant effects there is no need for an Appropriate Assessment. Despite this, if permission is to be granted, development shall still need to be undertaken in accordance with the submitted Ecological Appraisal and the recommended mitigation measures.

Impact on Neighbouring Amenity

The dwelling would physically abut a pair of mono pitch extensions to the northwest of No.5 Hawthorne Cottages. The rear garden of the proposed dwelling would also run parallel to the south west elevation of No.4 Hawthorne Cottages.

The development is considered to provide sufficient relief from the westerly facing windows on No.2 Hawthorne Cottage and the north east elevation of Ship House as not to be overbearing. There are no windows along the rear elevation of No.4 ensuring that there is no mutual overlooking from the rear garden.

As a result there are minimal concerns regarding the impact of the build on adjacent neighbours and no objections have been received. However, there is potential to be some disruption during the construction phase. As such the Environmental Health Team have recommended that a Construction and Environmental Management Plan (CEMP) is submitted prior to commencement.

Impact on Local Highway Network

The Parish Council have commended the design of the dwelling although have requested that the dwelling be set back from the road slightly and a footpath installed at the front of the property. They have justified this provision as

'This would grant safer access for pedestrians coming to and from the property and would give a higher level of visibility for vehicles entering and leaving the property which is on a busy main road right near a junction'.

However, the submitted drawings show that there would be a degree of relief between the road and the principle elevation through the provision of a series of steps. Such a request would need to be justified through demonstrable conflict with planning policy and in the absence from any objection from the County Highway Authority it is not thought that the LPA could reasonably request that a footpath be provided or the development set back further from the highway.

An area of hardstanding is proposed immediately to the south west of the dwelling to provide turning and parking. The County Highway Authority have reviewed the access and egress arrangements and consider them satisfactory.

Conclusion

As the Local Planning Authority is unable to demonstrate a five year land supply the 'tilted balance' as required by paragraph 11(d) is triggered. With regards to 11(d), (i), development would not cause undue harm to any of the '*protected areas or assets of particular importance*' as detailed within footnote 7. Notwithstanding this, the development is considered to provide some minor enhancement to the character and appearance of the Colyford Conservation Area by virtue of the dwelling's sympathetic design, scale, form and orientation.

Following on from 11(d), (i), Paragraph 11(d), (ii) states that development should be approved unless '*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*'. In this case, some environmental harm may arise from the need for prospective occupants to access some of the services and facilities that are not readily available nearby such as a GP surgery or shops to obtain goods that are not on offer within those already in the village. As such, if the public transport on offer is not convenient or does not provide a service to a nearby settlement required, some dependency on private modes of transport may be inevitable.

Despite this, as already alluded to within the report, the availability of a number of services and facilities and public transport links would go some distance in serving the day to day needs of residents. Additionally paragraph 79 of the NPPF acknowledges that residential development in rural areas '*should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby*'. As such, owing to the site's proximity to the core of the village and the availability of nearby footpaths, there is considered realistic opportunities for occupants to make use of nearby services and facilities through sustainable means. Where occupants may need to travel further afield it is not thought that the occasional use of private modes of transport would amount to a level of harm significant enough to warrant refusal of the application.

The modest enhancement to the Colyford Conservation Area, provision of Air Source Heat pumps, EV charging points and an additional dwelling to the district's housing stock are considered to weigh in favour of the scheme. In the absence of any significant or demonstrable harm, or objections from statutory consultees or third parties, the application is considered acceptable and therefore recommended for approval subject to conditions listed below.

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. No development above foundation level shall take place until details of materials to be used externally have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)
4. Development shall be carried out in accordance with the recommendations and mitigation measures in the Bat and Protected Species Survey prepared by Ecologic Consultants dated July 2022.
(Reason - In the interests of wildlife protection in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.)
5. Before the relevant parts of the works begin on the items specified below, the following details and specification for these items shall be submitted to and approved in writing by the Local Planning Authority:
 - Details of new windows including sections, mouldings, profiles and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.

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

(Reason - In the interests of the historic character of the Colyford Conservation Area in accordance with Policy EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)

6. No development shall take place (including site clearance and ground works) until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:
- (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Local Planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the site preparation and construction phases;
 - (g) areas 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;
 - (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;
 - (m) Details of the amount and location of construction worker parking.

Development shall take place in accordance with the approved details.

(Reason - In the interests of amenity and highway safety in accordance with policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031. This needs to be a pre-commencement condition to ensure impacts of construction are mitigated from the outset of development)

7. Prior to occupation of the two dwellings hereby approved, details of the air source heat pump and car charging points, including location, manufacture details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained and maintained for the lifetime of the development. The air source heat pump and charging points shall be installed prior to occupation of the dwelling.
- (Reason - To ensure development is designed to a high level of energy efficiency aiming towards zero carbon in accordance with Policy Coly6 - Sustainable Development).

8. Prior to first occupation of the dwelling hereby approved, details any external lighting required shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

(Reason: To avoid adverse ecological impacts in accordance with Policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan).

9. In accordance with the submitted application details surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 50% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The development hereby approved shall not be occupied or brought into use until the agreed drainage scheme has been provided and it shall be retained and maintained for the lifetime of the development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with Policy EN22 of the East Devon Local Plan and the guidance contained in the NPPF.

NOTE FOR APPLICANT

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	28.11.22
RYMERPRO	Proposed Elevation	28.11.22
RYMERPRO2	Proposed Elevation	28.11.22
RYMERPRO3	Proposed roof plans	28.11.22
RYMERPRO4 :	Proposed Floor Plans	28.11.22
ground		
RYMERPRO5 :	Proposed Floor Plans	28.11.22
first		
SP500PROVIS	Proposed Site Plan	28.11.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.

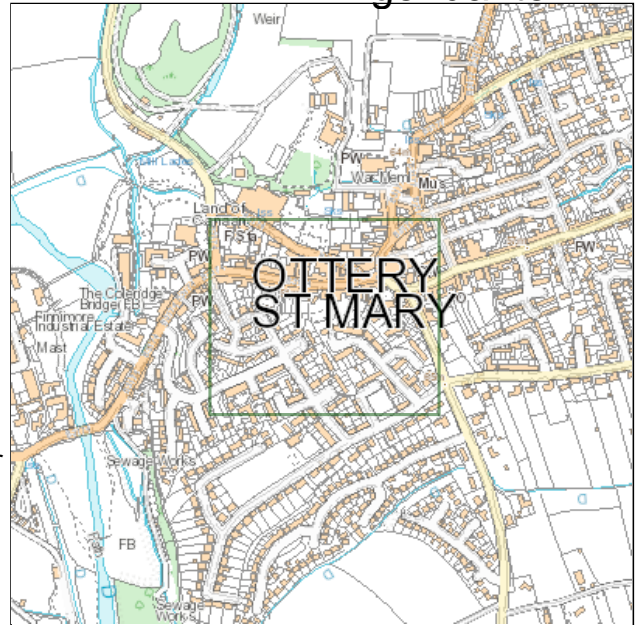
Ward Ottery St Mary

Reference 22/1645/FUL

Applicant Mr Keith Taylor

Location 9 Mill Street Ottery St Mary Devon EX11 1AA

Proposal Construction of 3 no. detached dwellings to rear of The Old Manse with associated amenity space and parking.



RECOMMENDATION: Approval with conditions



		Committee Date: 25.04.2023	
Ottery St Mary (Ottery St Mary)	22/1645/FUL	Target 26.09.2022	Date:
Applicant:	Mr Keith Taylor		
Location:	9 Mill Street Ottery St Mary		
Proposal:	Construction of 3 no. detached dwellings to rear of The Old Manse with associated amenity space and parking.		

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the Committee because the officer recommendation differs from the views of the commenting ward member.

The scheme involves the construction of 3no detached two storey dwellings on an elevated sloping site to the rear of no. 9 Mill Street (also known as The Old Manse) close to the town centre. The boundary of the designated Ottery St. Mary Conservation Area bisects the site from west to east and a protected mature Beech tree is positioned on its western boundary.

The land has historically been used for the parking of staff and other vehicles and as a garden associated with offices occupying no. 9 itself, albeit the former are now vacant and the latter has been rather neglected latterly. Access to the parking facility is via a steep private driveway of single vehicle width off the end of Franklea Close, a residential cul de sac to the south. There is no vehicular access to the site from Mill Street.

Planning permission has previously been granted, in 2018, for a development including the construction of 7no dwellings on the site with access and parking facilities, the latter consisting of only 4no spaces, via the driveway. This formed part of a scheme that also included the conversion of no. 9 and a separate annexe building to form a further 3no units. However, this permission lapsed in 2021 without being implemented.

The present scheme incorporates the provision of 7no parking spaces in total with an identical access arrangement to that previously proposed.

The layout of the scheme and the scale, design and appearance of the dwellings and their impact upon the character and appearance of the conservation area and its setting are considered to be acceptable. Subject to the agreement of

certain details, it is accepted that the layout also pays sufficient regard to the health and well-being of the Beech tree. It is also considered that there are also no other issues of concern in relation to neighbour impact, ecology or drainage.

The principal matter of objection to both the town council and the ward member, however, remains the proposed access arrangement.

Whilst the shortcomings of the driveway, in terms of the gradient, limited width and lack of separate footway provision, are acknowledged, it is considered that these need to be balanced against the lawful use of no. 9 and the site for office and associated garden/parking purposes and the level of associated vehicle activity that could alternatively be re-introduced without any requirement for planning permission. Indeed, given the greater flexibility that now exists for changes between commercial uses that are capable of taking place without any need for planning permission, such activity could, in theory, be intensified.

It is also felt that the more appropriate level of parking provision being proposed, relative to the approved 2018 scheme (7 spaces for 3 dwellings against 4 spaces for 10 units), would reduce the likelihood of on-street parking within Franklea Close and elsewhere in the town centre as well as pedestrian activity along the driveway, thereby also reducing risks associated with pedestrian/vehicular conflict. In any event, whilst a less than ideal arrangement, given the nature of the driveway itself it is considered that such risks would be minimal.

Furthermore, whilst maintaining that the matter of numbers of parking spaces is a matter for the Authority to consider against relevant Local Plan policy, no objections are raised to the proposal by the County Highway Authority.

As such, when considered against the benefits arising from the provision of housing within an accessible and sustainable town centre location as well as the creation of construction jobs, alongside the absence of any other technical objections to the scheme, it is thought that the overall balance weighs in favour of the development.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Council continue to object to the application as the new scheme has not addressed the problem of access to the site and the gradient of the drive is totally unsuitable.

Ottery St Mary - Cllr Peter Faithfull

I am writing in relation to the proposed development at the Manse, 9 Mill St, Ottery St Mary. This application is in my ward and my preliminary view, based on the information presently available to me is that it should be refused.

