

**Agenda for Planning Committee
Tuesday, 20th June, 2023, 10.00 am**



Members of Planning Committee

Councillors B Bailey, I Barlow, C Brown, A Bruce,
F Caygill, S Chamberlain (Vice-Chair),
S Gazzard, A Hall, J Heath, M Howe,
Y Levine, H Riddell, E Rylance, S Smith,
D Wilson and E Wragg (Chair)

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(or group number 01395 517546)

Issued: Friday, 9 June 2023

[Speaking on planning applications](#)

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

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

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

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

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday, 5 June 2023 up until 12 noon on Thursday, 8 June 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**

Speakers' list removed.

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 **19/0554/MFUL (Major) CRANBROOK** (Pages 4 - 65)

Land at Elbury Meadows (North of Cranbrook Country Park), Broadclyst.

7 **19/0620/MOUT (Major) CRANBROOK** (Pages 66 - 372)

Cranbrook Expansion Zone West Large Site, Station Road, Broadclyst.

8 **22/2720/FUL (Minor) EXMOUTH BRIXINGTON** (Pages 373 - 383)

80 Birchwood Road, Exmouth, EX8 4LS.

9 **23/0235/FUL (Minor) BUDLEIGH & RALEIGH** (Pages 384 - 397)

Land East of East Budleigh Road, Budleigh Salterton, EX9 6HE.

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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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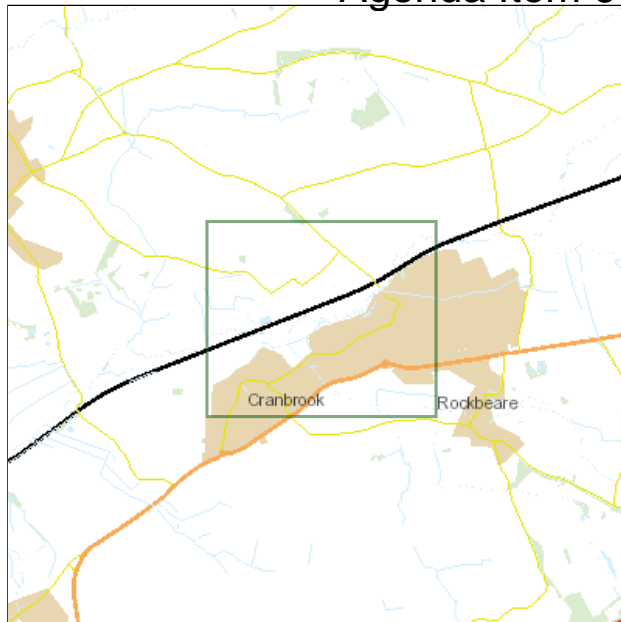
Ward Cranbrook

Reference 19/0554/MFUL

Applicant Hallam Land Management Ltd, Taylor Wimpey UK Ltd

Location Land At Elbury Meadows (North Of Cranbrook Country Park) Broadclyst Exeter

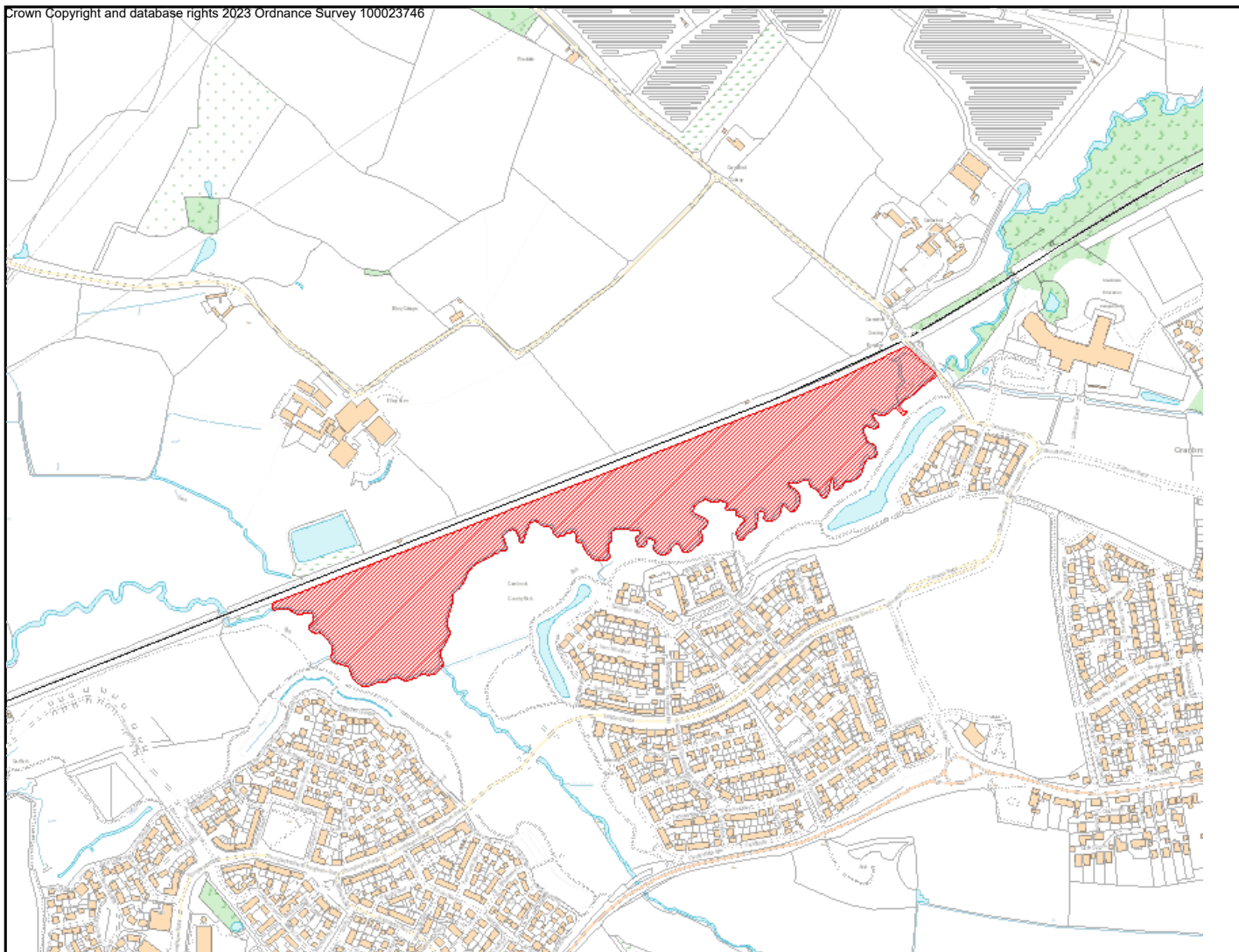
Proposal Change of use of existing agricultural land to Suitable Alternative Natural Greenspace (SANG) with associated infrastructure for use and access



RECOMMENDATION:

1. To adopt the **Appropriate Assessment** set out in **Appendix A**.
2. To approve the application, subject to conditions and **Section 106 (S106) Legal Agreement** which captures the heads of terms set out later in this report (final wording to be delegated to **Development Manager**).

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		Committee Date: 20.06.2023
Cranbrook (Cranbrook)	19/0554/MFUL	Target Date: 26.07.2019
Applicant:	Hallam Land Management Ltd, Taylor Wimpey UK Ltd	
Location:	Land At Elbury Meadows (North Of Cranbrook Country Park)	
Proposal:	Change of use of existing agricultural land to Suitable Alternative Natural Greenspace (SANG) with associated infrastructure for use and access.	

RECOMMENDATION:

- 1. To adopt the Appropriate Assessment set out in Appendix A.**
- 2. To approve the application, subject to conditions and Section 106 (S106) Legal Agreement which captures the heads of terms set out later in this report (final wording to be delegated to the Development Manager).**

EXECUTIVE SUMMARY

This application is before members today due to its relationship with the Bluehayes Expansion Area Application 19/0620/MOUT. Application 19/0620/MOUT is for up to 870 homes, a 2 form entry primary school, a mixed use area, allotments, open space and Suitable Alternative Natural Green Space (SANGS).

As per Cranbrook Plan Policy CB2 (Bluehayes Expansion Area) and CB14 (Habitat Mitigation and Delivery of Suitable Alternative Natural Green Space (SANGS)), suitable mitigation is required for residential developments to ensure that there are no likely significant effects on the Pebblebed Heaths and Exe Estuary. As part of application 19/0620/MOUT, 9.07ha of SANGS is proposed at Bluehayes Parkland and Bluehayes Meadow however this would only provide mitigation for around 485 of the 870 dwellings proposed. This application proposes an additional 8.93ha of SANGS as mitigation for the remaining dwellings in the allocation.

The area of SANGS proposed under this application and 19/0620/MOUT would equate to 18ha which meets the requirement of Policy CB14. The proposal in terms of phasing, shall be brought into full use prior to the occupation of the 425th dwelling at Bluehayes.

The proposed area of SANGS would act as an extension to the existing Cranbrook Country Park and would be accessed from it via three new foot bridges. The proposal would include new pathways, tree planting, landscaping, meadows, signage, benches and waste bins. The SANGS would provide a variety of habitats to explore and coupled with good open views, this area would fulfil the role of providing an alternative recreational area to the protected European sites that allows for the key activities of walking and dog walking to take place in an attractive but less sensitive environment.

Elbury Meadow would not include any dedicated car parking as the site is located adjacent to the existing country park and due to parts of the site being located within the flood zone. However, the site is location within walking distance of existing developments at Cranbrook and there is car parking available within the Town Centre and Train Station.

The application, in conjunction with 19/0620/MOUT would result in a Biodiversity Net Gain of over 10% and the application alongside 19/0620/MOUT 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, ecology and biodiversity as well as noise, air quality and lighting.

There are no objections to the application from neighbouring properties, ward members, Cranbrook Town Council or technical consultees.

The proposed change of use is considered necessary for habitat mitigation for residential development at Bluehayes. The proposal would include an acceptable quantum of land which is considered to be acceptable in design and landscaping terms. The proposal would be acceptable in terms of flood risk and surface water run-off and would lead to a 10% biodiversity net gain over and above the planting necessary to reach SANGS standard. The proposal subject to conditions and S106 agreement is considered to be in accordance with the development plan and is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Broadclyst - Cllr Sarah Chamberlain – 20 May 2019

I have no objections to the above as it would stay as natural green space enabling use by residents

Cranbrook Town Council – 21 May 2019

The Committee noted that the area which was subject to the planning application was already used informally by fording the stream which caused damage to the banks and the Committee welcomed the proposed incorporation of the proposed SANG into the Country Park.

The Committee noted that the proposed SANG would not be subject to the Country Park Management Plan and that East Devon District Council may seek a dowry covering the maintenance of the SANG for 80 years. The Committee requested clarity regarding the future ongoing maintenance arrangements.

The Committee further commented on the nature of the SANG and whether these should form natural spaces and whether or not therefore paths should be gravelled.

It was proposed by Cllr Matt Osborn, seconded by Cllr Barry Rogers and resolved to support planning application 19/0554/MFUL subject to the above comments.

Clerk To Cranbrook Town Council – 25 November 2020

Cranbrook Town Council discussed the amended planning application 19/0554/MFUL on Monday 23 November 2020, minute Ref 20/191.

This planning application had been previously discussed by Cranbrook Town Council Planning Committee in May 2019 and the comments made at that time were:

'The Committee noted that the area which was subject to the planning application was already used informally by fording the stream which caused damage to the banks and the Committee welcomed the proposed incorporation of the proposed SANG into the Country Park.

'The Committee noted that the proposed SANG would not be subject to the Country Park Management Plan and that East Devon District Council may seek a dowry covering the maintenance of the SANG for 80 years.

'The Committee requested clarity regarding the future ongoing maintenance arrangements.

'The Committee further commented on the nature of the SANG and whether these should form natural spaces and whether or not therefore paths should be gravelled. It was resolved to support planning application 19/0554/MFUL subject to the above comments.

At the meeting on the 23 November 2020, the Council noted that the revised application did not address the concerns which the Council had raised when it had commented on this application previously.

The Town Council had communicated in July 2019 that it had agreed to the long-term maintenance of SANG in Cranbrook by the Town Council's precept and to enter into negotiations with the local planning authority and the developers regarding the formal implementation of that solution (ref. minute 19/153).

The Town Council resolved to support planning application 19/0554/MFUL, subject to a response to the Council's concerns dated 20 May 2019 (ref. Planning Committee minute P19/20) and clarification on the details of the management plan and financial arrangements of the proposed SANG.

Clerk To Cranbrook Town Council – 17 January 2023

The Planning Committee resolved to Support the application with the following comments:

The proposed use of self-binding gravel and mown paths is fully supported. These offer all weather access and the proposed layout provides ample circular walks linking through the three bridges to further walks within the country park. The site is used unofficially by the community today and the proposals in the application are a natural extension to the facilities in the Cranbrook Country Park which is very well supported and appreciated by the community.

The absence of a car park at the east of the site is supported. Whilst, in principle, there is an expectation for a car park, there is adequate general parking provision around the site. The site is accessible from a variety of directions including from the country park via the foot bridges in the majority of cases and the provision of parking at the east of the site (as previously proposed) would undoubtedly be used as school drop off and pick up parking.