The main issue for me is lack of adequate access to the site. The only vehicular access to the site is along a quite long, narrow driveway from Franklea Close. This is a steep, north facing driveway with no space for pedestrian walkway. With many residents now using online shopping, there is a need for access to be adequate for delivery vehicles to access the site. There will also be a need for the delivery of building materials while the site is being developed. The driveway is approximately 1:6 gradient and likely to become slippery in winter. With no parking spaces for the flats their alternative parking will be in Franklea Close, meaning they will need to access the site by foot against the proposed vehicles. There is also concern by neighbouring residents about vehicles damaging their properties when accessing the site, due to the narrow width of the access driveway.

I am also very concerned about the wildlife in and around the site. There is a badger set close to this site and a very high likelihood of slow worms and other protected wildlife on this site.

There are issues of privacy for the residents of the proposed apartments of the old building by the positioning of the two houses nearest to the building due to the slope of the site, which are likely to cause overlooking. The proposed houses will also have an overbearing nature on Mill St, which is in a conservation area.

These are my views, based on the information presently available to me. I reserve my right to change my views in the event that further information becomes available to me.

Technical Consultations

County Highway Authority

Observations:

The Highway Authority has visited the site and the proposed development and change of use to form 1 maisonette, 1 Annex and 3 no. detached houses is acceptable in principle at this location from a traffic generation point of view.

The site's position with easy access to the centre of the town makes this an ideal development for low car occupancy, and would be deemed to be sustainable. Though parking numbers is an East Devon District Council policy to administer.

The proposed access from Franklea Close is narrow and very steep, approximately 14% and is not ideal for a pedestrian or disabled travel route, and there seems to be no provisions for a separate footway. The drawings show the turning area from the parking spaces is achievable and vehicles can leave in a forward facing motion.

New dropped kerbs will be required on Mill Street to allow pedestrians to cross.

Recommendation:

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

1. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities and turning area have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

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

2. 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.

Officer authorised to sign on behalf of the County Council
2 December 2022

Contaminated Land Officer

No development approved by this planning permission shall commence until a remediation strategy to deal with any identified risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - I. all previous uses
 - II. potential contaminants associated with those uses
 - III. a conceptual model of the site indicating sources, pathways and receptors
 - IV. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must

be prepared in accordance with the requirements of condition 3. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16.

National Highways

22/1645/FUL - Construction of 3 no. detached dwellings to rear of The Old Manse with associated amenity space and parking, at 9 Mill Street, Ottery St Mary, Devon, EX11 1AA

Thank for consulting National Highways on proposed amendments to the above application. We were originally consulted on application 22/1645/FUL in August 2022 and offered no objections as set out in our attached response dated 22 August 2022.

The amendments primarily comprise the omission of the previously proposed change of use of the Old Manse. We are satisfied these changes will not result in an adverse impact on the safe operation of the strategic road network and continue to offer no objections to application 21/1645/FUL as amended.

Environmental Health

A Construction and Environment Management Plan (CEMP) must be submitted 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

South West Water

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 enclosed a plan showing the approximate location of a public 150mm sewer and a public 150mm surface water 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 a method proposed to discharge surface water flows into a surface water sewerage network system would be acceptable and meets with the Run-off Destination Hierarchy. Please note, it is **not** permitted to discharge surface water flows into a foul (only) sewer, and please also note that discharge to the public combined sewerage network is **not** an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

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 sewer map under document tab

EDDC Trees

Arboricultural Comments on planning application 22/1645/FUL.

The most significant tree on the site is the protected Beech (identified as T1 within the supporting arboricultural report TH/B3550622). Immediately to the west of this is the third party owned Sycamore identified as T2. Due to their elevated location these trees are seen for some distance outside of the application site.

In providing these comments I am mindful of the planning history (14/0662/MFUL and 16/1987/MFUL) and appeal decision in relation to trees at this site. Specifically the accepted stance of the appeal inspector regarding the offset root protection area (RPA) of the sycamore T2 and the juxtaposition of the proposed dwelling and the Beech T1.

Based on the previously approved scheme and appeal decision no objection is raised to the principle of the proposed scheme.

Should the scheme be approved, I would suggest the following points are addressed via pre-commencement conditions:

- 1) The RPA of the Beech T1 extends into the garden of House 1. The existing ground in the garden slopes down to the north and has historically been terraced with steps used to transverse the steepest section of slope. Notwithstanding the submitted cross sectional information, it is not entirely clear from the provided plans on the existing and proposed finished ground levels within the RPA of the Beech T1. Any planning approval should be subject to a condition requiring the submission of a plan showing both existing and proposed finished ground levels, within the RPA of

the Beech T1. This could be incorporated into either the hard or soft landscape details for the sake of convenience.

2) The arboriculturalist has not been provided with details relating to proposed underground service runs, presumably the works of these details will only be finalised after planning approval. Underground services can impact of the RPA of retained trees, to ensure there no future conflict an updated AMS and TPP should be submitted to the LPA prior to the commencement of works on site. The updated AMS and TPP shall include all underground utility runs, including soakaways, location of site huts, cabin, welfare facilities, contractors parking, materials storage and mixing areas. In addition tree protection details can be updated to include the protection of the retained pendulous tree in the open space immediately adjacent to Mill Street, in the far northern end of the site.

Conservation

CONSULTATION REPLY TO CENTRAL TEAM
LISTED BUILDING CONSENT/CONSERVATION AREA
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: 9 Mill Street Ottery St Mary Devon EX11 1AA

GRADE: APPLICATION NO: 22/1645/FUL

CONSERVATION AREA:

PROPOSAL: Construction of 3 no. detached dwellings to rear of The Old Manse with associated amenity space and parking.

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

The application is improved and there are no further comments other than the heritage statement demonstrates that some of the roof is visible from lower levels at the Old manse and so that it preserves the conservation area the roofs should be in natural materials. It is recommended they are constructed of natural slate with clay ridge tiles and timber fascia's.

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

SUGGESTED CONDITIONS:

Prior to the construction of the development, hereby permitted, samples of the materials to be used and method of fixing in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses.

DATE: 6/3/23

INITIALS: M.Pearce

Other Representations

A total of five representations of objection across two rounds of consultation (original and amended plans) have been received.

Summary of Grounds of Objection

1. Increased use of inadequate access to the site; the track from Franklea Close is steep and narrow with no footways or passing places and is in inadequate condition and could not be used by vehicles and pedestrians at the same time.
2. Impossible for track to be used by emergency service, good delivery, furniture removal, construction, etc. vehicles.
3. Noise of vehicles using the track will intrude neighbouring properties, affecting use and enjoyment for the occupiers.
4. Difficult for vehicles to reverse safely along track when necessary.
5. Previous applications rejected on grounds that the track is inadequate to provide access and upheld at appeal in 2004.
6. Historical use of the track has not occurred for fifteen years and was in any event light, involving the arrival and departure of 2-3 cars daily at 9am and 5pm only.
7. Use of pedestrian path through site has the potential to become a new public right of way that would further impact privacy of existing adjacent properties and residents of the new development and increase mix of vehicles and pedestrians using the track.
8. Position of house on plot 1 would interfere with privacy and enjoyment of garden of no. 25 Franklea Close and would itself be overlooked, exacerbated by the difference in levels.
9. Encroachment of plot 1 and one of the parking spaces onto third party land.
10. Too many parking spaces proposed; previous approved proposals recognised the inadequacy of the access track in providing a much lower number of spaces as part of a 'car free' scheme.
11. One of the proposed parking spaces is positioned round a blind corner at the bottom end of the track.
12. Will lead to increase in parking in Franklea Close.
13. Increased safety risk for pedestrians.
14. Town does not need any more dwellings as schools and the doctor's surgery are already unable to cope and development would add to parking and congestion.

PLANNING HISTORY

Reference	Description	Decision	Date
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16/1987/MFUL	Change of use on the ground floor of The Old Manse from A2 (Financial & Professional Services) to A1 (Shops)/A2 (Financial & Professional Services)/A3 (Restaurants & Cafes)/A4 (Drinking Establishments); conversion of the upper floors to form 1 no. maisonette; construction of an additional storey on the Annex and conversion to form 2 no. flats; and construction of 7 no. townhouses.	Approval with conditions	04.04.2018
14/0662/MFUL	Change of use on the ground floor of The Old Manse from A2 (Financial & Professional Services) to A1 (Shops)/A2 (Financial & Professional Services)/A3 (Restaurants & Cafes)/A4 (Drinking Establishments); conversion of the upper floors to form 1 no. maisonette; construction of an additional storey on the Annex and conversion to form 2 no. flats; and construction of 8 no. townhouses.	Refusal Appeal dismissed	05.06.2014 19.12.2014
01/P2581	Proposed Residential Development Of Land To Rear Of The Old Manse [Amended Proposal]	Refusal Appeal dismissed	18.02.2003 23.04.2004

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 24 (Development at Ottery St Mary)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

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)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN22 (Surface Run-Off Implications of New Development)

E9 (Town Centre Vitality and Shopping Areas)

E10 (Primary Shopping Frontages)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Made Ottery St Mary and West Hill Neighbourhood Plan 2017-2031 Policies
NP2 (Sensitive, High Quality Design)

NP22 (Ottery St. Mary Conservation Area)

Government Planning Documents
NPPF (National Planning Policy Framework 2021)

ANALYSIS

Site Location and Description

9 Mill Street, also known as The Old Manse, is a currently vacant 19th-century two storey building that occupies a town centre location. Until a few years ago, it was in use as a solicitor's office.

It has a localised prominence in Mill Street owing to it being both detached from, and at right angles to, terraces of commercial and residential premises/properties to both its west and east whose principal elevations abut the back of the footway.

A small garden area is set out to the immediate east of the building, to the south of which, and set back on elevated land, is a more modern detached single storey building of utilitarian appearance, described in previous applications relating to The Old Manse as the 'Annexe'.

The application site comprises an area of open land that rises to the south of this building that is understood to have been a garden area to the former office. It contains the surface of a level parking area, previously used by staff, accessed via a driveway of single vehicle width off of a turning head at the end of Franklea Close, a residential cul de sac on the hillside to the south.

Since the closure of the office, the land - which extends to approximately 0.14 hectares in area - has been left largely unmanaged.

The boundary of the designated Ottery St. Mary Conservation Area bisects the site from west to east, with the lower northern portion of the site located within it. A mature Beech tree positioned on the site's western boundary is formally protected by a tree preservation order (no. 13/0005/TPO).

A steep bank containing a mix of deciduous stems and an evergreen hedge forms the part of the southern boundary of the site with the rear garden of no. 25 Franklea Close to the west of the access driveway referred to above. Boundary treatment elsewhere takes the form of a combination of walls, fences and young trees.

An area of vacant land borders the site to the east while the rear gardens of properties in Winters Lane and neighbouring premises in Mill Street lie beyond the western boundary; the former on more elevated land.

Background

Planning permission was granted in April 2018 (application ref. 16/1987/MFUL) for a scheme involving the change of use of the ground floor of no. 9 to mixed A1 (Shops)/A2 (Financial & Professional Services)/A3 (Restaurants & Cafes)/A4 (Drinking Establishments) use (under the former structure of use classes set out in the Town and Country Planning (Use Classes) Order)) together with the conversion of the first floor and roof space to create a maisonette, the construction of an additional storey on the 'Annexe' building and its conversion to form two flats and the new build construction of 7no townhouses on the current application site.

However, this permission was not implemented and, as such, lapsed in April 2021.

The application succeeded a previous refusal, and subsequent dismissal at appeal, for a scheme for the site (application ref. 14/0662/MFUL) that included the construction of 8no townhouses.

Proposed Development

The application scheme comprises the construction of three detached two storey dwellings together with the laying out of their associated curtilage areas and a total of 7no parking spaces around a central turning area positioned just inside the site at the end of the access driveway.

The scheme would consist of two, three and four bedroom units. The proposed central unit (plot 2) would be partially dug into the slope of the site and designed so that its principal entrance, in its south-facing elevation, would be at first floor level. Plot 1, to its west, would be mainly constructed on a portion of the site that contains the levelled parking area. Plot 3 would be positioned towards the eastern site boundary. The gradient of this part of the site would suggest that it may also be necessary to either dig part of the build into it or raise ground levels locally.

Plots 2 and 3 would be largely similar in form, scale and height. Both would comprise a regular gabled form with fully pitched roofs with overall ridge heights of 9 metres. Plot 1, the larger four bedroom unit, would exhibit a lower main body of similar form, around 8 metres in ridge height, with a slightly subservient two storey hipped roof extending north off its eastern half.

Externally, each unit would be finished with a mix of painted smooth render and timber or composite cladding with a colour stain finish under a concrete tile roof.

The submitted layout details show a private footway connecting the development, around the perimeter of plot 3, to an existing yard area between the rear of no. 9 and the Bay Tree Cafe premises at no. 11 Mill Street (albeit it would appear that the yard occupies third party land).

The proposals originally submitted also incorporated the change of use of no. 9 itself and the 'Annexe' building to residential units. However, an initial 'phase 1' ecological survey of the buildings has revealed 'evidence of bats'. These elements of the scheme have therefore now been omitted.

Considerations/Assessment

The proposal falls to be assessed having regard to the following material considerations that are discussed in turn.

Principle of Development

The site occupies a location, in close proximity to the town centre, within the Built-up Area Boundary of the town as defined in the adopted and made local and neighbourhood plans respectively. In broad strategic policy terms therefore, it would be appropriately located for the accommodation of further residential development.

Furthermore, it would be relatively proximate to the wide range of services and facilities offered within Ottery St. Mary, including sources of employment and public transport links.

The site also comprises 'previously developed land' given its historical association with no. 9, its former use for office purposes and the continued existence of the parking area formerly used in conjunction with it.

It is again accepted therefore that the fundamental principle of a residential redevelopment of the site remains acceptable.

In broader terms, the scheme would also boost the supply of housing, and therefore contribute to addressing the shortfall of provision across the District, given the current lack of a five year supply of deliverable housing sites, in line with the relevant guidance set out within the National Planning Policy Framework (NPPF).

Impact upon Character and Appearance of Conservation Area

As stated above, the site lies in part within the designated conservation area while regard would also need to be paid to the character of its setting in consideration of the impact of development outside, but immediately adjacent to it.

As a designated heritage asset, paragraph 199 of the NPPF requires that great weight should be given to its conservation when considering the impact of development on its significance. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 requires that any harm to, or loss of, significance of a designated heritage asset should require clear and convincing justification. Paragraph 201 states that permission should be refused for development that would lead to substantial harm unless there are substantial public benefits that would outweigh it or certain other specific circumstances apply, whilst paragraph 202 advises that where a proposal would lead to less than substantial harm to significance such harm should be weighed against the public benefits of the proposal.

The designated conservation area is largely characterised by a tight-knit but informal arrangement of buildings in and around predominantly narrow streets combined with variations in ground levels. From higher ground within the town, such as the churchyard of St. Mary's Church, this creates a varied and attractive roofscape that contributes to the historic character of the town centre. Open spaces also contribute to the character of the area and the most significant of those in the town centre is arguably the churchyard itself. Other areas of open space, such as the application site, are less important as views of these sites are more limited and they are not publicly accessible. As such, in the context of the tight-knit urban environment it is again considered that there is potential for the site to accommodate development without causing significant harm to the character and appearance of the area.

The main issue therefore is whether the particular design and layout proposed in this application is appropriate. In this regard, there are various factors that are thought to weigh in favour of the development.

The steep roof pitches and two-storey form of the proposed dwellings is considered to be compatible with the scale and appearance of surrounding buildings, albeit they would be markedly different to the more compact proportions of properties on Mill Street and would clearly occupy rather more elevated positions within the townscape.

Equally, it is acknowledged that the proposed layout would not necessarily be reflective of the established and more traditional layout of the town centre development where, typically, buildings within the main streets directly front onto adjoining pavements in providing the public realm with its characteristic tight-knit character. As such, it would not necessarily reinforce the local character from which much of the significance of the conservation area is derived.

However, in common with other exceptions to this character that are exhibited elsewhere throughout the conservation area, such as the developments at Paxford House Square and the former Marist Convent site, it is accepted that the impact of the development upon its character, appearance and setting would in this case be largely restricted to a short length of Mill Street and strongly filtered occasional views from longer distance between buildings, such as from the churchyard.

Indeed, within these, the development would likely be viewed against a backdrop of the rising land to the south and the crest of the hill upon which residential development in Franklea Close and Winters Lane already dominates.

Furthermore, whilst it is acknowledged that it does not represent a 'fallback' option in regard to any alternative development of the site owing to the expiry of the permission ref. 16/1987/MFUL, it is considered relevant to highlight that the previous approved scheme involved a greater density of development for the construction of more units of greater height than currently proposed. In this context, it is thought that the intended creation of three larger dwelling plots should be regarded as being of at least equal acceptability.

In terms of the form, scale, design and appearance of the dwellings themselves, subject to the agreement of further details of the palette of materials and finishes proposed it is considered that they would essentially be acceptable and that objection on the grounds of any harmful impact upon the character, appearance and significance of the conservation area, or the wider townscape of this part of the town, could not reasonably be justified.

Consequently, it is felt that the level of harm to the character and appearance of the conservation area would, as with the previous approved scheme for the site, be less than substantial. Indeed, given the reduced density of development and the three storey nature of the new build dwellings approved under application ref. 16/1987/MFUL, it is contended that the present scheme would be less overbearing on Mill Street.

It is also thought that the same principle would apply in relation to the concerns raised regarding privacy. In point of fact, the scheme now no longer currently

proposes residential accommodation within no. 9 itself or the 'Annexe' building. The issue is therefore, at the present time, immaterial.

In such circumstances, and in line with NPPF paragraph 202, such harm should be weighed against the public benefits of the contribution that the scheme would provide towards the supply of housing through the development of a 'brownfield' site in a reasonably sustainable location.

Impact upon Neighbour Amenity

The principal matter for consideration in this regard is considered to be the effect of the scheme upon the living conditions of the occupiers of no. 25 Franklea Close, a neighbouring property that occupies higher ground to the south, and to the west of the access driveway, with a rear garden that falls sharply towards the site, the boundary with which is defined by an evergreen hedge and deciduous stems on a bank that falls steeply into the site itself.

Plot 1 would be positioned in close proximity to the bottom of this bank, and therefore the southern site boundary, so as to minimise incursion into the root protection area (RPA) of the protected Beech tree on the western boundary.

However, despite this, it is considered that the screening effect of the evergreen hedge - which is predominantly in the ownership, and therefore the control, of no. 25 - coupled with the appreciably lower ground upon which this unit would be constructed would in combination largely mitigate any potentially adverse physical or visual impact upon the amenities of the neighbouring occupiers.

Whilst it is likely that the roof of the building would likely be visible above the top of the evergreen hedge, based on its height at the present time, it is not considered that this would equate to substantive harm to the neighbours' living conditions.

Equally, it is thought that the hedge would provide an appropriate level of screening of the single bedroom window proposed at first floor level in the rear elevation of plot such that any harmful overlooking/privacy impact upon the rear and rear garden of no. 25 would be avoided.

In terms of impact upon other neighbouring or nearby properties, it is considered that there would be sufficient separation between the development and these to avoid any particular issues of concern.

Access/Parking

This issue continues to be of greatest concern to the town council and the commenting ward member, principally on account of the length, narrow width and comparatively steep gradient of the access driveway to the site off of the end of Franklea Close and the lack of accompanying footways to facilitate separate pedestrian access.

Whilst these inadequacies are recognised, it is felt that there are factors that weigh in favour of acceptance of the proposed access arrangements.

First, the driveway has historically been in use as a means of accessing the parking facility linked to the offices that previously occupied no. 9 Mill Street. In the absence of any doubt as to the lawfulness of the use of the premises for such purposes and/or the associated parking area, it is considered that it would be possible to reintroduce an office use to the building, and/or other potential uses (in light of the relaxation to the change of use regime introduced in recent years), without the need for a further grant of planning permission. This, coupled with the not inconsiderable surface area of the parking facility itself, would likely generate a certain level of traffic movement to and from the site via Franklea Close and the driveway that may be comparable to that triggered by three dwellings.

It is also noted that the previous approved scheme, under application ref. 16/1987/MFUL, involved the construction of 7no three bedroom units with access from Franklea Close and the provision of only 4no spaces. It is also accepted that the current proposal would provide 7no spaces, and would therefore likely generate more traffic movements along the driveway by comparison owing to the greater capacity of the scheme to accommodate parking on site.

However, it is felt that there would be something of a 'trade off' that should be factored in to consideration of the wider impacts in comparing the likely effects arising from the previous approved scheme and that now proposed. This is in terms of both the likely reduction in vehicle parking associated with the occupation of the development within Franklea Close and/or elsewhere in the town centre as well as the reduced likelihood of associated pedestrian activity along the driveway owing to the ability for prospective residents to park within the development rather than elsewhere and having to access it on foot.

In any event, despite its relatively steep gradient, narrow width and lack of footways, the straightness of the driveway (with good intervisibility between vehicle drivers and pedestrians) and the possibility of an alternative pedestrian connection to Mill Street and the services and facilities within the town centre would to some extent help mitigate the potential risk of vehicular and pedestrian conflict along the driveway.

It should be noted however that the connection of the proposed footway at the Mill Street end would be to third party land. Its connection through to Mill Street itself could not therefore be secured through any grant of permission for the development.

Nevertheless, in the wider balance of the considerations that are material to assessment of the proposal it is not thought that the provision of this connection, or any requirement that it be dedicated as a public right of way, would be necessary to make the development acceptable.

It is also not considered that the activity along the driveway that would be generated by the scheme would be likely to materially adversely impact the general living conditions of the occupiers of the properties in Franklea Close to either side it to an extent that could reasonably justify opposing the development on such grounds, more particularly given the perceived absence of any other sustainable reason for refusal.