The Council is also very supportive of the specific proposals for site management by the Town Council. The financial contribution proposed is acceptable and the Council is confident that it can deliver on these proposals and has clearly demonstrated that it has the capability, not only by its management of the country park but also by the recent BALI award for management of the country park as an asset accessible by the community.

The Committee considered the management proposals and intended layout to be acceptable together with the self-binding and mown paths with three timber bridge access points linking the area of SANG to the Country Park .

Cranbrook - Cllr Kim Bloxham – 22 May 2019

I support the change of use in this planning application.

Clarity is required on the following:

Who is proposed to manage the SANG as it is not part of the Country Park Management Plan?

I also note that there is provision for a gravel path within the SANG - should this be a natural grass path to align with the nature of SANG.

I also note that this is advertised in the Parish of Broadclyst and Ward of Broadclyst but I believe it is in the Parish and Ward of Cranbrook

Cranbrook - Cllr Kim Bloxham – 19 January 2023

This land is adjacent to the Cranbrook Country Park and is currently unofficially used by many residents as an extension to the country park. Residents compliment the town council on their management of the existing country park which has proven to be successful. In conjunction with its landscapers Cranbrook Country Park recently won a BALI award for management of an asset that has free community access.

The proposed self-binding gravel and mown paths is supported. These paths are used throughout Cranbrook Country Park. They provide all weather access and the

proposed layout provides ample circular walks linking through the three bridges to further walks within the country park.

An earlier proposal provided a car park. I am pleased to see that this proposal has removed the car park as my concern was any car park would be used as a school drop off facility as the site is close to the Cranbrook Education Campus.

I am very pleased to see the specific proposals for management by Cranbrook Town Council as I indicated earlier the town council successfully manages the current country park. A financial contribution proposed by the developers, would, I'm sure be welcome by Cranbrook Town Council.

If this application is submitted to the planning committee I would like to reserve my final opinion until all the information is available.

Cranbrook - Cllr Sam Hawkins – 17 June 2019

I am in support of this application. I am pleased to see an additional area for use of users of the Cranbrook Country Park but would like to see clarity over future maintenance ensuring this is to the same quality as the existing Country Park.

Cranbrook - Cllr Sam Hawkins – 23 January 2023

This land is adjacent to the Cranbrook Country Park and is currently unofficially used by many residents as an extension to the country park. Residents compliment the town council on their management of the existing country park which has proven to be successful. In conjunction with its landscapers Cranbrook Country Park recently won a BALI award for management of an asset that has free community access.

The proposed self-binding gravel and mown paths is supported. These paths are used throughout Cranbrook Country Park. They provide all weather access, and the proposed layout provides ample circular walks linking through the three bridges to further walks within the country park.

An earlier proposal provided a car park. I am pleased to see that this proposal has removed the car park as my concern was any car park would be used as a school drop off facility as the site is close to the Cranbrook Education Campus.

I am very pleased to see the specific proposals for management by Cranbrook Town Council as I indicated earlier the town council successfully manages the current country park. A financial contribution proposed by the developers, would, I'm sure be welcome by Cranbrook Town Council.

Technical Consultations

DCC Historic Environment Officer – 22 November 2020

I refer to your consultation on the above revised planning application. Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do

not suggest that the scale and situation of this development will have any impact upon any significant heritage assets.

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

DCC Historic Environment Officer – 16 January 2023

The Historic Environment Team has no additional comments to those already made, namely:

Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any significant heritage assets.

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

Environmental Health – 13 May 2019

I have considered the application 19/0554/MFUL and do not anticipate any environmental health concerns

Environmental Health – 1 December 2020

I have considered the application 19/0554/MFUL and do not anticipate any environmental health concerns

Devon County Archaeologist – 22 November 2022

I refer to the above application and your recent re-consultation. The Historic Environment Team has no additional comments to those already made, namely:

Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any significant heritage assets.

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

Ecology Julian Perrett (Cranbrook Only) – 19 July 2019

Terms of Reference

East Devon District Council (EDDC) have requested an independent assessment of the supporting ecological information submitted to support EDDC application reference 19/0554/MRES, Land at Elbury Meadows (North of Cranbrook Country Park), Broadclyst, Exeter (hereafter referred to as 'the study site').

The aim of the process is to ensure that the ecological information submitted is both comprehensive and appropriate for the study site, allowing EDDC to make an informed planning decision based on current legal, policy and Best Practice protocols.

Information presented to support 19/0554/MRES

In relation to the current application, the supporting ecological information submitted primarily includes Chapter 9 (Ecology and Biodiversity) supplied by Ecology Solutions, supported by Chapter 8 (Landscape and Visual Impact) produced by FPCR Environment and Design Ltd. Both Chapters form part of an Environmental Statement titled "Cranbrook New Community Western Expansion Area" produced by David Lock Associates, dated March 2019.

Planning Policy Considerations

The ecological information submitted has been assessed in relation to both national statute, pertinent to protected species and also to national planning policy (NPPF, 2019) within the context of the application made.

Assessment has also been made to local planning policy from the East Devon Local Plan 2013-2031, including Strategy 5 (Environment), Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and the recently published Cranbrook Plan DPD submission draft, dated February 2019. Reference is also made to current Best Practice and recent scientific research where this is considered appropriate to aid/guide recommendations made and from which the applicant may have made reference to.

Application Site (the study site)

The current study site is located to the north of the Cranbrook Country Park at the CNC site between the main London Waterloo railway line and the Cranny Brook watercourse corridor, NGR SY 008 958, centre site.

The study site is characterised by a large continuous field area of species poor improved grassland habitat, with localised scrub and tall ruderal habitat and a further tall, ruderal buffer the tree-lined Cranny brook corridor along the southern site boundary. There are no buildings present on site.

The study site the subject of the walk-over survey undertaken in June 2019 by members of staff and advisors from East Devon District Council, escorted by a representative of the developer Consortium, provided by FPCR.

Further to the application and details submitted I can make the following comments;
Review of Supporting Ecological information

The submitted ecological information is presented within Chapter 9 of the Environmental Statement for the Western expansion of the CNC site, a condition of such is to provide a Suitable Area of Natural Green Space (SANGS) to relieve visitor

pressure upon European Designated Sites (Exe Estuary and Devon Pebble-bed Heaths) within a 10km of such large scale residential developments.

A description of the study site, both in terms of habitats and vegetative species present on site is provided and a clearly annotated phase 1 habitat plan is presented, consistent with Best Practice. Overall, it is considered that the site has been assessed fairly and that the pertinent ecological interests have been adequately described within the context of the change of use of land from agricultural to SANGS designation.

It would appear that compared to other areas of the proposed Western expansion, the SANGS land has only been visited once, in September 2018, however, as stated, a fair and acceptable assessment of the site has been presented.

Within the SANGS study site Ecology Solutions have identified 10 trees present along the Cranny Brook corridor which exhibit features that would make them potential suitable for bat roosting, the tree locations being presented in figure 'Plan ECO2a'. No further bat survey assessment of these trees appears to have been undertaken, most probably since these trees will be retained within the plans presented. Furthermore it is considered by EDDC that bat activity assessments are likely not to be required in this instance due to the change of use type of application proposed and the lack of any likely resulting impacts on resident bat fauna.

The arboricultural site assessment for the site, however, undertaken by the landscape consultants (FPCR) has identified a further 3 trees (T70, T73 and T79), within the SANGS area that are deemed to be 'U' rated and are allocated for removal. Through comparing highlighted tree locations, these three trees do not appear to be included within those highlighted by Ecology Solutions. All three trees possess features of potential suitability to roosting bats as described by FPCR; T70, a mature twin-stemmed Ash tree with internal cavity of unknown dimensions, T73, a mature Ash with de-laminating and buckling of bark and tree T79, another mature Ash with socket cavities and de-laminating bark.

Further trees that are identified for further significant reduction works include T71 and T72, again trees that possess features potentially suitable for roosting bats. It is also not clear whether these trees have been adequately assessed by Ecology Solutions.

Overall Considerations

We would therefore recommend that prior to felling or significant reduction works being undertaken in the interests of public safety, further bat assessment works are undertaken due to the potential for potential bat related impacts. The results of these assessments should be reported back to East Devon District Council, with a mitigation strategy, where required, to ensure the protection of bats during the works proposed and their continued roosting on site, as applicable.

East Devon District Council have a duty to exercise section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and satisfy local plan policy

EN5 and so must, in exercising its functions, have due regard to the purpose of conserving biodiversity.

On that basis, I can recommend that this application is approved subject to the applicant providing the details recommended above for consideration.

DCC Flood Risk Management Team – 4 June 2019

Observations:

It is not understood whether field ditches, field drains and/or culverts currently exist within the proposed SANGS land. If they do, then they will need to remain in place to ensure that water can continue to be conveyed to the Cranny Brook. If these features do exist, then the management of them will become the responsibility of the landowner (Riparian Owner).

The surface water drainage proposals for the Western Expansion Area will be reviewed and considered under planning application 19/0620/MOUT.

Recommendation:

We have no in-principle objections to the above planning application, from a surface water drainage perspective, at this stage.

Green Infrastructure Project Manager - East Of Exeter Projects – 11 July 2019

The principal of SANGS at Elbury Farm is supported. But additional clarification is required on a number of areas to ensure that SANGS meet all the Natural England requirements.

Comments as follows:

- o SANGS should be as natural as possible and should enhance wildlife value. Natural flood management and natural regeneration of woodland along the river should be encouraged by not adopting an overly tidy approach to fallen timber in the river, for example. Intervention should be limited to situations where the visitor infrastructure is threatened with damage. Not all of the river frontage should be accessible to the public, so that wildlife refuges exist for otters and kingfishers. This could be achieved by fencing off some of the river.
- o Paths & Infrastructure - The site is predominantly within the flood plain. To ensure that the SANGS is accessible throughout the year there is the need to consider flood risk, particularly in the delivery of paths. There is an area of the site alongside the railway line that is outside both flood zone 2 and 3. This would be a convenient location for the range of path routes, benches and also the orchard which would reduce the potential risk of increased maintenance/repair costs from flooding.

The route network within the SANGS needs to be a minimum of 2.3-2.5km, with circulatory routes which should start and end at a car park. The proposed links to the existing Country Park to improve the pathway offer is welcomed, and hopefully

provide the minimum distance required, but this needs to be calculated and confirmed.

There should be adequate provision of dog bins throughout the site and sufficient budget identified for installation, collection and capital replacement of the bins.

- o Car Parking - There needs to be adequate, free parking provision on site within the SANGS, alongside pedestrian access. The location of the car park needs to be indicated on the delivery plan.

- o Phasing/Delivery plan - There is limited information on the delivery of the SANGS. It needs to be clearer where the footpaths are proposed to be delivered, etc. Alongside planting plans and any physical works required for establishment.

- o Management plan - The details submitted with the application are insufficient. The management of the grassland needs to be clearer, for example - is the grass to be cut (how often and by what means), grazed or a combination. If to be cut, we would advise a sensitive mowing regime which keeps the site open for use but also takes into account wildflower and insect/pollinator lifecycles. The plan should make clear where the access point for maintenance vehicles is and who will own and who will manage the site in perpetuity. In addition, it should also set out a framework relating to how often the site is checked for hazards (fly-tipping, vandalism, repairs etc.) and sufficient ongoing budget to address issues such as tree care due to the presence of mature trees along the southern boundary of the site and path/bridge maintenance/repair. Details outlining the arrangements for aftercare of the planting scheme should also be included.

- o Financial sustainability - There is no information on how the ongoing management of the SANGS will be financially sustainable. There needs to be more information provided to clearly demonstrate that the area of land can be managed in perpetuity, including details that the arrangements will be place prior to occupation.

Environment Agency – 4 June 2019

Environment Agency position

Whilst we are supportive of the principle of changing the use of this land from agriculture to SANG we consider that further information is required in the flood risk assessment in order to demonstrate clearly that the proposal will not increase flood risk elsewhere and instead helps to reduce flood risks overall. The application should not be determined until a revised flood risk assessment has been submitted and approved following consultation. The further information required is set out below.

Reason - Further information required (flood risk assessment)

We have reviewed the flood risk assessment (FRA) prepared by Brookbanks (ref. 10292 FRA03 Rv0, dated 17 April 2019). Because the FRA also covers the western expansion area it is often difficult to distinguish which elements refer specifically to

this particular planning application. It would have been valuable to have a document solely relating to the SANG development.

The flood risk vulnerability of the proposal is compatible with the associated flood zones and we support the creation of SANG at this location. However, there are several elements of the FRA that require further discussion to ensure that it is comprehensive and can be approved.

In updating the FRA, the following points should be considered:

1. Design flood levels should be established for the site, to inform of flood water depths likely to be experienced on the site. Because provision of public access is integral to the proposal it is necessary to consider public safety. The proposal should therefore consider appropriate measures to limit public access during flood events, any risks of public becoming stranded on the site and appropriate escape routes. The frequency of flooding should also be considered, because public access and elements of the landscaping scheme may be inappropriate for land that is frequently flooded.
2. It is unclear whether any of the landscaping proposals will impact upon existing ground levels within the site. It will be valuable to consider the existing functional operation of the floodplain, in terms of storage and conveyance, and discuss options for betterment, the impact of the proposals and any potential mitigation required.
3. The submission refers to the construction of access paths and bridges across the watercourse. It is likely to be unacceptable to raise ground for the footpath and it will need to be demonstrated that the bridges can be suitably constructed to avoid impacting on flood risk. Given the 'Main River' status of the Cranny Brook, environmental permitting requirements will need to be considered for the bridges.
4. Elements of tree planting are noted as being proposed. This activity can generally be seen as beneficial from a flood risk perspective, through provision of 'natural flood management'. The assessment should consider any flood risk implications resulting from the tree planting strategy. In particular, it is noted that tree planting is proposed in the area where the application site becomes very narrow between the watercourse and the railway. There is a risk that this could encourage elevated flood water levels on land to the south of the watercourse.

Environment Agency – 23 November 2020

Thank you for re-consulting us on this application.

Environment Agency position

Following review of the revised flood risk assessment (FRA), we have no objection to the proposed development as submitted, however, we advise that your authority consider including a condition on any permission granted for the production and implementation of a suitable flood management plan. The reason for this position and advice is provided below.

Reason - We have reviewed the revised FRA (Brookbanks, Revision 2 dated 13th October 2020) and consider that it broadly addresses the points raised in our

previous letter. The hydraulic modelling demonstrates that the SANGS development will not contribute to any increased flood risk.

As mentioned above, it is important going forward that a suitable flood management plan is produced for this public access area, demonstrating how the flood risk for users can be safely managed. Please contact us if you would like to discuss this further.

Advice to the applicant - We would also appreciate confirmation of the current status of the new bridges in the SANGS land. It is unclear whether they are already constructed or still to be built. There is a requirement to ensure formal regulation through the environmental permitting regime. Please feel free to contact us at the email address provided below to provide this information.

Please contact us again if you require any further advice.

Environment Agency – 10 January 2023

Thank you for re-consulting on this application with the update SANG plans. We have no further comments to add/ change from our previous response dated 16/11/2020.

Natural England – 10 June 2019

Please see scanned response received 28.05.2019

Cranbrook Western Expansion Area (Bluehayes) Station Road Broadclyst
(19/0620/MOUT)

AND

Planning consultation: 19/0554/MFUL - Change of use of existing agricultural land to Suitable Alternative Natural Greenspace (SANG) with associated information for use and access

Location - Land At Elbury Meadows, (North Of Cranbrook Country Park), Broadclyst, Exeter

Thank you for your consultations on the above dated 30 April 2019 and 8 May 2019 which were received by Natural England on the same date. We are responding to these two related applications in this letter.

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
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.

The following information is required from the applicants:

- Demonstrate that a minimum of 17.5 hectares of Suitable Alternative Natural Green Space (SANGS) area can be secured, both on and off-site.
- Dedicated parking provision for the SANGS.
- The SANGS and residential development phasing plans.
- The SANGS management strategy, secured in perpetuity.
- Confirmation of sewage treatment capacity.

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.

Please re-consult Natural England once this information has been obtained.

Further advice on soils and other issues is provided below.

Additional Information required Habitats Regulations Assessment - Recreational Impacts on European 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 as set out in the 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. Permission should not be granted until such time as the implementation of these measures has been secured.

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.

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that

such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context. Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Suitable Alternative Natural Green Space (SANGS)

Using the formula from the Cranbrook Plan Submission Draft 2013-2031, the proposed 930 dwellings should deliver 17.5ha of SANGS. It is not entirely clear from the submitted documents whether this amount will be delivered with these two applications due to some confusion on which areas are already part of the Country Park or other open space use types. It is unclear whether the area of open space at the north east of Bluehayes crossed by a distributor road is intended to form part of the SANGS provision in addition to the areas shown as SANGS in the Cranbrook Masterplan. We advise that the road and small size mean it is unlikely to be suitable as SANGS.

The planning application at Elbury Meadows 19/0554/MFUL) is for change of use to a SANGS. We calculate this area to be approximately 8 hectares, rather than the 8.9 hectare figure given in the Design and Access statement. We therefore advise that the SANGS areas proposed for the Cranbrook Western Expansion area application 19/0620/MOUT should total at least 9.5 hectares.

The Cranbrook Plan Delivery Strategy Habitat Mitigation - SANGS document, which forms part of the evidence base, expects the phasing to ensure that 8ha of SANGS should be provided ahead of each 425 houses. The documentation does not appear to provide information on phasing or a management strategy. A planning condition must be included on the permission preventing occupancy of any dwellings until an appropriate quantum of SANGS has been provided.

Information within Chapter 9 of the EIA compares the SANG proposals with the policy requirements. Natural England is concerned that there is no bespoke parking provision proposed for either the on or off-site SANGS areas. We do not consider the existing parking provision at the railway station or the Younghayes Centre to be sufficiently close or available for easy use by dog walkers and other potential user groups.

Water quality

In addition to recreational impacts on the European sites there is a further area of concern regarding potential water quality/nutrient impacts on the Exe Estuary SPA/RAMSAR. The Environmental Statement must address the sewage treatment capacity within the current system. The applicant should provide information to confirm that capacity can be secured within the network without compromising the current nutrient discharge levels to the SPA/Ramsar.

SSSIs

Providing appropriate mitigation is secured to avoid impacts upon the European sites occurring there should be no additional impacts upon the SSSI interest features of these sites.

In addition, Natural England would advise on the following issues.

Soils and Land Quality

Although we consider that this proposal falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, Natural England draws your Authority's attention to the following land quality and soil considerations:

1. Based on the information provided with the planning application, it appears that the proposed development comprises approximately 40 ha of agricultural land, including a large proportion classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).
2. Government policy is set out in paragraph 170 and 171 of the National Planning Policy Framework which states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:
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.'

And

Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework¹; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

3. It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as habitat creation, landscaping, allotments and public open space etc.). In order to retain the long term potential of this land and to safeguard 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.

5. Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site. Further guidance is available in Defra Construction

Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks) and we recommend that this is followed.

Net gain

We advise that in accordance with the revised National Planning Policy Framework (NPPF) 2018, opportunities to achieve a net gain for biodiversity should be sought through the delivery of this development. For guidance and examples of how to incorporate net gain for biodiversity into developments please see Technical Note T2 of Biodiversity Net Gain Good practice principles for development: A practical guide CIRIA 2019.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

Please consult us again once the information requested above, has been provided.

Yours faithfully

Alison Slade

(1) Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Natural England – 22 November 2020

Thank you for your consultations on the above applications dated 27 October and 4 November 2020. We are responding to the additional information submitted for these two related applications in this letter.

We comment as follows, referring to the further information we requested in our letter dated 28th May 2020:

1. Demonstrate that a minimum of 17.5 hectares of Suitable Alternative Natural Green Space (SANGS) area can be secured, both on and off-site.

David Lock Associates have demonstrated an adequate amount of SANGS land is proposed in relation to the number of dwellings.

2. Dedicated parking provision for the SANGS.

Policy CB15 in the recent Cranbrook Plan submission draft sets out that car parks for SANGS must deliver:

a) Adequate parking which is free or benefits from significantly reduced charges for vehicles and bicycles for visitors;

b) Car parks which are easily and safely accessible, and which are designed with an appropriate layout which allows for adequate mitigation to limit the intrusion on the character and appearance of the local environment;

c) Car park locations where dogs can safely be taken from the car to the SANGS off the lead;

d) Easy access between the SANGS and adjacent housing to facilitate access by pedestrians/cyclists as well as car-based transport.

Our advice is that a dedicated car park meeting the above requirements is necessary for the Elbury Meadows SANGS. This section of SANGS is much further than 400m walking distance from the Bluehayes residential development and could not be defined as easy access, particularly for the less able. The future "Town Centre" parking location indicated would involve crossing at least two roads to reach the SANGS so would not be safe or convenient, particularly for dog walkers. To be an effective alternative to car-based visits to the European sites, adjacent car parking is needed.

3. The SANGS and residential development phasing plans.

We have not been able to find how the SANGS phasing 1- 4 indicated on plan WCN055-PAW-004-C relates to residential delivery. Please ensure that 8ha of SANGS will be provided ahead of each 425 houses.

4. The SANGS management strategy, secured in perpetuity.

We note that a Design Principles document is proposed with a section to set out the management principles for SANGS land. Natural England would like to be consulted on the management strategy. The LPA must ensure that this secured and will be implemented at the correct time. Details should be provided in the Appropriate Assessment.

5. Confirmation of sewage treatment capacity.

Information now provided, thank you.

Habitats Regulations Assessment - Recreational Impacts on European Sites
As advised previously, as competent authority, your Authority should undertake an appropriate assessment prior to determining the application and consult Natural England on this.

Soils and Land Quality

We have not found the response by the soil specialist referred to in paragraph 9.77 and refer back the recommendations in our previous letter in relation to soil quality.

Net gain

It is not our role to comment on the net gain calculations but offer the following general advice on use of SANGS land for net gain.

Additional enhancements to the SANGS (over and above what is specified in the SANGS guidelines) can be delivered to achieve some of the Biodiversity Net Gain (BNG) requirements.

The baseline for the calculation must include all habitat features of the site that are there to meet the minimum SANGS requirements. BNG contributions can only be claimed for features added that are additional to this. Care should be taken to ensure that any such additional features do not compromise the original purpose of the SANG (e.g. adding features which may conflict with dog-walkers)

Natural England – 25 January 2023

Thank you for your email received 22 December 2022 requesting Natural England's consultation on amended plans for the above application.

Natural England has no additional comments to make to those previously submitted on the amendments listed below.

Network Rail – 25 July 2019

Thank you for consulting Network Rail on the above application. Unfortunately we have let this application slip through our net, so are only now just undertaking internal consultations on the proposed development. I will be able to provide our complete response in due course.

In the first instance and because we are already aware of an extension of the existing new development at Cranbrook (through the emerging local plan document), near to Crannaforde level crossing, we will require the developer to provide more detail in relation to how the proposal may impact Crannaforde level crossing. For this application we are particularly concerned that the provision of a nature attraction will attract new visitors from outside of Cranbrook. This would lead to additional use over the crossing. There may well be an increase in miss-use at the crossing (examples are trespassing (including children playing), vehicles / cyclist / pedestrians crossing as the barrier is falling, entering the crossing when the road is blocked by queuing traffic or parked traffic, etc.) as well.

So that we are able to fully assess this proposal we request that an assessment of the predicted use over the Crannaforde level crossing is undertaken. This should include the estimated visits by people outside of Cranbrook such as from Broadclyst, Clyst Hydon and Clyst St Lawrence to the proposed new business and community uses / facilities.

I must apologise for not responding sooner.

Network Rail – 2 February 2023

Thank you for your email dated 22 December 2023 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 the below comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

SAFETY

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 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

EDDC Landscape Architect – 2 February 2023

1.4 19/0554/MFUL – Elbury Meadow

Change of Use to SANG Application Proposals dwg. FPCR L-27 rev M

Details and locations for at least two rustic benches should be indicated.

The two natural woodland regeneration areas proposed to the north of the westernmost bridge crossing would be more effective as a single area.

A subsequent route through could be formed once the woodland is established. Proposed woodland areas should be fenced with post and wire mesh rabbit proof fencing until adequately established.

The specification for tree pit depth in planting note 1 should be amended to be no greater than necessary to accommodate the depth of root-ball.

Other Representations

NEIGHBOUR CONSULTATION

Two representations have been received as a result of this application.

One response in support has been received. This is summarised below:

- o Useful addition to Cranbrook Country Park
- o Meadows should be connected to National Trust land
- o Approval subject to the creation of an underpass

One comment has been received. This is summarised below:

- o Rights afforded to FAB Link over the land

- o FAB Link have not been consulted on these proposals
- o Installation of cables before, during or after the works
- o Review works prior to any decision

PLANNING HISTORY

Reference	Description	Decision
03/P1900 Cranbrook Site Of New Town Honiton Road Rockbeare Exeter Devon	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
15/0045/MOUT Cranbrook Expansion Zone West Large Site Station Road Broadclyst	The expansion of Cranbrook comprising up to additional 820 residential dwellings, one 1-form entry 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. Access from former A30, landscaping, engineering (including modelling and drainage) works, demolition, associated infrastructure and car parking for all uses. All matters reserved except for access.	Pending consideration
19/0620/MOUT Cranbrook Expansion Zone West Large Site Station Road Broadclyst	Outline planning application with all matters reserved except access to the existing highway network for the expansion of Cranbrook comprising up to 870 residential dwellings; C2 residential institutions; one primary school (Use Class F1) with early years provision (Class F1/E); mixed use area including Use Classes C3 (Residential), E (Commercial Business and Service Uses), F1 (Learning and Non-residential institutions), F2 (Local Community Uses), and Sui Generis (hot food takeaways, pubs/bars) (Class E and Sui Generis uses to comprise up to 1,500 sq metres gross); recreation facilities and children's play; green infrastructure (including open space and Suitable Alternative Natural Greenspace (SANGS)); access from former A30, Station Road and Burrough Fields and crossings; landscaping; allotments; engineering (including ground modelling and drainage) works; demolition; associated infrastructure; and car parking for all uses.	Pending consideration

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.

The Cranbrook Plan Development Plan Document 2013-2013 was adopted in October 2022 and supersedes a number of Local Plan Policies in part and/or in full. Strategy 12 of the East Devon Local Plan 2013-2031 has been superseded in full and is no longer relevant to this application.

In this instance, the Development Plan comprises the East Devon Local Plan 2013-2031, The Cranbrook Plan Development Plan Document 2013-2013, the East Devon Villages Plan (2018) and a number of adopted neighbourhood plans.