The proposed footway connecting the development to Mill Street (via the yard between nos. 9 and 11) is not intended to be dedicated as a public right of way. It is not therefore envisaged that it would become popularised locally as a means of access from Franklea Close to the town centre.

The 2004 appeal referenced in third party representations involved a scheme for the site comprising the retention of the office car parking facility, albeit relocated, alongside the construction of two detached dwellings (application ref. 01/P2581). This is in contrast to the subsequent proposals for the site, including that to which the current application relates, which have not/do not envisage any ongoing use of the driveway in connection with any commercial use of no. 9.

Above all, it should also be recognised that, whilst leaving the matter of the number of parking spaces being proposed within the scheme to the Council's consideration, the County Highway Authority raises no objection to the development on grounds relating to highway safety or increased risk of vehicular and pedestrian conflict.

The lack of parking spaces for the flats referenced by the ward member is no longer relevant as the elements of the original proposals to convert the first floor and roof space of no. 9 and to extend and convert the 'Annexe' building to create further residential units have been omitted since those comments were made.

At the time of writing, no further ward member comments have been submitted in relation to the revised proposals relating to the 3no new build dwellings alone.

Impact on Trees

The protected Beech tree on the western boundary is the most significant specimen, in terms of its maturity and amenity value to this part of the townscape, in the context of the assessment of the proposal and the response of the scheme to the constraints that it presents has been scrutinised by the Council's Arboricultural Officer.

The observations received advise that there are no arboricultural objections to the development provided appropriately-worded pre-commencement conditions are attached to any permission granted to require the submission for approval of details of: a) the existing and proposed finished ground levels within the RPA of the Beech tree, and b) proposed underground service runs (utilities, soakaways, etc.) and above ground facilities, such as the location of site huts, cabins, welfare facilities, contractors' parking and materials storage and mixing areas.

The latter should take the form of an updated arboricultural method statement (AMS) and tree protection plan (TPP).

Conditions to this effect are therefore recommended.

Ecology

The application is accompanied by a preliminary ecological assessment report, the principal conclusion of which is that the development is not considered likely to result in any significant ecological impact.

However, it does set out recommendations for mitigation so as to minimise risk to nesting birds and potential disturbance to bats. These take the form of the installation of a bat tube/brick on a south, east or west-facing wall of one of the dwellings alongside at least one bird nesting box on a north or sheltered east-facing wall.

Further mitigation measures are also recommended to provide for pollinating insects as well as ground level holes within plot boundary walls/fences to enable small mammals, such as hedgehogs to access gardens for foraging and commuting.

The appropriate management of external lighting within the scheme is also highlighted within the report so as to minimise the potential for light disturbance that might otherwise disrupt bat commuting routes, discourage bats from foraging and draw insect prey away from foraging areas. Specific recommendations are made in regard to the use of motion sensors, the downward angling of lighting, low level lighting of footpaths and the use of LED luminaries or narrow spectrum bulbs that emit minimal ultra-violet light.

The report advises that the site search revealed no evidence of badgers, such as latrines, foraging marks or trails and, as such, no further survey work is considered necessary.

In the circumstances therefore, whilst there is locally believed to be a badger sett on vacant land to the east of the site it appears evident from the ecology survey that it does not extend into it.

In relation to reptiles, such as slow worms, the report states that the site has negligible potential to support these owing to the limited extent of available habitat and the absence of favoured tussocky grassland.

Drainage

It is intended that foul and surface water drainage from the development would be discharged via main and separate surface water sewer connections respectively.

South West Water have advised that such arrangements would be acceptable. The proposed discharge of surface water via the surface water sewer that crosses the site would meet with its Run-off Destination Hierarchy.

Other Matters

There is no requirement to provide affordable housing as part of the scheme since the scale of development (3 dwellings) would fall below the threshold (6 dwellings or more) that would trigger the need for an off-site financial contribution (in lieu of direct provision) under Local Plan Strategy 34 (District Wide Affordable Housing Provision Targets).

No details as to the intended location of recycling and refuse storage facilities for the development, to enable access to collection vehicles, have been provided. However, it is thought that these can be secured by means of an appropriately-worded condition.

Conclusion

In assessing the balance of the material considerations set out above, it is thought that the proposed development would be acceptable.

In addition, it is again also highlighted that the contribution that the proposal would provide towards increasing the supply of housing, having regard to the present lack of a five year supply of available housing land across the District, weighs in favour of acceptance of the development.

Habitat Regulations Assessment and Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designation is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

RECOMMENDATIONS

1. That the Habitat Regulations Appropriate Assessment be adopted.
2. That the application be APPROVED 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. Notwithstanding the submitted details, no development above foundation level shall take place until a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area, which forms part of the designated Ottery St. Mary Conservation Area and its setting, in accordance with Policies D1 (Design and Local Distinctiveness) EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas) of the adopted East Devon Local Plan 2013-2031 and Policies NP2 (Sensitive. High Quality Design) and NP22 (Ottery St. Mary Conservation Area) of the made Ottery St. Mary and West Hill Neighbourhood Plan 2017-2031.)

4. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development, unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority, and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species, unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the 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 D2 (Landscape Requirements) of the adopted East Devon Local Plan 2013-2031 and Policy NP2 (Sensitive. High Quality Design) of the made Ottery St. Mary and West Hill Neighbourhood Plan 2017-2031.)

5. A Construction and Environment Management Plan (CEMP) shall be submitted to, and approved in writing 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and no high frequency audible reversing alarms used on the site.

(Reason - A pre-commencement condition is required 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 adopted East Devon Local Plan 2013-2031.)

6. No development shall commence until a remediation strategy to deal with any identified risks associated with contamination of the site in respect of the development hereby permitted has been submitted to, and approved in writing

by, the Local Planning Authority. This strategy shall include the following components:

1. A preliminary risk assessment which has identified:
 - I. all previous uses
 - II. potential contaminants associated with those uses
 - III. a conceptual model of the site indicating sources, pathways and receptors
 - IV. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete.

Any changes to these components shall require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 3. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This shall be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM).

(Reason - A pre-commencement condition is required to ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EN16 (Contaminated Land) of the adopted East Devon Local Plan 2013-2031.)

7. Notwithstanding the submitted details, no development shall commence until satisfactory details as to the existing and proposed finished ground levels within the root protection area of the Beech tree (defined as tree T1 in the arboricultural report dated 27th June 2022 - ref. TH/B355/0622 - prepared by Advanced Arboriculture) have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out, and the proposed finished ground levels shall be formed, in accordance with the approved details in addition to the other measures for the protection of trees prior to and during the course of development set out in the report, including the accompanying Arboricultural Method Statement and Tree Protection Plan.

(Reason - A pre-commencement condition is required to ensure the retention and protection of trees on and adjacent to the site during and after construction. The condition is required in the 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.)

8. Notwithstanding the submitted details, no development shall commence until an updated Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) have been submitted to, and approved in writing by, the Local Planning Authority. The updated AMS and TPP shall include details as to the location of all underground utility runs, including soakaways, the location of site huts, cabins and welfare facilities and contractors' parking and materials storage and mixing areas. The development shall thereafter be carried out in accordance with the approved details in addition to the other measures for the protection of trees prior to and during the course of development set out in the AMS and TPP within the arboricultural report dated 27th June 2022 (ref. TH/B355/0622) prepared by Advanced Arboriculture.

(Reason - A pre-commencement condition is required to ensure the retention and protection of trees on and adjacent to the site during and after construction. The condition is required in the 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.)

9. The development hereby permitted shall be carried out in accordance with the measures for the mitigation of the impact of development and ecological enhancement recommended in the Preliminary Ecological Appraisal survey report dated February 2023 (ref. DCE1520) prepared by Devon and Cornwall Ecology.

(Reason - In the interests of nature conservation in accordance with Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.)

10. The dwellings hereby permitted shall not be occupied until the vehicular access, turning area and parking spaces shown on the approved plans have been provided in accordance with the approved details. These shall thereafter be retained and kept available for those purposes at all times.
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)
11. No development above foundation level shall take place until satisfactory details of secure cycle/scooter storage facilities have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter remain available for these purposes.
(Reason - To promote sustainable travel in accordance with Policy TC4 (Footpaths, Bridleways and Cycleways) of the adopted East Devon Local Plan 2013-2031.)
12. None of the dwellings hereby permitted shall be occupied until refuse and recycling storage facilities for the development have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority.
(Reason - In the interests of ensuring that adequate provision is made for the storage of recycling and refuse within the development in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)
13. Before any development commences, details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interests of the character and appearance of the locality in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)
14. No external lighting shall be installed at any time unless the full details of the external lighting have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To enable the Local Planning Authority to consider lighting details in the interests of safeguarding protected wildlife species and their habitat in accordance with Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

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:

8501-05C (1 and 2)	Sections	08.02.23
8501-02F	Proposed Site Plan	08.02.23
8501-06B (3 and 4)	Sections	08.02.23
8501-11 layout 1	Layout	08.02.23
8501-12 layout 2	Layout	08.02.23
8501-13A layout 3	Layout	08.02.23
8501-LP B	Location Plan	08.02.23
8501-10C Drainage	Layout	15.02.23

List of Background Papers

Application file, consultations and policy documents referred to in the report.

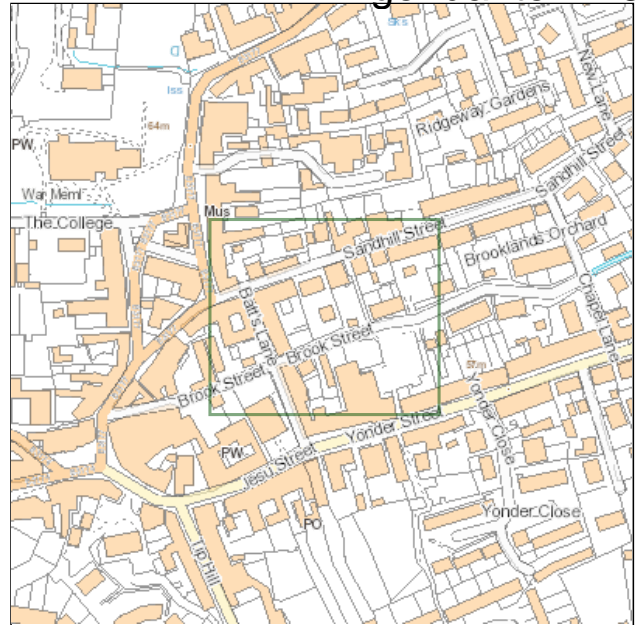
Ward Ottery St Mary

Reference 22/2305/FUL

Applicant Trustees Of Ottery Feoffee Charity

Location Ottery Feoffee Day Centre Brook Street Ottery St Mary EX11 1EZ

Proposal Replacement of community centre with 4no. residential flats (almshouses) with associated development to include access, landscaping and drainage.