Cranbrook Plan DPD

CB1 (Health and Wellbeing At Cranbrook)
CB2 (Bluehayes Expansion Area)
CB6 (Cranbrook Infrastructure Delivery)
CB7 (Phasing)
CB14 (Habitat Mitigation and Delivery of Suitable Alternative Natural Green Space)
CB15 (Design Codes and Place making)
CB26 (Landscape, Biodiversity and Drainage)

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)
Strategy 3 (Sustainable Development)
Strategy 5 (Environment)
Strategy 7 (Development in the Countryside)
Strategy 9 (Major Development at East Devon's West End)
Strategy 10 (Green Infrastructure in East Devon's West End)
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)
EN8 (Significance of Heritage Assets and their setting)
EN9 (Development affecting a designated heritage asset)
EN21 (River and Coastal Flooding)
EN22 (Surface Run-Off Implications of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Government Planning Documents

National Planning Practice Guidance

OFFICER REPORT

1. Site Description

- 1.1 The application site measures approximately 8.93ha and is located to the north of Cranbrook Country Park and the Town Centre. The site is bounded by the Exeter to Waterloo Railway Line to the north and the Crannybrook stream to the south. The application site is located within the proposed Clyst Valley Regional Park (Strategy 10) and is safeguarded land in the Cranbrook Plan DPD for Suitable Alternative Natural Green Space (Policy CB14).
- 1.2 The site is located approximately 600m from Cranbrook Railway Station to the west and 150m from Cranbrook Education Campus to the east. The rail services link Cranbrook to Exeter Central and Exeter St David's to the west and to London Waterloo to the east. Bus services also operate within Cranbrook, linking the town to Exeter and Honiton.
- 1.3 The site is greenfield in nature and the land is generally level, but slopes gently towards the railway line at the north from circa 17m AOD to 23m AOD. No public rights of way cross the application site.
- 1.4 The majority of the site is located within Flood Zone 2. 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.
- 1.5 There are no statutory protected historic assets within the application site. Tillhouse Farmhouse is located approximately 45m from the sites boundary (previously Grade II Listed, now de-listed).

2. Proposed Development

- 2.1 The application seeks full planning permission for the change of use from agricultural land to 8.93ha of Suitable Alternative Natural Greenspace (SANGS) with associated infrastructure for use and access (see proposed plan below).
- 2.2 The proposal would include the inclusion of a mixture of self-binding gravel paths and mown grass paths and three timber bridge crossings to the existing country

park. The proposal also includes tree planting, meadow creation, log piles, seating, signage and waste bins. It is noted that car parking is not proposed as the site is located close to Cranbrook Train Station and the town centre and is within walking distance of a lot of housing in the town.

2.3 The site forms one of three parcels of land that are proposed for the change of use to SANGS land associated with the development of Bluehayes. The other two parcels are within the Bluehayes Expansion Area (LPA Ref: 19/0620/MOUT) and in total are approximately 9.07 hectares in size. Bluehayes Parkland (5.52ha) is located south west of Bluehayes Lane and Bluehayes Meadow (3.55ha) adjoins the Cranbrook Country Park, south of Cranbrook Railway Station.

Proposed Plan (ref. 4671-L-27 M)



3. PLANNING ASSESSMENT

3.1 The key considerations in the determination of this application are:

- A. The Policy Context and Principle of Development
- B. Character, Appearance and Design
- C. Flood Risk and Drainage

- D. Ecology and Biodiversity
- E. Infrastructure Delivery and Planning Obligations

A. The Policy Context and Principle of Development

- 3.1 Strategy 3 (Sustainable Development) of the adopted Local Plan (2016) states that sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that the following issues and their inter-relationships are taken fully into account when considering development.
- 3.2 Strategy 5 (Environment) of the adopted Local Plan (2016) states that all development proposals will contribute to the delivery of sustainable development, ensure conservation and enhancement of natural historic and built environmental assets, promote ecosystem services and green infrastructure and geodiversity. Open spaces and areas of biodiversity importance and interest (including internationally, nationally and locally designated sites and also areas otherwise of value) will be protected from damage, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged through a combination of measures. New development will incorporate open space and high quality landscaping to provide attractive and desirable natural and built environments for new occupants and wildlife.
- 3.3 Strategy 7 (Development in the Countryside) of the adopted Local Plan (2016) sets out that 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.
- 3.4 Strategy 9 (Major Development at East Devon's West End) of the adopted Local Plan (2016) states that high quality development with associated infrastructure, built within a high quality landscape setting, will be provided in East Devon's West End. The overarching strategy for development will need to dovetail with the development strategy for Exeter with the provision of homes close to jobs and other facilities and services. High quality walking and cycling connections; enhanced bus and rail services, and improved highway provision will be integral to the overall development.
- 3.5 Strategy 10 (Green Infrastructure in East Devon's West End) of the adopted Local Plan (2016) states that all development proposals of the West End will individually and collectively contribute to the implementation and long-term management of green infrastructure initiatives through appropriate contributions and/or on site provision, and Green Infrastructure initiatives should feature in all developments. Where the likelihood of significant effects on European wildlife

sites cannot be ruled out from developments in the West End, the Council will undertake an appropriate assessment of impacts and will only support and approve proposals where it can be demonstrated that adverse effects on site integrity can be prevented.

3.6 Strategy 10 (Green Infrastructure in East Devon's West End) of the adopted Local Plan (2016) also states that land to accommodate the Clyst Valley Regional Park is allocated on the Proposals Map and the park will be designed and managed to highest natural green design standards.

3.7 Strategy 47 (Nature Conservation and Geology) of the adopted Local Plan (2016) states that where development or the occupants of development could lead to adverse biodiversity impacts due to recreational or other disturbance, we will require mitigation measures and contributions to allow for measures to be taken to offset adverse impacts and to create new habitats. All residential development schemes within a straight line 10 kilometres distance of any part of the SAC and/or SAC designated areas of the Exe Estuary or Pebblebed Heaths will be required to provide mitigation. Off-site provision in the form of SANGS should aim for a target level of provision of around 8 hectares of open space provision for every net new 1,000 residents accommodated through development. It is as a result of this requirement for mitigation that this scheme for SANGS arises.

3.8 Policy CB1 (Health and Wellbeing at Cranbrook) of the Cranbrook Plan DPD (2022) states that to maintain and improve the good health and wellbeing of individuals and the community as a whole at Cranbrook, development proposals must:

1. Develop an attractive and legible built and natural environment that links into its surroundings, including the wider West End of East Devon, Exeter Airport and the Clyst Valley Regional Park;
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;
3. Ensure that all designs, proposals and decisions are coordinated to address the wider determinants of ill-health;
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 wherever possible;
5. Create well designed streets and spaces using the Healthy Streets Approach to encourage walking, cycling and social activity;
6. Ensure that civic and community buildings are accessible to all and provide facilities to meet the needs of individuals and the community;
7. Ensure that housing is designed around spaces that encourage social activity; and
8. Ensure that housing typologies and resulting densities are appropriate to their locations to support vibrant economic activity and public services.

3.9 Policy CB2 (Bluehayes Expansion Area) of the Cranbrook Plan DPD (2022) states that 40 hectares of land at the Bluehayes Expansion Area is allocated for a mixed use development on the Cranbrook Policies Map. SANGS provision in line with Policy CB14 together with financial contributions for direct enhancement and conservation of the Exe Estuary and Pebblebed Heaths must be provided to

ensure that there are no adverse effects of development on European protected sites.

3.10 Policy CB14 (Habitat mitigation and Delivery of Suitable Alternative Natural Green Space (SANGS)) of the Cranbrook Plan DPD (2022) states that residential development shall only be brought forward where they can demonstrate that suitable mitigation is being made available to ensure that there is no likely significant effect on the Pebblebed Heaths and Exe Estuary. To assist with this requirement 128 hectares of land is safeguarded for Suitable Alternative Natural Green Space (SANGS) on the Cranbrook Policies Map.

3.11 Policy CB14 (Habitat mitigation and Delivery of Suitable Alternative Natural Green Space (SANGS)) of the Cranbrook Plan DPD (2022) also states that SANGS shall be created from:

1. Existing open space of SANGS quality with no existing public access or limited public access, which for the purposes of mitigation could be made fully accessible to the public, or;
2. Existing open space which is already accessible but which could be changed in character so that it is more attractive to the specific group of visitors, or;
3. Land in other uses but which could be converted into a SANGS.

and deliver the following:

- a) Adequate parking which is free or benefits from significantly reduced charges for vehicles and bicycles for visitors;
- b) Car parks which are easily and safely accessible, and which are designed with an appropriate layout which allows for adequate mitigation to limit the intrusion on the character and appearance of the local environment;
- c) Car park locations where dogs can safely be taken from the car to the SANGS off the lead;
- d) Easy access between the SANGS and adjacent housing to facilitate access by pedestrians/cyclists as well as car based transport;
- e) Access points with signage outlining the layout and routes;
- f) Limited and sympathetic visitor infrastructure (benches, dog bins etc.)
- g) Safe natural spaces without intrusive artificial structures, except in the immediate vicinity of the car park/s;
- h) Paths that retain a natural character are suitably signposted and available for use in all weathers all year around (this can include the introduction of boardwalks in wet sections);
- i) A circular walk that starts from a car park;
- j) Circular walk(s) of at least 2.3km around the SANGs;
- k) A variety of habitats for visitors to experience (e.g. woodland, scrub, grassland, heathland, wetland, open water);
- l) Largely unrestricted access within the natural space (including space for dogs to exercise freely and safely off the lead);
- m) A natural space that is free from unpleasant smells, significant noise and waste material of any form that would otherwise harm its amenity value.

It is expected that SANGS provision will be made available on site and should ensure that designs for the Green Space complement heritage assets that are found on site to help the conservation and enjoyment of the historic environment.

Applications which propose SANGS development shall be supported by an appropriate delivery, enhancement and management strategy.

The management component shall demonstrate how the SANGS will be maintained in perpetuity (comprising a minimum period of 80 years and could include the use of legal agreements to ensure that sufficient safeguards/step in rights are in place), o an identification of the full costs required for this, and o a financially sustainable means by which it can be delivered over the in perpetuity period.

3.12 The application site is located north of the Cranny Brook within the town of Cranbrook. The application site is within the West End of East Devon and is allocated as part of the Proposed Clyst Valley Regional Park (Strategy 10) in the adopted Local Plan. The application site is outside of any built up area boundary identified in the Cranbrook Plan DPD (2022) but is safeguarded for Suitable Alternative Natural Green Space (SANGS) on the Cranbrook Plan DPD Policies Map.

3.13 The application has been submitted in conjunction with application 19/0620/MOUT within the Bluehayes Expansion Area which proposes up 870 dwellings, 2FE primary school, a mixed used area, public open space and 9.07 hectares of SANGs across Bluehayes Parkland (5.52ha) and Bluehayes Meadow (3.55ha).

3.14 Policy CB14 and Strategy 47 sets out that SANGs must be provided at a ratio of at least 8ha per 1000 net new population generated by residential development schemes. Application 19/0620/MOUT is for up 870 homes (2044 residents at 2.35 residents per dwelling) which means that total 16.4ha of SANGS is required for habitat mitigation. As noted above 9.07ha is to be provided as part of application 19/0620/MOUT and 8.93ha of SANGS land would be provided under this application resulting in 18ha in total.

3.15 The application site measures approximately 8.93ha in size and the proposal would change the use of the entire site from greenfield to SANGS. Whilst this would appear to be an overprovision of SANGS land, it is noted that Bluehayes Parkland is dual allocated for public open space and SANGS and parts of the application site are located within the Flood Zone meaning that it may not be useable all year round. The proposed level of SANGS land proposed is considered to be appropriate for habitat mitigation.

3.16 The proposed development would contribute to the Clyst Valley Regional Park and would include three new pedestrian bridges linking the site with the existing country park. The proposal would include new compacted gravel paths and mown paths, new tree planting, wet woodland planting, grasslands and hedgerows. The proposal would also include circular walks, signage, waste bins and benches across the proposed SANGS land. The proposed development would retain its natural character and would be largely unrestricted spaces. The proposal would provide residents with access to greenspace thereby improving

health and well-being and would result in increased landscaping and biodiversity. It is considered that the proposal could be useable for the majority of the year except in flooding events however there are alternative spaces for residents to use. Despite concerns from Natural England, it is noted that car parking is not provided as part of the application however the proposed development would be located adjacent to the existing country park, accessible by existing and future residents and car parking is provided at Cranbrook Train Station and within the future Cranbrook Town Centre.