RECOMMENDATION: Refusal



		Committee Date: 25.04.2023	
Ottery St Mary (Ottery St Mary)	22/2305/FUL	Target 22.12.2022	Date:
Applicant:	Trustees Of Ottery Feoffee Charity		
Location:	Ottery Feoffee Day Centre Brook Street		
Proposal:	Replacement of community centre with 4no. residential flats (almshouses) with associated development to include access, landscaping and drainage.		

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Committee owing to a difference of opinion between two of the ward members.

It relates to a revised proposal for the redevelopment of the Ottery Feoffee Charity Community Centre site in Brook Street, which houses a community centre building run by the Trustees of Ottery Feoffee Charity, with a scheme comprising the construction of a two storey building housing 4no affordable one bedroom flats that would be managed as 'build to rent' units.

It follows the refusal of a previous scheme for the provision of 6no flats (under application ref. 20/2668/FUL), principally on loss of community building, conservation, flood risk and neighbour amenity grounds, by Committee in October 2021.

The scheme is again being promoted by the Charity, which also owns the neighbouring premises to the north of the site, Robert Hone House, which itself accommodates four flats.

The site, located to the east of the town centre in a predominantly residential area, is within the designated Ottery St. Mary Conservation Area. The front portion of the site, as well as Brook Street itself, lies within flood zones 2 and 3. The site and building floor levels are raised by between 1.5 and 3 metres above that of the adjacent road carriageway.

However, whilst once more recognising the clear social benefits of affordable housing provision that the scheme would realise through the provision of 4 affordable units, the development would again involve the loss of an existing community building without any substantive evidence having been provided as

to options for its retention for its current use, or other community purpose(s), having been fully explored in line with the key requirements of Strategy 32 of the adopted Local Plan.

Its loss would also continue to be contrary to the provisions of Neighbourhood Plan Policy NP17 which 'strongly resists' the loss of a Community Facility of Value, of which the existing Centre is listed as being for protection.

Furthermore, although the development would itself exhibit an improved design relative to the previous scheme, it would retain a mass and scale that would appear unduly dominating within its setting owing to the raised floor level in relation to Brook Street. Whilst it is again acknowledged that this is necessary to address flood risk objections previously held by the Environment Agency and the Council, it is considered that this would only emphasise its dominance and reflect its incursion into the street scene as an uncharacteristic element of the urban layout of the area and this part of the designated conservation area. As such, it would fail to preserve or enhance or better reveal its significance as a heritage asset or that of its setting.

Although this level of harm is assessed as being less than substantial, it is not thought that there would be sufficient public benefit resulting from the scheme against which it could be weighed in its favour in light of the loss of the present community facility.

In addition, whilst the design flood level of the development would now address the flood risk objections referenced above, it is maintained that the scheme as a whole would fail the required sequential test in terms of its location immediately alongside flood zones 2 and 3 that extend along Brook Street as well as partially into the site itself. Aside from there being no assurances as to the ready availability of the means of emergency escape - via Sandhill Street - in perpetuity, access during an extreme event for emergency vehicles would likely be impeded.

This also recognises the availability of alternative sites on land that is within flood zone 1 and sequentially preferred for the accommodation of housing development.

Moreover, it is not considered that the development would provide wider sustainability benefits to the community that outweigh the flood risk such that it may be concluded that the proposal would pass the exception test.

Although likely to result in reduced impacts upon the occupiers of neighbouring properties, including the flats in Robert Hone House adjacent to the site, on account of the reduced scale and revised design of the scheme, it is also maintained that the previous objections on this ground have not been satisfactorily addressed.

In the circumstances therefore, and whilst the provision of affordable housing would again ordinarily be welcomed, in the wider planning balance it is not considered that this benefit would outweigh the harm caused by the proposal in

terms of the loss of the existing community facility, the dominating mass and scale of the development and subsequent harm to the Conservation Area, harm to the amenity of surrounding residents and conflict with flood risk interests.

Notwithstanding the support offered by the town council and ward member, it is recommended that this revised scheme should be refused.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Council continue to support the application which will provide more social housing in the parish.

Ottery St Mary - Cllr Vicky Johns (Comments re. original plans)

This application falls within my ward and I object on the grounds that the application has not changed much compared to the previous application which was refused. The Feoffee building is a Community building and as such should be treated as one, I appreciate it has not been well used over the last couple of years however this is probably the same as many community buildings due to the pandemic. I have seen a few posts on social media asking how to hire the Defoe building with the comment being to contact the solicitors named Gilbert Stephens in Ottery to enquire about hiring it.

I am also concerned about the risk of flooding due to the building being within the flood zone, these concerns do not seem to have been covered within this new application. There is no parking for these new flats and as we are all aware parking in the centre of any town is a huge concern. Not to mention the loss of green space and the concerns raised by the residents with regards to the loss of privacy and light to their own homes nearby.

So with this information I feel I can only object to the application although I do appreciate that some affordable housing in Ottery would be fabulous, however I reserve the right to change my mind if any new information comes forward.

Ottery St Mary - Cllr Vicky Johns (Comments re. amended plans)

I object to this planning application as I feel it will overpower the conservation area, is within a flood zone and is a community building which due to Covid has not been used to its full capacity. I'm aware that language lessons are due to commence in the building in the upcoming weeks which shows the community building is needed.

The plans state that there won't be any need for parking due to the residents not needing cars; however even if the residents don't use cars their visitors, deliveries, etc. would probably use vehicles causing more parking issues an already overcrowded area. The building itself would obstruct light to the neighbouring properties.

These are my views with the information I have and I retain my right to change my mind if further information comes to light.

Ottery St Mary - Cllr Peter Faithfull

This application is in my ward and the preliminary view, based on the information presently available to me is that it should be approved with conditions.

I would like to see as much of the south boundary wall as possible remaining to maintain the general appearance of the setting. I would also like to see changes to the access via the pathway to Sandhill Street to ensure that the site is accessible even during flooding. I would like to see the path be made a more sloping path with the steps set apart to make the path more accessible for people with mobility issues.

Although the present building is regarded as a community centre, the building was only ever built as a temporary structure as an extra classroom for the local primary school, before it was relocated to its present site in the 1970s. The present building has reached its expected life. While it is true that the building has been used by the community for many years, there are quite a number of other buildings which are also underused around the town.

I request that this application be taken to a full planning meeting.

These are my views, based on the information presently available to me. I reserve my right to change my views in the event that further information becomes available to me.

Ottery St Mary – Cllr Geoff Pratt

I am a member of the Planning Committee and as such will keep an open mind on this matter and have not in any way predetermined my thoughts.

I recently attended the Ottery St.Mary Town Council Planning Committee meeting on the 14th March 2023 where this application was on the agenda. I did not speak at the meeting but listened to the comments made by the Town Councillors. The Committee voted unanimously to support this application.

My preliminary view based on the information available to me is that I would support this application as the applicants are providing affordable homes exclusively for the community of Ottery St. Mary and particularly for those in need of homes.

I reserve my right to change my views in the event that further information becomes available to me

Technical Consultations

DCC Historic Environment Officer

Dear Sir/Madam,

Application No. 22/2305/FUL

Ottery Feoffee Day Centre Brook Street Ottery St Mary EX11 1EZ - Replacement of community centre with 4no. residential flats (almshouses) with associated development to include access, landscaping and drainage: Historic Environment

My ref: ARCH/DM/ED/38114a

I refer to the above application. The archaeological field evaluation undertaken by Oakford Archaeology here has demonstrated the presence of post-medieval ditches containing artefactual material dating to the 17th and 18th centuries. No heritage assets were exposed of such significance that the Historic Environment Team would advise preservation in situ. However, the impact of the development upon these heritage assets should be mitigated by a programme of archaeological work to investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team therefore 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 the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be 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.'

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed 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.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment 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/>.

County Highway Authority

Please see comments under the documents tab.

Conservation

Comments on the amendments received on 28.02.2023 are below this report.

CONSERVATION CONSULTATION ON PLANNING APPLICATION AFFECTING A CONSERVATION AREA.

22/2305/FUL

Ottery Feoffee Day Centre, Brook Street, Ottery St Mary, EX11 1EZ

Replacement of community centre with 4no. residential flats (almshouses) with associated development to include access, landscaping and drainage.

Significance

The existing building holds limited historic value and is not considered a designated heritage asset as an existing 20th century single storey, modular timber clad structure with a brick plinth. However in context of the community use of the building it is considered to hold merit in respect of communal value that contributes to the significance of Ottery St Mary Conservation Area as a heritage asset.

In respect of the conservation area, the appearance of the wider area is of significant character which has evolved over time to accommodate commercial and social

need, evidence of which can be found through a mix of modern residential (mostly terraced) houses integrated into and extending the historic commercial core.

In the immediate setting of Brook Street, the historic planform remains evident through the orientation, massing, scale and function of the built form serving a mixture of commercial and residential properties on Sandhill Street, Batts Lane and Yonder Street, set against a traditionally profiled roof scape that includes St Mary's Church.

In context of the site this is in an elevated position retained by a traditional stone and brick boundary wall, which is considered a strong characteristic of Brook Street and the wider conservation area.

Proposal

The development works as proposed through this application is for the replacement of community centre, with 4no. Residential flats (almshouses) with associated development to include access, landscaping and drainage.

Assessment of harm

The orientation, mass and scale of the proposed residential block as demonstrated through the photomontage provided, allows for the continued experienced of the profile of the historic skyline in longer views from the carpark located opposite the site in Brook Street.

However, in more immediate views and as a result of the elevated levels of the site, the introduction of a two storey building will be experienced as a dominant feature, uncharacteristic within the urban layout that defines the street scene and in turn evolved built form found within the wider conservation area.

Turning to the design, this is considered acceptable in principle, as it draws on key features found in the immediate area including; flat roof porches, roof form, gable ends, modern window proportions, and use of materials.

In respect of the future treatment and long term maintenance of the existing boundary wall, little information has been provided on how this will be incorporated into the landscaping scheme, as a valuable feature that contributes to the character and appearance of the immediate street scene and surrounding conservation area.

In summary the mass and scale of the development is considered to be overly dominant within the immediate setting of Brook Street by virtue of the site being elevated above street level. In addition little information has been provided on the treatment of the existing boundary wall and its long term conservation as a feature that contributes to the heritage values (significance) of the surrounding conservation area.

Whilst there is a presumption in favour of development, the mass and scale of the development does not preserve, enhance or better reveal the significance of the conservation area as a heritage asset or its setting, resulting in less than substantial harm without public benefit, through the loss of a community centre which

contributes to the communal value of the wider conservation area as a heritage asset.

Recommend refusal

01.12.2022

SLG

Amendments received 28 February 2023

The amendments as proposed do not sufficiently address the concerns identified through the initial heritage consultation, in this respect the proposed development does not go towards preserving, enhancing, or better reveal the significance of the conservation area as a heritage asset or its setting, resulting in less than substantial harm without public benefit, through the loss of a community centre which contributes to the communal value of the wider conservation area as a heritage asset.