- 3.17 The proposed development would be delivered alongside residential development at Bluehayes. The proposal would need to be brought into full use prior to the occupation of the 425th dwelling at Bluehayes in order to ensure the delivery of SANGS is proportionate to population growth. It is noted that the SANGS land within the outline application 19/0620/MOUT will be brought into use prior to the first occupation of any dwelling. The timing of delivery would be secured within the S106 agreement.
- 3.18 The proposal was accompanied by a SANGS delivery and management strategy for an 80 year period. An updated strategy will be required by a condition to ensure the management plan is acceptable.
- 3.19 Policy CB6 sets out that SANGS delivery and enhancement is to be provided by the developer with SANGS management and maintenance contributions to be secured via relevant conditions and legal agreements. It is considered necessary to secure this alongside application 19/0620/MOUT.
- 3.20 As noted above, the site is located outside of the built up area boundary. Policy CB8 sets out that for development outside the defined built-up area boundaries Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013-2031 will apply. The proposal seeks to change greenfield land into SANGS and is safeguarded for this use in the Cranbrook Plan DPD. The site itself is screened by landscaping on the northern and southern boundaries and the proposal would retain the natural characteristics of the site and the surrounding area. Other than for street furniture like benches and bins and signage, the proposal would not introduce any buildings or physical structures to the site and the proposal is considered to respect the landscape, amenity and environmental qualities of the site and surrounding area. The proposal whilst outside of any built up area is considered to be acceptable in this instance.
- 3.21 It is noted that the application site is adjacent to the Exeter to Waterloo Railway which is a source of noise and pollution. However, the station is typically serviced by two trains an hour and existing and proposed landscaping would partially screen noise and pollution from the site. Policy CB14 states that SANGS should be free from unpleasant smells, significant noise etc. that would otherwise harm its amenity value. Whilst it is acknowledged that the railway line is a source of noise and pollution, it is not considered that the existing railway line results in significant harm to the amenity of the site and this site has been safeguarded for SANGS in the Cranbrook Plan. Furthermore, EDDC's Environmental Health Team reviewed the application and they do not anticipate any environmental health concerns.

3.22 In summary, the principle of development in land use terms is considered to be acceptable. The proposal would retain the natural environment of the site and the proposal is necessary for habitat mitigation. The change of use is therefore considered to be in accordance with Cranbrook Plan Policies CB1, CB2, CB6, CB7 and CB14 and adopted Local Plan Strategies 3, 5, 7 and 10.

B. Character, Appearance and Design

3.23 Strategy 10 (Green Infrastructure in East Devon's West End) of the adopted Local Plan (2016) states that we will ensure that the Green Infrastructure Strategy for East Devon's West End dovetails with comparable work being undertaken in Exeter to provide a green framework within which strategic development occurs. The Clyst Valley Regional Park will:

- a) Provide high quality natural green space that is complementary to development and will be a stimulus to encourage commercial and business development of the highest standard.*
- b) Ensure natural ecosystems function in the West End of our District and ensure residents, workers, school children and visitors of all abilities have easy access to high quality open spaces, with linked benefits to health, education and food production.*
- c) Take recreation pressure away from more environmentally sensitive locations thereby overcoming concerns arising from application of the Habitat Regulations that would otherwise prevent development coming forward. Provision of the park could help address need and requirements arising from development in other parts of East Devon, Exeter and potentially Teignbridge. We will encourage a park that 'reaches into' the open spaces of our neighbouring authority partners.*
- d) Provide new wildlife corridors that enhance the biodiversity of the West End.*
- e) Provide green corridors, open space and biodiversity enhancement areas. Enhance cycling and walking opportunities to link habitats and sustainable movement networks that promote the overall recreational experience for the West End.*
- f) Conserve and enhance heritage assets and their setting to reflect their intrinsic importance, maximise beneficial outcomes for park users and to encourage use of the park and to enrich the cultural identity of the area.*

The park will be designed and managed to highest natural green design standards and it will be subject to parkland, open and recreation space and countryside and green infrastructure policies. Development will not be allowed in the designated area unless it will clearly achieve valley park specific objectives for people and wildlife. Countryside policies of the plan will still apply in non-allocated development locations and areas.

3.24 Policy D1 (Design and Local Distinctiveness) of the adopted Local Plan (2016) states that in order to ensure that new development, including the refurbishment of existing buildings to include renewable energy, is of a high quality design and locally distinctive, a formal Design and Access Statement should accompany applications setting out the design principles to be adopted

should accompany proposals for new development. Proposals should have regard to Village and Design Statements and other local policy proposals, including Neighbourhood Plans, whether adopted as Supplementary Planning Guidance or promoted through other means.

3.25 Policy D2 (Landscape Requirement) of the adopted Local Plan (2016) states that landscape schemes should meet all of the following criteria:

1. Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)
2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
3. Measures to ensure safe and convenient public access for all should be incorporated.
4. Measures to ensure routine maintenance and long term management should be included.
5. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.
6. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

3.26 Policy D3 (Trees and Development Sites) of the adopted Local Plan (2016) states that permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development.

3.27 The proposed development involves the change of use to SANGS and would include new pathways, bridges, benches, planting, bins, signage etc. As per Strategy 10 and Policy CB14, the overall design of the proposal must be of the highest quality, safe for future users and respect the existing natural environment.

3.28 The site is currently greenfield and is bounded by trees on the southern boundary along the Cranny Brook. The Exeter to Waterloo Railway Line forms the northern boundary and the line itself is located on an embankment featuring trees and landscaping. This means that the site itself is not particularly visible in the surrounding area. The proposed change of use and associated development would be largely screened from the wider area and only visible from within the site itself. The proposal would create additional habitats and include tree planting, hedge planting and wildflower and grass meadows. The proposed footpaths would be a mixture of compacted gravel and grass mown paths which are considered to have a natural character and bridges and benches would feature across the development providing sympathetic visitor infrastructure. The benches

stated as being provided on the submitted plans do not have any backs or sides; this type of bench does not provide the necessary back support for people with mobility difficulties or those who need to stop to feed a young child, for example. Similarly, arm supports are used by people who experience difficulties when standing. Therefore, any grant of planning permission should be subject to a condition requiring the agreement of an alternative seat that includes back and arm supports.

3.29 The proposal would respect the open and natural environment, existing trees and landscaping would be retained and additional habitat creations would seek to enhance the site and landscape in accordance with Policy D3. Given that the site is well screened and the development would respect the character and appearance of the site, the proposal is not considered to harm the wider landscape and wider area and would appear as a natural extension to the existing country park. The proposal would provide an open, unrestricted and a safe natural space for residents and visitors to enjoy. The application has been reviewed by EDDC's Landscape Architect and Natural England. EDDC Landscape Architect has recommended approval with conditions and Natural England have recommended approval.

3.30 In terms of the historic environment, whilst great weight is attached to conservation, the proposal is not considered have any impact upon any significant heritage assets, designated or non-designated within the surrounding area as the natural environment is retained and no buildings are proposed. The proposal has been reviewed by DCC Historic Environment Team and no objections were raised subject to a Written Scheme of Investigation condition. The proposals is considered to accord with Policies EN7, EN8 and EN9 of the adopted Local Plan.

3.31 In summary, the proposed development is considered to respect the existing natural environment and would not harm the overall character and appearance of the side and wider landscape. The proposal would enhance the existing landscaping and provide additional habitats and planting. The proposal is therefore in accordance with Policy CB14 of the Cranbrook Plan and Strategy 10 and Policies D1, D2 and D3 of the adopted local plan.

C. Flood Risk and Drainage

3.32 Strategy 3 (Sustainable Development) of the adopted Local Plan (2016) states that sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that the following issues and their inter-relationships are taken fully into account when considering development.

3.33 Strategy 5 (Environment) of the adopted Local Plan (2016) states that all development proposals will contribute to the delivery of sustainable development, ensure conservation and enhancement of natural historic and built environmental assets, promote ecosystem services and green infrastructure and geodiversity. Open spaces and areas of biodiversity importance and interest (including

internationally, nationally and locally designated sites and also areas otherwise of value) will be protected from damage, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged through a combination of measures. New development will incorporate open space and high quality landscaping to provide attractive and desirable natural and built environments for new occupants and wildlife.

3.34 Policy EN21 (River and Coastal Flooding) of the adopted Local Plan (2016) states that wherever possible developments should be sited in Flood Zone 1 as defined in the East Devon District Council Strategic Flood Risk Assessment¹⁰⁶. Only if there is no reasonably available site in Flood Zone 1 will locating the development in Flood Zone 2 and then Flood Zone 3 be considered.

3.35 Policy EN22 (Surface Run-Off Implications of New Development) of the adopted Core Strategy (2016) states that planning permission for new development will require that: 1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion. 2. Appropriate remedial measures are included as an integral part of the development, and there are clear arrangements in place for ongoing maintenance over the lifetime of the development. 3. Where remedial measures are required away from the application site, the developer is in a position to secure the implementation of such measures. 4. A Drainage Impact Assessment will be required for all new development with potentially significant surface run off implications.

3.36 The majority of the application site is located within Flood 2 and 3 and is therefore at risk of flooding. Save for the aforementioned street furniture, the proposed development would not include any buildings or structures on site and the site would be retained as natural open space. The site is known to flood following heavy rainfall hence why is it not proposed to be developed and is proposed to be changed into SANGS for habitat mitigation and for the benefit of residents. It is acknowledged that the site may not be suitable for use all year round however there are alternative areas of open space around Cranbrook which are not in flood zones.

3.37 The application was supported by a flood risk assessment which was reviewed by the Environment Agency. The EA raised no objection to the proposed development subject to a condition for the production and implementation of a suitable flood management plan. It is therefore considered necessary to attach this condition to any approval.

3.38 The proposal is therefore considered to be acceptable in terms of flood risk and surface water run-off and in accordance with Strategy 3 and 5 and Policies EN21 and EN22 of the adopted local plan.

D. Ecology and Biodiversity

3.39 Strategy 3 (Sustainable Development) of the adopted Local Plan (2016) states that sustainable development is central to our thinking. We interpret

sustainable development in East Devon to mean that the following issues and their inter-relationships are taken fully into account when considering development.

3.40 Strategy 5 (Environment) of the adopted Local Plan (2016) states that all development proposals will contribute to the delivery of sustainable development, ensure conservation and enhancement of natural historic and built environmental assets, promote ecosystem services and green infrastructure and geodiversity. Open spaces and areas of biodiversity importance and interest (including internationally, nationally and locally designated sites and also areas otherwise of value) will be protected from damage, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged through a combination of measures. New development will incorporate open space and high quality landscaping to provide attractive and desirable natural and built environments for new occupants and wildlife.

3.41 Strategy 47 (Nature Conservation and Geology) of the adopted Local Plan (2016) states that all development proposals will need to:

1. Conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats.
2. Maximise opportunities for restoration, enhancement and connection of natural habitats.
3. Incorporate beneficial biodiversity conservation features.

Development proposals that would cause a direct or indirect adverse effect upon internationally and nationally designated sites will not be permitted unless:

- a) They cannot be located on alternative sites that would cause less or no harm.
- b) The public benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats.
- c) Prevention, mitigation and compensation measures are provided.
- d) In respect of Internationally designated sites, the integrity of the site will be maintained.

3.42 Policy EN5 (Wildlife Habitats and Features) of the adopted Core Strategy (2016) states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process. Where development is permitted on such sites mitigation will be required to reduce the negative impacts and where this is not possible adequate compensatory habitat enhancement or creation schemes will be required and/or measures required to be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent.

3.43 The purpose of the application is to change the use from greenfield to SANGS for habitat mitigation. As per Policy CB14, residential development shall only be brought forward where they can demonstrate that suitable mitigation is being made available to ensure that there is no likely significant effect on the Pebblebed Heaths and Exe Estuary. These environments are locally and

nationally important for wildlife and biodiversity as they are designated as Sites of Special Scientific interest, (SSSI); Special Area of Conservation (SAC); Special Protection Area (SPA); and in the case of the Exe Estuary, RAMSAR.

3.44 The proposal in conjunction with application 19/0620/MOUT at Bluehayes must provide over 16.4ha of SANGs to accord with Policy CB14 of the Cranbrook Plan. As noted above, the proposal would include 8.93ha under this application and 9.07ha under 19/0620/MOUT which is around 18ha in total. This is considered to be an acceptable quantum of land to ensure that there is no likely significant effect.

3.45 As part of the application, the proposed development would include habitat creation, tree and hedgerow planting, natural regeneration plus bird and bat boxes and log piles for Reptile Hibernacula. New wildflower grasslands will provide foraging opportunities for bats, birds and badgers. New hedgerow and landscape planting will provide foraging and navigational opportunities for bats, badgers, and birds and opportunities for amphibians and invertebrates.

3.46 During surveys undertaken, evidence of Otter spraints were recorded in two locations east of the consented area along the Cranny Brook and a tributary off this stream. A possible holt was also recorded along this tributary. However, no evidence of Otter was recorded along the sections of the Cranny Brook that are to be affected by new bridge crossing during the surveys undertaken in 2018. Margins would help to prevent harm but mitigation is also considered necessary to ensure that adverse effects do not occur during construction as a result of new connections that would be made to the water course (associated with attenuation basins and outfalls). Post construction, recreational activity associated with the SANGS could lead to local disturbance although this can be limited with the planting of dense scrub along the embankments.

3.47 The proposal was also supported by a Biodiversity Net Gain Report by Ecology Solutions which set out that in conjunction with application 19/0620/MOUT, the proposed development will achieve an increase of 10.8% in habitat units and 21.54% in hedgerow units. This calculation is based upon an earlier metric than the most up-to-date one and is a net BNG figure over and above that which is required in order for the land to meet SANGS standard. The biodiversity net gain will also be secured via a legal agreement.

3.48 In summary, the proposal change of use would help to mitigate residential development at Bluehayes and it is considered that the proposed development will achieve an overall net gain in biodiversity over the existing situation. The proposal therefore accords with Policy CB14 of the Cranbrook Plan, Strategies 3, 5 and 47 of the adopted Local Plan as well as Policy EN5.