Recommend refusal

23.03.2023

SLG

Environment Agency (Original comments)

Dear Sir/Madam

REPLACEMENT OF COMMUNITY CENTRE WITH 4NO. RESIDENTIAL FLATS (ALMSHOUSES) WITH ASSOCIATED DEVELOPMENT TO INCLUDE ACCESS, LANDSCAPING AND DRAINAGE.

OTTERY FEOFFEE DAY CENTRE BROOK STREET OTTERY ST MARY EX11 1EZ

Thank you for your consultation of 28 October 2022 in respect of this planning application.

Environment Agency position

We object to the proposed development on the grounds of the fact that it appears an up to date Flood Risk Assessment (FRA) has not been submitted with the application. The reasons for our position are detailed below along with informative comments regarding proximity of the proposal to a designated main river.

Reason - Flood risk assessment required

Whilst we note the Design and Access Statement makes reference to a previously prepared FRA and the proximity of the site to Flood Zones, the FRA does not appear to have been submitted as required by the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG). Furthermore, we note that the previously submitted pre-dates the revised NPPF and PPG, and the most recent climate change allowances.

We are aware that a previous application (Ref. 20/2668/FUL) for this site was refused and that the current proposal reflects to a degree the flood risk to the site and its environs by virtue of raised floor levels. However, in the absence of a revised FRA that takes into account the latest version of the NPPF and PPG, along with the most up to date climate change allowances we advise that the application should not yet be determined.

In order to make a properly informed decision on this proposal a revised FRA that reflects recent changes in policy and guidance should be produced and submitted to the your authority.

Informative - Proximity to a main river (flood risk activity permit)

It must be noted that there is a main river culvert located in Brook Street that is within 8m of the application site. The Environmental Permitting (England and Wales) Regulations 2016 require a flood risk activity permit to be obtained from the Environment Agency for any works within 8 metres of a designated main river watercourse.

Environment Agency (Further comments)

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

Environment Agency position

On the basis of the Flood Risk Assessment (FRA) by Dennis Gedge Consulting Engineer dated Oct 2022, we advise that we can remove our objection to the development as proposed.

Before determining the application your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the NPPF if you have not done so already.

The reason for this position is set out below.

Reason - Flood Risk

Part of the application site lies within Flood Zone 3 defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 167, footnote 55 of the NPPF requires the submission of a site-specific FRA when development is proposed in such locations.

We have reviewed the submitted FRA and plans. We are satisfied that the proposed ground floor level of 53.45m (ref Drawing Site Plan & Section As Proposed Drawing No. 454391/06A Rev A dated Oct 22), and development layout, are such that the development will be safe from flooding over its lifetime.

Informative - Environmental Permitting

We take this opportunity to state that there is a main river culvert that is located in Brook Street that is within 8m of the application site.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained from the Environment Agency for any activities within 8 metres of a culverted main river watercourse that are likely to cause damage to or affect the stability to such.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact SW_Exeter-PSO@environment-agency.gov.uk

A permit is separate to and in addition to any planning permission granted. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted.

Please contact us again if you require any further advice.

Other Representations

Five representations of objection have been received across two rounds of consultation.

Summary of Grounds of Objection

1. Overlooking/loss of privacy.
2. Loss of light.
3. Dominating and overbearing.
4. Loss of green space.
5. Adverse effect on neighbours' residential amenity.
6. Harmful impact on character and visual amenity of Ottery St Mary Conservation Area.
7. Lack of parking provision and impact on road safety.
8. Increased pressure on public drainage assets and flood risk due to increased surface area of roof and hard landscaping.
9. Environmental impact of development; proposed construction materials all contain embedded carbon and directly contribute to climate change.
10. Development contrary to the Neighbourhood Plan - loss of a Community Facility of Value - is undemocratic.
11. Impact on residential amenity of occupants of Robert Hone House.
12. Lack of evidence to support requirement for almshouses in lieu of community centre.
13. Noise from air source heat pumps.
14. Disruption during construction process.
15. Brook Street is very narrow and therefore parking of goods vehicles, to load and unload, would block access.
16. Impact upon wildlife.
17. Community centre is more central and accessible to residents in the town than other venues used for community events.
18. Increased pressure on local services.

PLANNING HISTORY

Reference	Description	Decision	Date
20/2668/FUL	Replacement of the Community Centre with 6 no. residential flats.	Refusal	28.10.2021

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 24 (Development at Ottery St Mary)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

RC6 (Local Community Facilities)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Made Ottery St Mary and West Hill Neighbourhood Plan 2017-2031 Policies

NP2 (Sensitive, High Quality Design)

NP3 (Infill, Backland and Residential Garden Development)

NP12 (Appropriate Housing Mix)

NP17 (Community Facilities of Value)

NP22 (Ottery St. Mary Conservation Area)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

ANALYSIS

Site Location and Description

The site, which is approximately 0.05 hectares in area, is located on the northern side of Brook Street to the east of Ottery St. Mary town centre and, more specifically, around 50 metres to the east of the crossroads junction with Batts Lane.

It houses the Ottery Feoffee Charity Community Centre premises, which comprises a single storey building with vertical timber boarded walls over a brick plinth beneath a shallow felt pitched roof oriented gable end on to the highway. It is managed by the applicants, the Trustees of the Ottery Feoffee Charity.

The structure has an open setting with the remainder of the site mainly laid to grass, the level of which is, variously, between 1.5 metres and 3 metres above that of Brook Street with a gentle fall from north to south. The floor level of the building itself is around 2 metres above street level.

The principal frontage onto Brook Street is defined by a mixed render-faced stone and brick retaining wall with a low chain link fence above. It is broken via a pedestrian entrance to a short flight of steps leading up to the building.

The site has an entirely open boundary to a two storey complex of flats, known as Robert Hone House, to the north and a mix of timber fencing and brick wall treatment to the west and east boundaries with the rear gardens of nos. 9-11 Batts Lane and a private parking area to the rear of residential properties within the former Old School building respectively.

Robert Hone House comprises a two storey building housing four flats that is accessed from Sandhill Street to the north. It is also managed by the applicants and it is understood that residents have use of the communal space around the Community Centre building.

The surrounding area is largely of residential character and comprises a mix of forms of accommodation and building forms, designs and appearances. However, both older and more recent brick terraced housing is characteristic of development in Brook Street to the east of the site.

The site is located within the designated Ottery St. Mary Conservation Area and the front part of the site, as well as Brook Street itself, lie within flood zones 2 and 3.

Background

Planning permission was sought in 2020 (application 20/2668/FUL refers) for a proposal relating to the demolition of the existing community centre building and redevelopment of the site with a scheme comprising a two storey building housing six one bedroom flats, three on each level.

However, following consideration by the Planning Committee in October 2021, the application was refused on the following grounds:

1. In the opinion of the Local Planning Authority, insufficient evidence has been provided to satisfactorily demonstrate that all options for the retention of the existing building and site for social or community gathering, or business or employment, purposes have been fully explored without success for an appropriate period of time. As such, the proposed development would result in the loss of an existing community facility, identified as a Community Facility of Value, that would harm social and community gathering opportunities in the area. As a consequence, the proposal would be contrary to the provisions of Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the adopted East Devon Local Plan 2013-2031, Policy NP17 (Community Facilities of Value) of the made Ottery St. Mary and West Hill Neighbourhood Plan 2017-2031 and guidance as set out in paragraph 93 of the National Planning Policy Framework (2021).

2. On the basis of the information submitted, the Local Planning Authority is not satisfied that the proposed finished floor level of the development would not place it at risk of flooding during an extreme event and, as such, that it will be safe for its lifetime without the vulnerability of its users being exposed, it would avoid an increase in flood risk elsewhere, lead to a reduction in flood risk overall and the inclusion of safe access and escape routes, as part of an agreed emergency plan, has been provided. In addition, excavations to lower ground levels to create the proposed finished floor level would be likely to place the site for the building within a flood zone where new residential development, which is classed as 'more vulnerable' in the flood risk vulnerability classification set out in Annex 3 of the National Planning Policy Framework (2021) (NPPF), may not satisfy the sequential or exception tests for flood risk. As a consequence, the proposal would be contrary to the provisions of Policy EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031 and those of the NPPF.

3. The proposed development would be of an excessive bulk, scale and massing and inappropriate proportions that would relate poorly to the scale and form of adjacent residential properties, and particularly those in Batts Lane to the west of the site, in relation to which it would appear unduly physically and visually dominating. Furthermore, by reason of its occupation of the majority of the width of the site, the excavation necessary to create the proposed floor and site levels and the associated construction of the retaining walls shown on the submitted plans, it would, in the absence of satisfactory information to demonstrate otherwise, place historic boundary walls at risk. As such, it would amount to overdevelopment of the site that would fail to preserve or enhance the character, appearance and significance of the

designated Ottery St. Mary Conservation Area, which is a designated heritage asset, in which the site is located. Moreover, the impacts identified would be likely to be exacerbated by any raising of finished floor levels that might alternatively be proposed to address the flood risk issues set out in reason 2. As a consequence, the proposal would be contrary to the provisions of Strategies 6 (Development Within Built-Up Area Boundaries and 24 (Development at Ottery St. Mary) and Policies D1 (Design and Local Distinctiveness), EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas) of the adopted East Devon Local Plan 2013-2031 and Policies NP2 (Sensitive, High Quality Design), NP3 (Infill, Backland and Residential Garden Development) and NP22 (Ottery St. Mary Conservation Area) of the made Ottery St. Mary and West Hill Neighbourhood Plan 2017-2031.

4. The development would result in a layout and pattern of residential development, relative to existing neighbouring and nearby development in Brook Street and Sandhill Street, that would not be characteristic of the surrounding area and which would result in an intensification in the residential occupation and associated use of an existing communal space of limited area between the proposed building and Robert Hone House giving rise to an uncomfortable spatial relationship for prospective and existing occupiers respectively. It would also create an unacceptable overlooking impact upon the rear garden of no. 11 Sandhill Street, with consequential detriment to the privacy and living conditions of the occupiers, and an unduly physically overbearing and dominating impact upon the rear gardens of properties at nos. 9-11 Batts Lane to the detriment of the amenities of the occupiers. As a consequence, the proposal would be contrary to the provisions of Strategy 6 (Development Within Built-Up Area Boundaries and 24 and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031 and Policies NP2 (Sensitive, High Quality Design) and NP3 (Infill, Backland and Residential Garden Development) of the made Ottery St. Mary and West Hill Neighbourhood Plan 2017-2031.

5. In the opinion of the Local Planning Authority, the social benefits arising from the provision of the proposed housing would not outweigh the balance of other material considerations as set out in the other grounds for refusal, more particularly in the absence of any mechanism to secure it as affordable housing and notwithstanding that it would otherwise exceed the requirements for the provision of such housing as set out in Strategy 34 (District Wide Affordable Housing Provision Targets) of the adopted East Devon Local Plan 2013-2031.

Proposed Development

The current application relates to a revised redevelopment scheme for the site involving the construction of a two storey building housing four one bedroom flats, two on each level.