E. Infrastructure Delivery and Planning Obligations

3.49 Policy CB6 (Cranbrook Infrastructure Delivery) of the of the Cranbrook Plan DPD (2022) states that development that is proposed within the Cranbrook Plan Area must demonstrate that it will meet the likely demands of future

occupiers/users by delivering, either in full or where necessary in part, the identified infrastructure from the 4 categories identified. This infrastructure is necessary to achieve a healthy, active, integrated and friendly self-reliant community.

3.50 In conjunction with application 19/0620/MOUT, a S106 legal agreement will be signed to cover the quantum and phasing of SANGS, management and maintenance and off-site habitat mitigation as well as to secure a 10% Biodiversity Net Gain on site (this to be calculated after the necessary uplifts to the land to secure SANGS quality).

3.51 S106 agreement requirements:

Category 1 infrastructure (delivered on site)

- o Biodiversity net gains (10% on site)
- o SANGS establishment and enhancement

Category 2 infrastructure (off site contributions)

- o SANGS maintenance contributions

3.52 The application is accompanied by a SANGS management plan which provides details of the delivery of the site and long term management proposals. Within that document, reference is made at Paragraph 2.5 that ongoing management will be undertaken by Cranbrook Town Council via a commuted sum contribution. The Cranbrook Plan and its linked Infrastructure Delivery Plan (IDP) identify that the cost of in perpetuity management (80 years) of SANGS will need to be met by the developers of the expansion areas and the IDP has assumed that this will be via an endowment financial model as it is the deemed the most cost effective over this long time period. Whatever financial management model is chosen, they work most cost effectively at scale and so consideration of a collective financial management model for SANGS across the expansion areas is deemed by Officers to be most appropriate at present. The resolutions to approve at both Treasbeare (22/1532/MOUT) and Cobdens (22/0406/MOUT) and the currently drafted s106's for those applications both secure the financial contribution as being paid to the Local Planning Authority in the first instance. It may be ultimately decided that management should lie with the Town Council but at present this is not determined and therefore the initial payment of monies to the Town Council is not appropriate. Accordingly, the submitted management plan is inadequate and will need reviewing. A condition is recommended to secure this.

4 CONCLUSION

4.1 In conclusion, the proposed change of use is considered necessary for habitat mitigation for residential development at Bluehayes. The proposal would include an acceptable quantum of land which, subject to conditions, is considered to be acceptable in design and landscaping terms and would be a natural extension to

the existing country park. The proposal would be acceptable in terms of flood risk and surface water run-off and would lead to a 10% biodiversity net gain.

4.2 The proposal is therefore considered to comply with the development plan and NPPF when read as a whole and is recommended for approval subject to a S106 legal agreement, adoption of the appropriate assessment and relevant conditions.

5 RECOMMENDATION

1. To adopt the Appropriate Assessment set out in Appendix A; and
2. To approve the application subject to a section 106 agreement to secure the requirements below and the conditions that follow.

S106 agreement requirements:

Category 1 infrastructure (delivered on site)

- o Biodiversity net gains (10% across Bluehayes and Elbury Meadows)
- o SANGS establishment and enhancement

Category 2 infrastructure (off site contributions)

- o SANGS maintenance contributions

STATEMENT ON HUMAN RIGHTS AND EQUALITIES ISSUES

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

RECOMMENDED 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. LBDS

A revised and updated Landscape Biodiversity and Drainage Strategy (LBDS) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

It shall be based on the framework contained in the submitted but not approved LBDS dated February 2023 and in relation to the land subject of this planning application, 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 including but not limited to the following:

- An 8 metre wide maintenance and wildlife corridor north of the Cranny Brook
- Measures to detail with surface water (exceedance) flows during construction and other pollution pathways to safeguard water quality, ditches and other aquatic features
- The location of key dark corridors where light levels will be maintained at no greater than 0.5 lux and a commitment to provide a lux level contour plan (which shall accompany reserved matters applications) in accordance Devon County Council maintaining dark corridors through the landscape for bats (2022) and guidance Note 08/18, Bats and artificial lighting in the UK, Bat Conservation Trust (BCT) and Institution of Lighting Professionals (ILP).
- Clear indication of any avoidance, mitigation, and compensatory features provided for biodiversity, including for any protected and priority species, in addition to any provision required for open space or SANGS provision and detail of how landscape permeability for wildlife will be provided and maintained.

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

Reason - Details are required prior to the commencement of development to ensure that the final version of the LBDS is comprehensive in accordance with Policy CB26 (Landscape Biodiversity and Drainage) of the adopted Cranbrook Plan 2013 - 2031.

4. Landscape and Ecology Management Plan (LEMP)

Prior to the commencement of development, a detailed Landscape Ecological Management Plan (LEMP) shall be submitted and approved by the Local Planning Authority, setting out how landscape and ecological protection, mitigation, compensation and enhancement measures relating to the proposal will be implemented, managed and monitored.

The LEMP shall also include the following:

- a) A scheme for the provision of bird boxes, bat boxes and insect hotels including the physical details of the box or hotel and the location of the box within the development.
- b) Details of the provision of post and wire mesh rabbit-proof fencing around the proposed woodland planting areas until the planting has established.
- c) Detail how protected species including dormice, bats, reptiles and badgers will be protected during the development and include details of working practices, compensatory habitat, receptor site, monitoring and remedial measures.

Development and the sites future management shall be undertaken in accordance with the agreed details and thereafter be maintained for the lifetime of the development.

Reason - Details are required prior to the commencement of development 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.

5. Further Details - Seating

Notwithstanding the details shown on the approved plans, the Blueton 0806 Timber Bench shall not be utilised. Within 3 calendar months of the commencement of development details of alternative bench provision shall be submitted to the Local Planning Authority and shall be approved in writing before any benches are installed.

The revised details shall provide for the same number of benches in the same location but such benches must include backs and arm rests for users.

The approved benches shall be installed before the land is first brought into its permitted use.

Reason - Details are required prior to the commencement of development in the interests of equality, to ensure that the furniture provided is suitable for all users

of the land, in accordance with Policy CB1 of the Cranbrook Plan DPD and Policy D1 of the East Devon Local Plan 2013 - 2031.

6. SANGS Delivery, Enhancement and Management Plan

No works to begin the development shall be undertaken until, an updated SANGS Delivery, Enhancement and Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The delivery component of the strategy shall direct the establishment of the SANGS to ensure that it is available for use ahead of relevant occupations and include details of advertisement and publicity.

The management component shall demonstrate:

- how the SANGS will be maintained in perpetuity (comprising a minimum period of 80 years),
- an identification of the full costs required for this, and
- a financially sustainable means by which it can be delivered over the in perpetuity period.

The development shall then be carried out in accordance with the approved plan.

Reason - Details are required prior to the commencement of development to ensure that suitable mitigation is being made available and that SANGS is brought into use alongside development in accordance with Policy CB14 Habitat mitigation and Delivery of Suitable Alternative Natural Green Space (SANGS) of the of the adopted Cranbrook Plan 2013-2031.

7. Flood Management Plan

Prior to the commencement of development, a suitable Flood Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

Development shall not be brought into use until the measures approved within the Flood Management Plan have been implemented and shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason - Details are required prior to the commencement of development to limit the risk of flooding and to ensure the satisfactory means of flood management of the site in accordance with Policy EN21 (River and Coastal Flooding) of the East Devon adopted Local Plan 2013-2031.

8. Way-finding Strategy

The development hereby permitted shall not be brought into use until a way-finding strategy 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 shall 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.

9. Landscaping Replacement

The landscaping works approved shall be undertaken in accordance with the approved scheme within 12 months of or during the next planting season whichever is the sooner.

If within a period of 10 years from the date planted any tree, plant, grass area 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 by the developer.

If within a period of 10 years of the commencement of development, any part of any retained/translocated hedgerow dies or becomes diseased, it shall be replaced by the developer 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.

10. Retained Trees and Hedgerows

No existing tree or hedgerow shown as being retained on the approved the tree protection plan, (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.

11. 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.

NOTE FOR APPLICANT

Informative:

1. 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.
2. You are advised of the need to secure an Environmental Permit from the Environment Agency prior to the installation of the approved bridge crossings.
3. You are advised of the following consultation comments received from Network Rail: 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 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.
4. In relation to Condition 6 (SANGS Management Plan), revisions to the plan should in part amend the name of the Local Authority body to whom any commuted sum is to be paid to in the first instance, from Cranbrook Town Council to East Devon District Council. This is due to the arrangements for long term management of SANGS across the expansion areas, still not yet having been determined.

Plans relating to this application:

Planning Statement	Planning Support Statement	15.04.19
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Ch 9 Ecology+Biodiversity: Extract Env.Statement	Environmental Site Assessment	15.04.19
ECO2a: COU to SANG Land	Environmental Statement	15.04.19
Fig 9.1: +Ecological Designations	Environmental Statement	15.04.19
Fig 9.2: Ecological Features	Environmental Statement	15.04.19
Fig 9.3: Protected Species	Environmental Statement	15.04.19
Fig 9.4: at Survey August 2011	Environmental Statement	15.04.19
Fig 9.5: Bat Survey Sept.2011	Environmental Statement	15.04.19
Fig 9.6: Bat Survey June 2012	Environmental Statement	15.04.19
Fig 9.10: Bat Survey August 2014	Environmental Statement	15.03.19
Fig 9.7: Bat Survey July 2012	Environmental Statement	15.04.19
Fig 9.8: Bat Survey April 2014	Environmental Statement	15.04.19
Fig 9.9: Bat Survey June 2014	Environmental Statement	15.03.19
Fig 9.11: at Survey May 2016	Environmental Statement	15.03.19

Fig 9.12: at Survey May 2016	Environmental Statement	15.03.19
Fig 9.13: Bat Survey May 2016	Environmental Statement	15.03.19
10292-SK-14 A	Other Plans	15.04.19
chapter 8 : landscape ES addendum	General Correspondence	14.10.20
chapter 9 : ecology+biodiversity ES addendum	General Correspondence	14.10.20
Chapter 12 : drainage ES addendum	General Correspondence	14.10.20
Fig 9.16 : updated ecological features amended	Other Plans	14.10.20
Fig 9.17 : protected species amended	Other Plans	14.10.20
Fig 9.18 : May bats	Other Plans	14.10.20
Fig 9.19 : July bats	Other Plans	14.10.20
Fig 9.20 : Sept bats	Other Plans	14.10.20
Fig 9.21 : BBS	Other Plans	14.10.20
Fig 9.22 : defra habitat baseline	Other Plans	14.10.20
Fig 9.23 : defra habitat baseline SANGS	Other Plans	14.10.20

Fig 9.24 : defra habitat creation/enhancement	Other Plans	14.10.20
Fig 9.25 : defra habitat creation/enhancement	Other Plans	14.10.20
updated	Planning Support Statement	14.10.20
addendum Sept 2020	Design and Access Statement	14.10.20
7764-T rev D part 1	Arboriculturist Report	14.10.20
7764-T rev D part 2	Arboriculturist Report	14.10.20
7764-T rev D part 3	Arboriculturist Report	14.10.20
App A + B	Flood Risk Assessment	14.10.20
App C part 1	Flood Risk Assessment	14.10.20
App C part 2	Flood Risk Assessment	14.10.20
App C part 3	Flood Risk Assessment	14.10.20
App C part 4	Flood Risk Assessment	14.10.20
App C part 5	Flood Risk Assessment	14.10.20
App C part 6	Flood Risk Assessment	14.10.20
App C part 7	Flood Risk Assessment	14.10.20
App D	Flood Risk Assessment	14.10.20
report	Flood Risk Assessment	14.10.20
App 8.1 : updated visual effects table	Environmental Statement	14.10.20
App 8.3 7764 L-	Environmental	14.10.20

20 plan C	Statement	
App 8.4 FPCR technical note	Environmental Statement	14.10.20
App 9.1 info downloaded	Environmental Statement	14.10.20
App 9.2 : survey methodology	Environmental Statement	14.10.20
App 9.3 : bird survey obs 2012	Environmental Statement	14.10.20
App 9.4 : bird survey obs 2014	Environmental Statement	14.10.20
App 9.5 defra metric v2	Environmental Statement	14.10.20
App 8.12 revised visual appraisal	Environmental Statement	14.10.20
App 8.13 8.42 winter photo viewpoints	Environmental Statement	14.10.20
10292-SK-14 A	Survey Drawing	20.12.22
fig 9.26-9.31 : addendum	Environmental Statement	20.12.22
PAW-003	Location Plan	20.12.22
4671-L-141 : SANGS Design Details	Environmental Statement	20.12.22
App 12.3 A1 Brook Sections - additional	Environmental Statement	20.12.22
App 12.3 A2 Greenhatch Section Locations - additional	Environmental Statement	20.12.22
App 12.3 A2 Greenhatch	Environmental Statement	20.12.22

Survey Sections
- additional

App 12.3 A3 Interlock Survey Sections - additional	Environmental Statement	20.12.22
App 12.3 A4 Topo Survey Part2 - additional	Environmental Statement	20.12.22
App 12.3 B1 Flood estimation calc record 2020 - additional	Environmental Statement	20.12.22
App 12.3 B2 Catchment Analysis Hydrology - additional	Environmental Statement	20.12.22
App 12.3 C FloodZoneComp arison - additional	Environmental Statement	20.12.22
App 12.3 D1 Baselines and Development - additional	Environmental Statement	20.12.22
App 12.3 D2 Mitigation - additional	Environmental Statement	20.12.22
App 12.3 E Swale & Flood Mitigation 10292- SK-15b. - additional	Environmental Statement	20.12.22
App 12.3 F Sensitivity Sheets - additional	Environmental Statement	20.12.22
App 12.3 G Blockage	Environmental Statement	20.12.22

Scenarios -
additional


Appendix 8.5 FPCR Technical Response Landscape rev B	Environmental Statement	20.12.22
Appendix 9.8 SANG Landscape Planting Plans	Environmental Statement	20.12.22
Appendix 12.4 Bluehayes Drainage Strategy	Environmental Statement	20.12.22
addendum - ecology (dec 2022)	Environmental Statement	20.12.22
addendum - env statement (dec 2022)	Environmental Statement	20.12.22
PAW-004 D : proposed SANG	Other Plans	20.12.22
appendix 2 : application drawings	Planning Support Statement	20.12.22
ADDENDUM (JAN 2023)	Planning Support Statement	05.01.23
ADDENDUM (JAN 2023)	Design and Access Statement	05.01.23
7764-T-W10 - G	Tree Retention Plan	23.03.23
7764-L-20 U : green/blue infrastructure framework	Environmental Statement	23.03.23
PAW-005 B : proposed phasing	Environmental Statement	17.05.23

landscape biodiversity+drainage strategy report	Additional Information	28.02.23
7764-T-W11 - G	Tree Retention Plan	23.03.23
habitat creation data	Additional Information	14.02.23
biodiversity net gain report	Additional Information	14.02.23
4671-L-27 M	Proposed Site Plan	22.12.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.