Each of the flats would comprise a combined kitchen and living room, bedroom and bathroom or shower room with internal entrance porches and hallways. Separate entrances would be provided for each unit with the ground floor flats accessed at the front of the development and the first floor flats accessed from the rear (Robert Hone House) side of the building. All four flats would be provided with bin stores, attached

to the front of each unit, while a communal bicycle store would extend off the side elevation wall of the western of the two ground floor level flats.

The development would once again necessitate the excavation of the site in order to achieve an intended finished ground floor level for the building just over a metre above that of Brook Street. As before, a new pedestrian access from Brook Street would be created adjacent to the south eastern corner of the site with a ramped zig-zag path leading up to the entrance porches to the ground floor flats while a similar access path to provide the rear access to the first floor units would extend from an existing access alongside Robert Hone House from Sandhill Street. The existing pedestrian entrance off Brook Street would be closed up and the existing steps removed. Further paths would be laid out within the site to access the proposed bicycle store and along the eastern side of the development to provide connectivity between the front and rear of the site. Indeed, the latter would largely follow the route of an existing paved path.

The proposed building itself would, as before, occupy the majority of the width of the site and, in plan form, a position within the site on the edge of flood zones 2 and 3.

Viewed from Brook Street, it would exhibit - in comparison to the 2020 proposals - a more simplified built form, together with a design and external appearance, resembling a semi-detached pair of essentially identical dwellings with gabled side walls and front gables with slightly subservient ridge heights in relation to the main core of the building. The rear elevation would also exhibit a more simple treatment with only a flat-roofed canopy over the entrance doors.

The external wall finishes would comprise red face brick throughout under a natural slate pitched roof with clay ridge tiles. Entrance doors to the units and the bicycle store would be vertical timber boarded with, the case of the former, full height glazing strips. Windows would be white PVCu-framed and of a mix of single and two light side and top-hung casement design.

The roof ridge height of the building would be around 8 metres, around 0.2 metres lower than that of the building previously proposed. However, with the more elevated floor level proposed, site section details accompanying the application indicate that the ridge level itself would be just above the eaves level of Robert Hone House to the north.

As before, the scheme does not make any off road parking provision.

The scheme has been amended during the course of the application to seek to address the various concerns raised by consultees and interested third parties.

The revisions principally take the form of a 0.06m reduction in the roof ridge height of the main body of the building and a 0.86m reduction in the roof ridge height of the subservient front gable elements together with the substitution of high level windows in both of the gabled side elevations serving the lounges of the first floor level flats for larger windows originally proposed. In addition, more detail as to the intended landscaping of the site, including the intended reconstruction of part the frontage boundary retaining wall alongside the creation of new pedestrian openings, has been

provided. Timber screens have also been added around proposed air source heat pumps so as to obscure their appearance.

Considerations/Assessment

The overarching issue that is integral to the assessment of the submitted revised proposals is the extent to which they may be regarded as satisfactorily addressing all of the previous grounds for refusal of the scheme subject of application ref. 20/2668/FUL.

The proposal is therefore once again considered having regard to the following material issues that are discussed in turn:

- o Principle of Development;
- o Loss of Community Facility;
- o Impact upon the Character and Appearance of the Conservation Area;
- o Flood Risk;
- o Impact upon the amenity of surrounding occupiers;
- o Other matters.

Principle of Development

The site remains located within the defined Built-up Area Boundary of the town as defined in the adopted Local Plan where the provisions of Local Plan Strategy 6 (Development Within Built-up Area Boundaries) consider the accommodation of growth, including housing development, to be acceptable from a strategic policy perspective.

The principle of residential development of the site in fundamental policy terms therefore remains acceptable.

Loss of Community Facility

Paragraph 93 of the National Planning Policy Framework (NPPF) states that, in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, among other things, guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

The provisions of Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the Local Plan, among other things, preclude the change of use of social or community facilities, where it would harm social or community gathering opportunities in the area, unless one or more of four specified criteria are met.

Although three of these criteria are not thought to be material to assessment of the proposal against this strategy in this case, the remaining criterion is relevant and this requires that options for the retention of the premises for its current or similar use have been fully explored without success for at least 12 months (and up to 2 years depending on market conditions) and that there is a clear demonstration of surplus of land or provision in a locality.

In part complementary to the objectives of this strategy, Policy NP17 (Community Facilities of Value) of the made Ottery St. Mary and West Hill Neighbourhood Plan

(NP) 'strongly resists' proposals that would result in either the loss of, or significant harm to, defined Community Facilities of Value (CFV). These are separately listed, at Appendix 4 within the Plan, and include the Feoffee Community Centre building.

The preamble to this policy states that its purpose is to provide protection to all community facilities of recognised value.

At the time of the previous application, the agents representing the charity provided a Statement on Use, Viability and Local Alternatives (SUVLA). Its principal conclusions at the time were as follows:

- Details of bookings for 2018, 2019 and 2020 show that the premises are unoccupied and not in use for 10 or more days every month
- Like many of the community facilities in Ottery St Mary, usage by groups and individuals depends on their needs and budgets which can vary over time
- The net income from Community Centre bookings provides little opportunity for reinvesting in the future of the building with only modest profits made in 2017 and 2018 and a loss in 2019
- The Community Centre is only available to the community because of the Charity continuing to subsidise the operation and maintenance of the building
- Looking to the future, Charity Trustees are aware that the capital cost of replacement windows, a new heating system, and/or further repairs to the roof and exterior of the building, will result in the Community Centre generating a loss, deducting money from Charity funds; this is not considered to be economically sustainable
- If making the Community Centre available to the public is economically unsustainable, depleting Charity funds, the land and property at Brook Street is not being put to best use
- The local community will not be deprived of suitable, if not better, alternative venues or facilities if the Charity pursues a project to deliver more residential accommodation within the town. These include: The Institute; Ottery Station Community Hub; Ottery St. Mary town council building; Ottery St. Mary Cricket Club; Ottery St. Mary Football Club; The Old Boys' School; Kings School; Ottery St. Mary Primary School; the 'Mens' Shed, and various churches.

An updated SUVLA has been provided with the current application. However, aside from reference to the receipt of a Retail, Hospitality and Leisure Grant from the Council during the pandemic and a costs and income comparison during the period 2012-2021 that demonstrates that, discounting the grant, the premises made a loss of just under £8k, it is considered that it largely reiterates many of the arguments made previously.

As before, no evidence has been provided to demonstrate that any options for the retention of the premises for its current, or similar, uses, including the marketing of the building, have been actively explored in line with the provisions of Local Plan Strategy 32 referenced above.

Although, again, the submitted statement does seek to provide the requisite 'clear demonstration of surplus.....provision' that is also set out in the strategy, its wording requires both criteria to be met.

No evidence has been provided to demonstrate the extent of efforts that have been made over the past few years to promote or raise awareness of the availability of the premises within, and for, the community or the potential that it might offer as a meeting or activity-centred venue for the wide range of community groups and services that exist within the town and/or further afield.

Furthermore, no evidence has been forthcoming to demonstrate that such uses could be made viable if the facility were, further to completion of a successful robust marketing effort, operated under different ownership that might invest in making improvements to it that would enhance its appeal to prospective community groups/users.

Under the provisions of Local Plan Strategy 32, such an effort could also extend to any potential alternative business or employment use that might equally contribute to the economic well-being and vibrancy and viability of the town. However, no such effort has been demonstrated.

In any event, and notwithstanding the lack of demonstration of options for the retention of the premises for its present or similar use set out above, it is reiterated that it is not considered that the number of bookings made and the level of use to which the premises have been put - particularly prior to the pandemic - necessarily reflects a lack of community interest in the building. Indeed, the evidence presented may be regarded as demonstrating a comparatively healthy level of use.

It is accepted that this needs to be balanced against the social benefits that may be derived from the provision of a form of 'affordable housing' that the scheme would entail. In this regard, the favourable recommendation offered by the town council gives greater weight to these.

However, whilst allowing for the loss of community facilities with clear justification, the wording of Neighbourhood Plan Policy NP17 clarifies that such loss will be strongly resisted. As such, for the reasons given above, it is not considered that the clear justification that is required has been provided, particularly when balanced with further concerns with the proposal outlined later within this report.

Given the range of factors set out, both above and within the next sections of the report, it is considered that the requirements of Local Plan Strategy 32 have not been met and, moreover, that this failure, coupled with the 'strong resistance' that neighbourhood plan Policy NP17 applies in relation to the loss of community facilities, should continue to carry significant weight against the principle of a residential redevelopment of the site.

Impact upon the Character and Appearance of Conservation Area

Notwithstanding the incorporation of a form and design of building and brick external wall finish to seek to reflect the existing terraced residential development in Brook Street to the east of the site, together with the retention of the majority of the retaining wall along its road frontage, there remains empathy with the observations made by the Conservation Team in regard to the overriding concerns in relation to the proposed scheme and the likely resulting impact upon the character and

appearance of the designated conservation area, to which 'special regard' must be given in the control of development.

The loss of the existing community centre building, whilst not of itself likely to detract visually from the character or appearance of the conservation area, nevertheless holds a communal value that contributes to its general significance as a heritage asset.

In terms of the proposed development itself, it would enable the retention of views from the car park on the opposite side of Brook Street - to the east of the site - of the historic skyline to the north, including St. Mary's Church. However, in closer range views, and owing to a combination of its mass and scale and the elevated level at which it would be constructed in order to address flood risk issues (discussed in the next section of the report), it would be experienced as an overtly dominant and uncharacteristic element within the evolved urban layout of this part of the town that defines the character and appearance of the street scene and the significance of the wider conservation area.

Although the reduction in the number of units, the modifications to the design, materials, etc. and the slight reduction in the height of the development from the previous scheme are themselves accepted as representing improvements, the raising of the floor levels by a greater amount than that of the height reduction would result in the building appearing taller on the site overall than previously envisaged. Notwithstanding the reduction in the width of the development also proposed, the revisions would therefore reinforce the dominance of the building on the site and within the street scene rather than address it.

It would further, therefore, fail to preserve, enhance or better reveal the significance of the conservation area as a heritage asset or its setting.

Furthermore, it is also again thought that little information has been provided as to how the intended future treatment and long term maintenance of the existing traditional stone and brick boundary wall on the Brook Street frontage of the site would be incorporated into any landscaping scheme as a strong characteristic of the immediate street scene and surrounding conservation area and valuable feature that also contributes to its significance.

The scheme would therefore result in a level of harm to the character, appearance and significance of the designated conservation area as a heritage asset. Whilst it is accepted that this would be 'less than substantial', paragraph 202 of the National Planning Policy Framework (NPPF) requires that such harm be weighed against the public benefits of the proposal. In this regard, the loss of the community centre is considered to outweigh the public benefit that the development would facilitate in the form of the provision of a small number of 'affordable' units of accommodation.

As such, and also notwithstanding the reduced potential threat to historic side boundaries owing to a combination of a narrower footprint across the width of the site, reduced level of site excavation to manage floor levels and the apparent absence of any retaining walls to either side of the building, and aside from the issues that the proposed finished floor levels present in flood risk terms (discussed

below), it is not thought that the revised scheme would represent an appropriate response to the constraints of the site in conservation area terms.