APPENDIX A: Appropriate Assessment

The Conservation of Habitats and Species Regulations 2017, Section (63)		
Appropriate Assessment		
Application reference no. and address:	19/0620/MOUT In conjunction with an application at Elbury Meadows (LPA ref: 19/0554/MFUL) for the change of use of existing agricultural land to Suitable Alternative Natural Greenspace (SANG) with associated infrastructure for use and access.	
Brief description of proposal: (Bullet point list of key proposals)	Outline planning application with all matters reserved except access to the existing highway network for the expansion of Cranbrook comprising up to 870 residential dwellings; C2 residential institutions; one primary school (Use Class F1) with early years provision (Class F1/E); mixed use area including Use Classes C3 (Residential), E (Commercial Business and Service Uses), F1 (Learning and Non-residential institutions), F2 (Local Community Uses), and sui generis (hot food takeaways, betting shops, pubs/bars) (to comprise up to 1,500sq metres gross); recreation facilities and children's play;	

	green infrastructure (including open space and Suitable Alternative Natural Greenspace (SANG)); access from former A30, Station Road and Burrough Fields and crossings; landscaping; allotments; engineering (including ground modelling and drainage) works; demolition; associated infrastructure; and car parking for all uses.
European site name(s) and status:	East Devon Heaths SPA - (UK9010121) East Devon Pebblebed Heaths SAC (UK0012602) Exe Estuary SPA (UK9010081) Exe Estuary Ramsar (UK 542)

Stage 1 - Baseline Conditions and Features of Interest

List of interest features:

East Devon Heaths SPA:

Source: <http://publications.naturalengland.org.uk/publication/6063170288353280>

A302 *Sylvia undata*; Dartford warbler (Breeding) 128 pairs (6.8% of GB Population when surveyed in 1994)

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
	Exe Estuary SPA/	Dawlish Warren	East Devon	
Disturbance to breeding birds			x	Risks from reduced breeding success and avoidance of otherwise suitable habitat.
Disturbance to wintering water birds	x			Risks from avoidance of otherwise suitable areas, reduced feeding rate, stress and increased energetic costs.
Increased fire risk		x	x	Fire risk linked to recreation through discarded cigarettes, BBQs etc.
Trampling and wear		x	x	Heavy footfall can result in vegetation wear, soil compaction & erosion.
Interaction with predators	?		x	Species such as Crows and Magpies may be drawn to areas with greater human activity or occur at higher densities; redistribution of birds may result in greater vulnerability to predation.
Nutrient enrichment from dog fouling		x	x	Risks from dog fouling resulting in increased soil nutrient levels and changes in vegetation.
Fly tipping/litter		?	x	Short-term impacts to interest features likely to be minimal but risks of long-term contamination, particularly from introduced species from garden waste is a risk. Also risks of staff time drawn from other essential duties.
Contamination of water bodies from dogs	x	x	x	Dogs swimming in ponds and other waterbodies brings potential risks from increased turbidity
Disruption of management		x	x	Disruption such as dog attacks to livestock; gates left open, theft of equipment/material all issues to be expected at more urban sites or those with more recreation
Public opposition/objecti 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			x	Increased housing may lead to increases in

cats				local cat population; pet cats can range widely and predate a variety of bird and mammal species. Unlikely as a risk for Exe Estuary?
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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 870 houses as an outline application which forms part of the Bluehayes allocated expansion of the town. It is noted that the Bluehayes allocation is for around 960 dwellings and as such there are other parcels of land not included within this application but are allocated for development.

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 (which this site is part of), Treasbeare, Cobdens and Grange.

East Devon Local Plan Housing

The Local Plan makes significant provision for additional housing within the West End of Devon identifying that within the plan period between 1 April 2013 to 2031 the following was expected (in addition to Cranbrook):

- Pinhoe 1314
- North of Blackhorse 1480

In addition a number of area centres that are within a potential sphere of influence of the European designated sites have allocations/additional housing numbers comprising:

- Budleigh Salterton 133
- Exmouth 1229
- Ottery St Mary 497
- Sidmouth 292

It is noted that East Devon has an emerging New Local Plan to 2040 which is currently in preparation. This 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 it's relatively 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 has begun 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](https://www.eastdevon.gov.uk/sites/default/files/2014-12/south-east-devon-european-site-mitigation-strategy.pdf) (eastdevon.gov.uk)

Note that the approach to considering mitigation measures at Stage 1 Screening follows the judgement of the European Court, case C-323/17, on 12 April 2018 - "... 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.

3. 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

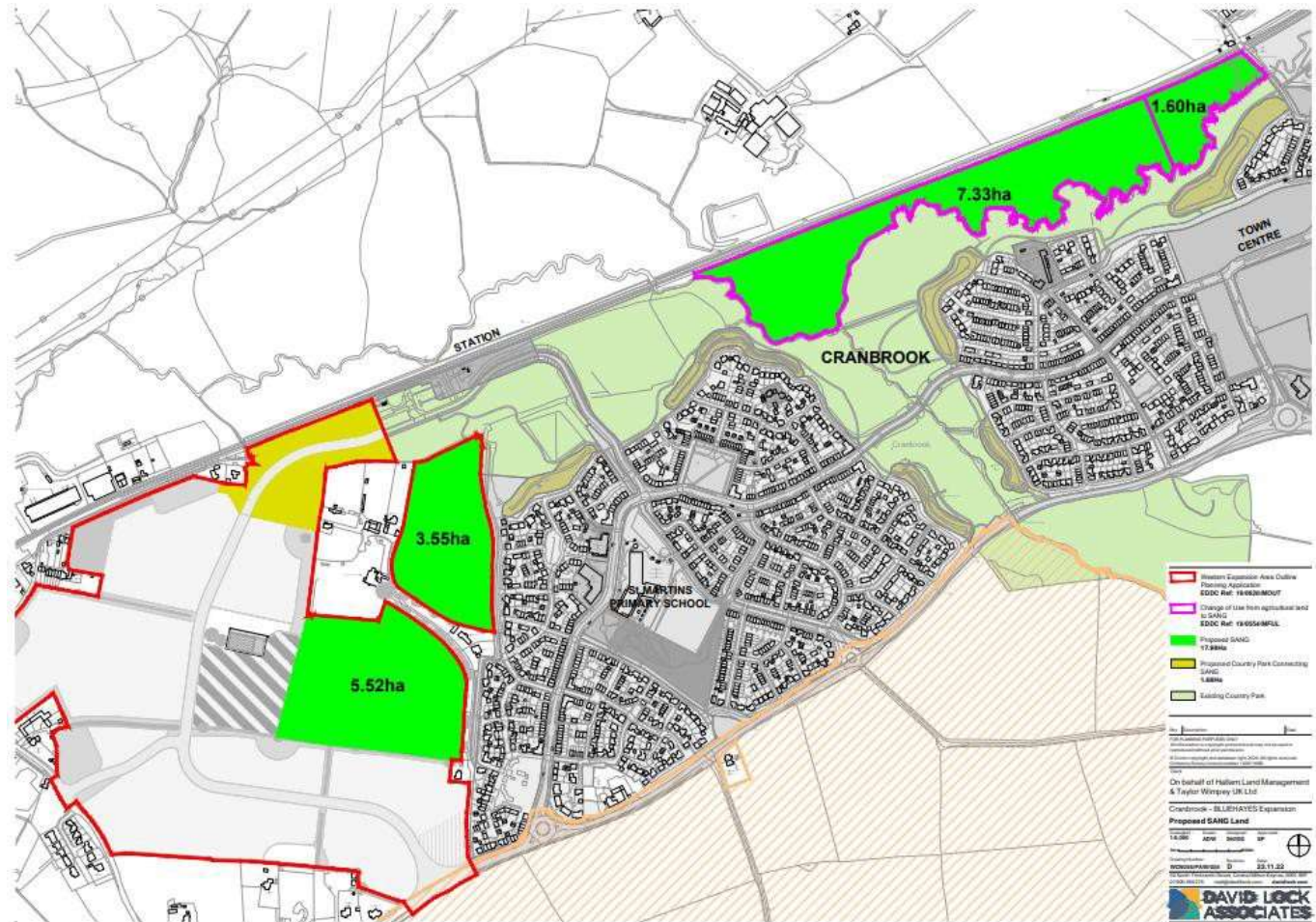
Application Specific Mitigation

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

In line with the adopted Cranbrook Plan DPD, the development proposes the delivery of 18ha of SANGS (in conjunction with application 19/0554/MFUL; Land At Elbury Meadows) – this meets the expectation of 8ha per 1000 population based on occupation rates of 2.35 people per dwelling. For the development itself of 870 dwellings it is recognized that 16.4ha of land is required, however as the applicant is the lead developer for Bluehayes, SANGS must be provided for all 960 dwellings

(the entire Bluehayes allocation) meaning that 18ha of SANGS is required. It is noted however that Bluehayes Parkland is allocated for both public open space and SANGs and parts of Elbury Meadow are within the flood zone meaning that they may not be available/suitable all year round. However, the provision of 18ha of land for SANGs is considered to be appropriate in this instance and will provide suitable mitigation.



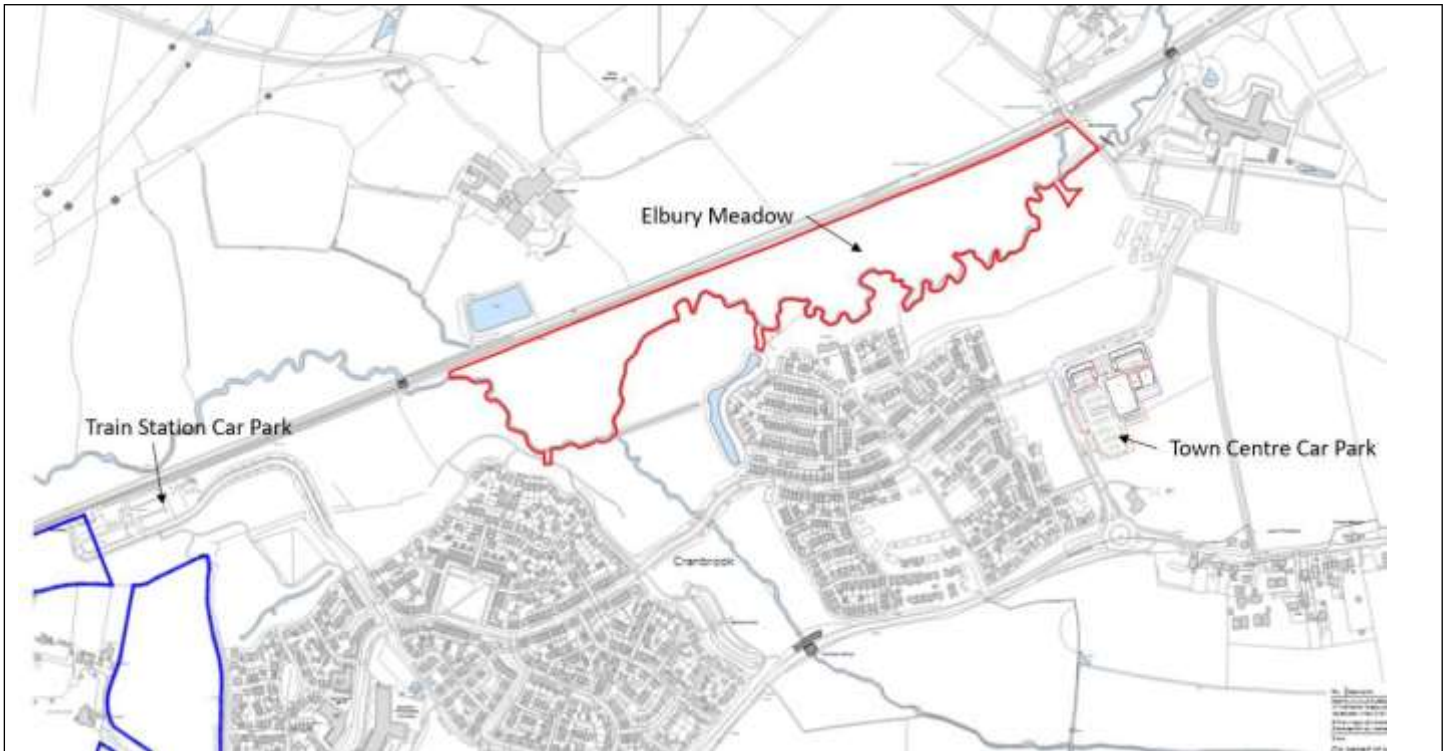
The SANGS land would be provided as three parcels of land as shown above. Bluehayes Parkland (5.52ha) would be located to the south west of Bluehayes Lane and Bluehayes Meadow (3.55ha) would be located north of Bluehayes Lane and 60m south of Cranbrook Station. Elbury Meadow (8.93ha) would be located north of the existing Cranbrook Country Park and south of the Exeter to Waterloo Railway Line. The proposed SANGs would connect with the existing country park and an additional 1.68ha of country park is proposed at the north of the site and south of the Exeter to Waterloo Railway line although it is noted that this is located in the flood plain. The areas represents 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.