It would therefore continue to run counter to the objectives of Strategies 6 (Development Within Built-up Area Boundaries) and 24 (Development at Ottery St. Mary, as well as Policies D1 (Design and Local Distinctiveness), EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas), of the Local Plan and Policies NP2 (Sensitive, High Quality Design) and NP22 (Ottery St. Mary Conservation Area) of the Neighbourhood Plan.

Flood Risk

The submitted revised flood risk assessment (FRA) accompanying the application recommends that the scheme should seek to achieve a design flood level of 53.11 metres AOD with allowance for a freeboard of over 0.3 metres above. The submitted details therefore show a ground floor level of 53.46 AOD. This is just over 1 metre above the equivalent level proposed for the previous scheme subject of application 20/2668/FUL.

On the basis of these heightened levels, the Environment Agency (EA) has no objection to the proposals.

However, there remains a requirement, set out in Local Plan Policy EN21 (River and Coastal Flooding) and NPPF paragraph 167, for the Authority to apply the sequential test in order to establish the acceptability, or otherwise, of the development and its location - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property.

This should also take into account the flood risk vulnerability classification for both the existing community centre use of the building/site and the proposed residential development as set out in national Planning Practice Guidance (PPG).

As stated above, the front portion of the site lies within flood zones 2 and 3. The entirety of Brook Street also lies within the same flood zones.

NPPF paragraph 167 states that development should only be allowed in areas at risk of flooding where it can be demonstrated, among other things, that safe access and escape routes are included as part of an agreed emergency plan.

The submitted FRA advises that access/escape to/from Sandhill Street to the north would be available via an 'unrestricted footway', presumed to be that alongside Robert Hone House.

However, there can be no guarantee that this would be available to prospective occupiers of the development in the longer term. Although the accommodation at Robert Hone House is currently under the management of the applicants, it does not appear from the information submitted that it is within their actual ownership. As such, there is no means of ensuring that this would remain the case indefinitely or that access would be maintained in perpetuity. The development would not

necessarily maintain control over this potential means of escape during an extreme flood event.

In addition, with Brook Street itself being vulnerable to flooding for its entire length, this would present difficulties of access to the site for emergency vehicles during any extreme flood event that may occur.

In applying the sequential test, the objective should be to steer new development to areas with the lowest flood risk from any source whilst also avoiding allowing more vulnerable uses - in flood risk vulnerability classification terms - in place of less vulnerable uses. Development should not be permitted if there are reasonably available sites appropriate for it in areas with a lower flood risk.

In this case it is thought that there are many 'reasonably available' sites for housing development within flood zone 1 throughout the District. Moreover, the proposal would involve the substitution of a use that falls within a 'less vulnerable' category, in terms of flood risk vulnerability, for development of a 'more vulnerable' category.

It is therefore concluded on this issue that the sequential test would not be satisfied.

Following on from this, and in consideration of the need to apply the exception test, NPPF paragraph 164 and Local Plan Policy EN21 require that, in order to pass it, it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh flood risk and that it would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, reducing flood risk overall.

It is not considered in this case that the social benefits of affordable housing provision would outweigh the loss of a community facility, more especially given the balance of the other issues that also weigh against the proposal, to an extent that it would meet the first part of the test. Moreover, for the reasons set out above, it is not thought that it can be concluded that the development would be safe, especially given the potential vulnerability of the prospective occupiers.

The proposal is therefore assessed as being in conflict with flood risk interests and the requisite sequential approach to the accommodation of new development set out in both national and local policies.

Impact upon Neighbour Amenity

As with the previous refused scheme for the site, the development would be positioned and oriented where the rearward outlook and aspect, more especially from the proposed first floor flats, would directly face the windows and balconies serving the flats in Robert Hone House. These would be at relatively close quarters, with a separation distance between the existing and proposed buildings of around only 11 metres.

Taken together with the retention of the current open space in between the two, with no sub-division to demarcate any boundary, it is thought that this would again be likely to result in a less than comfortable layout and arrangement, from a spatial perspective, for both existing and prospective occupiers.

However, relative to the scale, form and design of the previous scheme proposed under application 20/2668/FUL, it is conceded that the level of impact, both physically and in terms of the number and sizes of windows proposed in the rear elevation of the development, would be reduced.

It is also considered that a similar conclusion can be reached in relation to the impact of the development upon the living conditions of the occupiers of nos. 9-11 Batts Lane to the west of the site. It would be set further into the site from the western site boundary with the rear gardens of these properties, by between 4 and 5 metres, when compared with the previous scheme. As such, it is not considered that the likely level of physical impact would be as dominating, intrusive or overbearing as to be materially harmful, notwithstanding the elevated nature of the development. It would nevertheless result in a degree of impact.

However, the scheme would retain a single secondary living window to one of the proposed first floor level flats in the west elevation that would afford an outlook towards them (a second smaller window that is proposed being intended to serve a shower room). It is thought that this window would cause a degree of overlooking of the adjacent rear gardens of nos. 9-11, notwithstanding the greater separation distance from the site boundary when compared with the 2020 proposals.

Other Issues

The application is accompanied by draft heads of terms for a potential legal agreement that relate to the securing of the provision of all four units within the development as affordable housing in line with the applicant charity's objectives.

However, direct provision of such housing at a rate of 100% would not ordinarily be required under the provisions of Strategy 34 (District Wide Affordable Housing Provision Targets) of the adopted Local Plan. Under the thresholds set out in the Strategy, a target of 25% is set for a number of the towns across the District, including Ottery St. Mary.

Furthermore, relevant Government policy, as set out in national Planning Policy Guidance, requires that this be made in the form of a commuted payment/financial contribution in lieu of direct provision.

The proposal therefore amounts to an over provision of affordable housing. Whilst clearly very welcome from a social perspective, no legal mechanism has been agreed and completed to secure the proposed development as affordable housing.

As such, the absence of any concluded agreement to this effect again represents a further ground for opposing the scheme.

In any event, even if such an agreement were in place, having regard to the overall planning balance it is again not considered that the benefits that it would secure would be sufficient to outweigh the wider policy, conservation area and flood risk concerns set out above in this case.

Summary

It is accepted, in light of the lack of a five year supply of available housing land, that the proposed development could provide a contribution towards addressing this shortfall.

However, the 'tilted balance' in favour of sustainable development applied in such circumstances, at paragraph 11 of the NPPF, is qualified by the requirement to apply policies that protect areas or assets of particular importance and, where they provide clear reasons for refusing development, can be outweighed by them.

Among such policies are those relating to designated heritage assets, which include conservation areas, and areas at risk of flooding.

It is clear, as demonstrated in this report, that the adverse impacts of the proposed development significantly and demonstrably outweigh any benefits of the development and as such it is recommended that planning permission be refused.

Habitat Regulations Assessment and Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designation is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

RECOMMENDATIONS

1. That the Habitat Regulations Appropriate Assessment be adopted.
2. That the application be REFUSED for the following reasons:
 1. In the opinion of the Local Planning Authority, insufficient evidence has been provided to satisfactorily demonstrate that all options for the retention of the existing building and site for social or community gathering, or business or employment, purposes have been fully explored without success for an appropriate period of time. As such, the proposed development would result in the loss of an existing community facility, identified as a Community Facility of Value, that would harm social and community gathering opportunities in the area. As a consequence, the proposal would be contrary to the provisions of Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the adopted East Devon Local Plan 2013-2031, Policy NP17

(Community Facilities of Value) of the made Ottery St. Mary and West Hill Neighbourhood Plan 2017-2031 and guidance as set out in paragraph 93 of the National Planning Policy Framework (2021).

2. The application site is, in part, along with Brook Street from which access to the site during an emergency event would likely need to be taken, located in flood zones 2 and 3 where there is a higher probability of flood risk. In the opinion of the Local Planning Authority, there are other reasonably available sites within the district of East Devon with a lower probability of flooding that would be appropriate for residential development. The proposed development therefore fails to satisfy the sequential test for flood risk and, in the absence of demonstrable wider sustainability benefits to the community that would outweigh this, would be contrary to the provisions of Policy EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031 as well as guidance set out in the National Planning Policy Framework (2021) and Planning Practice Guidance.
3. The proposed development would be of an excessive mass and scale, accentuated by its elevated siting above the level of Brook Street that would appear unduly dominating in a manner that would be uncharacteristic of the layout and built form of surrounding development and the wider street scene. As such, the development would fail to preserve or enhance the character or appearance, or better reveal the significance, of the designated Ottery St. Mary Conservation Area, which is a designated heritage asset, in which the site is located. Although this would amount to less than substantial harm to the significance of the heritage asset, it is not considered that any public benefits of the proposal would outweigh this harm. As a consequence, the proposal would be contrary to the provisions of Strategies 6 (Development Within Built-Up Area Boundaries and 24 (Development at Ottery St. Mary) and Policies D1 (Design and Local Distinctiveness), EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas) of the adopted East Devon Local Plan 2013-2031 and Policies NP2 (Sensitive, High Quality Design), NP3 (Infill, Backland and Residential Garden Development) and NP22 (Ottery St. Mary Conservation Area) of the made Ottery St. Mary and West Hill Neighbourhood Plan 2017-2031 and guidance as set out in the National Planning Policy Framework (2021).
4. The development would create a layout and pattern of residential development that would result in an intensification in the residential occupation and associated use of an existing communal space of limited area between the proposed building and Robert Hone House giving rise to an uncomfortable spatial relationship for prospective and existing occupiers respectively. It would also result in an unduly physically overbearing and dominating impact upon the rear gardens of properties at nos. 9-11 Batts Lane to the detriment of the amenities of the occupiers. As a consequence, the proposal would be contrary to the provisions of Strategy 6 (Development Within Built-Up Area Boundaries and 24 (Development at Ottery St. Mary) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031 and Policies NP2 (Sensitive, High Quality Design) and NP3 (Infill, Backland and Residential Garden Development) of the made Ottery St. Mary and West Hill

Neighbourhood Plan 2017-2031 and guidance as set out in the National Planning Policy Framework (2021).

5. In the opinion of the Local Planning Authority, the social benefits arising from the provision of the proposed housing would not outweigh the balance of other material considerations as set out in the other grounds for refusal, more particularly in the absence of any mechanism to secure it as affordable housing and notwithstanding that it would otherwise exceed the requirements for the provision of such housing as set out in Strategy 34 (District Wide Affordable Housing Provision Targets) of the adopted East Devon Local Plan 2013-2031.

NOTE FOR APPLICANT

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 seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

SLP 01	Location Plan	27.10.22
454391-07 A	: Sections	28.02.23
	site	
454391-04 B	Proposed Floor Plans	28.02.23
454391-05 B	Proposed Elevation	28.02.23
454391-06 B	Proposed Site Plan	28.02.23

List of Background Papers

Application file, consultations and policy documents referred to in the report.