The developers have indicated potential walking routes around the entire site which are in excess of 4.5km in length and would connect to existing walking routes. With proposed tree planting in addition to the more open pasture areas, the SANGS would provide a variety of habitats to explore. Coupled with good open views, this area could readily fulfil the role of providing an alternative recreational area to the protected European sites that allows the key activities of walking and dog walking to take place in an attractive but less sensitive environment.

It is noted that the developers are proposing to secure Biodiversity Net Gain (a Cranbrook Plan Policy requirement) across the SANGS land and application site. It is not envisaged that the land use would reduce the attractiveness or unduly limit access and enjoyment of the SANGS in respect of the land's primary purpose.

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 existing country park to provide walking and cycling links. It is expected that much of the access to the SANGS would be made on foot, bike or wheels and would primarily be used by existing and future residents of Cranbrook within a 400m catchment around the SANGS. The proposed SANGS are located the furthest into Cranbrook itself and visitors would have to travel past the other expansion areas and other car parks to reach the SANGS especially Elbury Meadow. It is considered that visitors to Cranbrook are more likely to use other areas of SANGS due to their location and access from London Road of which car parking is proposed in these areas. Both Bluehayes Parkland and Bluehayes Meadow would be adjacent to residential developments at Bluehayes and Cranbrook Phase One plus they would be located in close proximity to Cranbrook Train Station (60m to Bluehayes Meadow and 300m to Bluehayes Parkland respectfully) which provides free car parking.

Elbury Meadow would not include any dedicated car parking as the site is located adjacent to the existing country park and due to parts of the site being located within the flood zone. It is acknowledged that car parking was initially proposed off Crannaforde Lane however this was removed from the proposal due to highway safety and flood risk concerns. Elbury Meadow would act as an extension to the existing country park and would be located near to residential development at Cranbrook Phase One, Cranbrook Phase Two, Town Centre dwellings and approximately 270m from car parking within the Town Centre and 500m from the Cranbrook Train Station car park (see image below). The Town Centre Car Park is proposed to serve the new supermarket and town centre and would contain sufficient car parking for other uses including the country park and Elbury Meadow. This car park would be within walking distance of Elbury Meadow and therefore considered to be located in an acceptable location to serve this part of SANGS. Furthermore, additional car parking is expected within the town centre (north of Tillhouse Road) and would be located closer to the existing country park and Elbury Meadow. It is noted that Elbury Meadow would be an exception to the other areas of SANGS proposed as it would not include a car park and all other expansion areas would include dedicated car parking for SANGS. Given the above, it is considered that on balance the lack of car parking for Elbury Meadow is acceptable due to its proximity to Cranbrook and walking distance to available car parking.



As indicated on the Phasing Plan (WCN055/PAW/005 A), the phasing of the SANGS delivery would include the delivery of 9.07 hectares within the first phase of development (Bluehayes Parkland and Bluehayes Meadow) including a foot path connection between them, followed by a subsequent phase of 8.93ha at Elbury Meadow. The first phase of SANGS would be made available ahead of the first occupation of any dwelling at Bluehayes and the second phase of SANGS would be made available at prior to the occupation of the 425th dwelling at Bluehayes. The phasing and delivery of the SANGS as noted above would be secured via a S106 agreement. This ensures that SANGs are delivered in line with the growth of the development and growth in population. This approach prevents small isolated areas of SANGS being brought forward which don't fulfil the function of a SANGs. In effect it starts with a modest sized area of SANGS in a central location and then grows as housing build out continues.

As part of the long term commitment to SANGs the developers are proposing a contribution towards the long term cost of its management in accordance with Cranbrook Plan Policy CB14 and would be secured via a S106 agreement. 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 SANGS would also be covered by a SANG delivery, enhancement and management strategy.

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 planning condition and/or legal agreement:

Planning Conditions

- Phasing Plan Prior to First RM (to include a programme for SANGs delivery)
- SANGS Management Strategy Prior to First RM

S106 Agreement Requirements:

- Category 1 infrastructure (delivered on site) - SANGS establishment and enhancement (set up costs)
- Category 2 infrastructure (off site contributions) - SANGS management and maintenance contributions and Offsite habitat mitigation

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>Do we need to consider alternative solutions</p>	<p>No</p>
<p>Are there imperative reasons of Overriding Public Interest (IROPI)</p>	<p>No</p>
<p>Final Assessment and</p>	

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	Liam Fisher	Date: 2 March 2023

Natural England Appropriate Assessment Consultation Responses

15 February 2023

Thank you for consultation on your Appropriate Assessment in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment (AA) process, and a competent authority should have regard to Natural England's advice.

On the basis of information provided, Natural England's advice is that this proposed development contains (or requires) measures intended to avoid or reduce the likely harmful effects on European sites which cannot be taken into account when determining whether or not a project is likely to have a significant effect on a site and requires an appropriate assessment (following the People Over Wind ruling by the Court of Justice of the European Union). <https://www.gov.uk/guidance/appropriate-assessment#what-are-the-implications-of-the-people-over-wind-judgment-for-habitats-regulations-assessments>

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in a likely significant effect on the sites in question. Natural England's advice is that your assessment is not sufficiently robust to justify this conclusion. Therefore it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. We advise that your authority should not grant planning permission at this stage.

We advise that the following additional work on the assessment is required to enable it to be sufficiently rigorous and robust. Regard needs to be paid to Natural England's advice but it is not clear in the AA that this is the case.

- o Our most recent advice letter dated 12 November 2020 (attached) explains why we consider that a dedicated car park meeting the requirements set out in the Cranbrook Plan is necessary for the Elbury Meadows SANGs. Your AA should explain how this has been addressed. We note that the other current Cranbrook expansions applications both provide parking to access their associated SANGs.
- o We confirm we are satisfied with the size of SANGs proposed for the proposal in question.
- o The SANG delivery, enhancement & management strategy and phasing plans need to be secured and referenced in the AA.
- o The conclusion of the AA should ascertain why the proposal will not result in adverse effects on the integrity of the sites in question and set out all the mitigation measures necessary.

To give you feedback, it is not necessary to go into detail in an AA on the Cranbrook Plan HRA or the on-site mitigation measures in the South East Devon European Site Mitigation Strategy. Lengthy information can be put into Appendices and supporting documents can be referenced. This AA should concentrate on the key mitigation measure being delivered i.e. Suitable Alternative Natural Greenspace (SANGs).

Natural England should be re-consulted once this additional work has been undertaken and the appropriate assessment has been revised.

For information, Natural England does not have a role in checking Biodiversity Net Gain calculations. Please do contact me if you have queries on the above.

6 March 2023

Thank you for your email below, consulting Natural England on the attached revised Appropriate Assessment dated 2 March 2023, in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017.

Further to our discussion on the 28th February 2023, please be advised that on the basis of all the mitigation measures being secured by planning condition or S106 agreement, Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of the Exe Estuary SPA/RAMSAR, the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA.

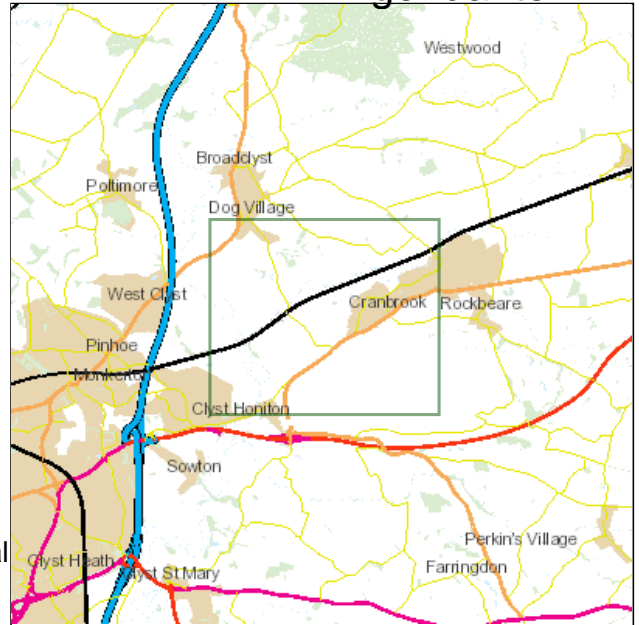
Ward Cranbrook

Reference 19/0620/MOUT

Applicant Hallam Land Management Ltd, Taylor Wimpey UK Ltd

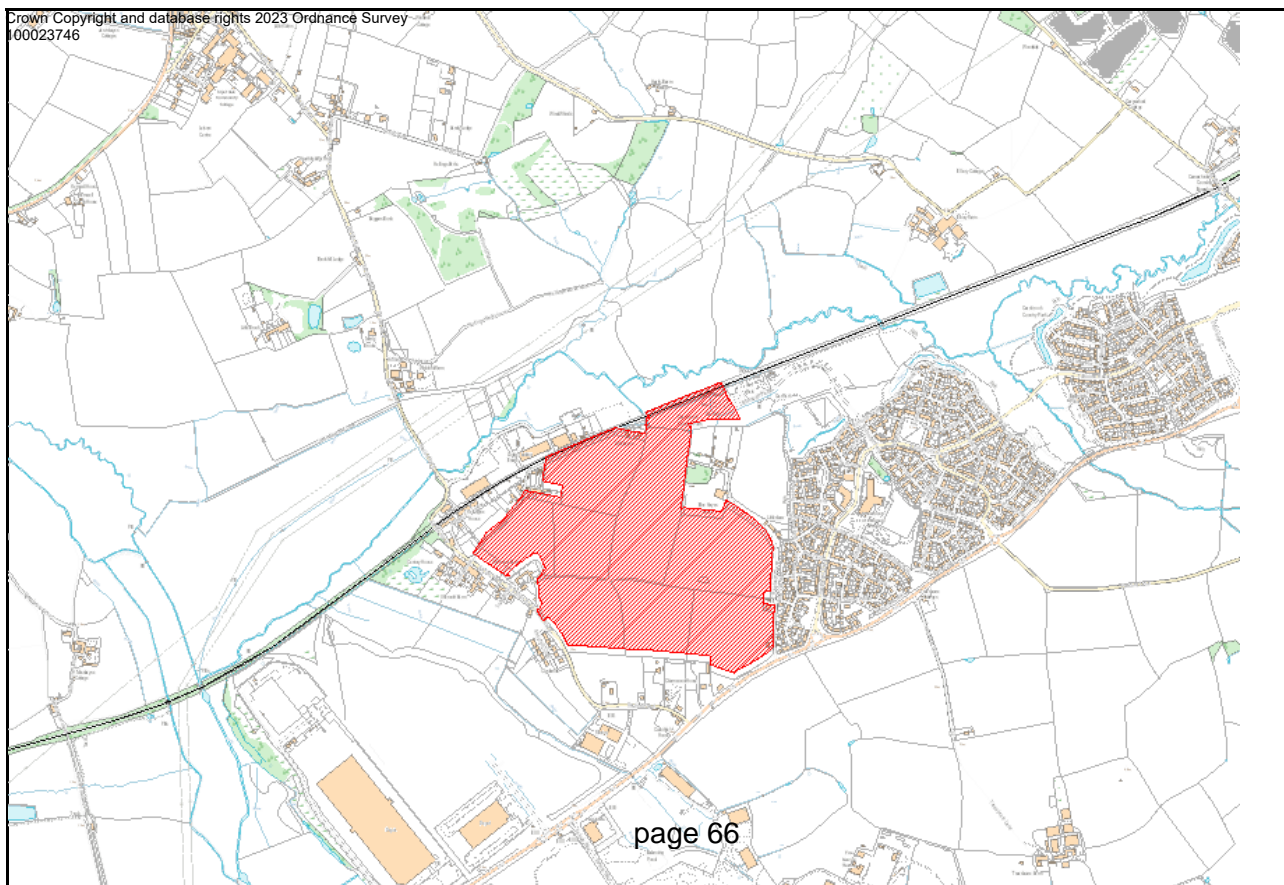
Location Cranbrook Expansion Zone West Large Site Station Road Broadclyst

Proposal Outline planning application with all matters reserved except access to the existing highway network for the expansion of Cranbrook comprising up to 870 residential dwellings; C2 residential institutions; one primary school (Use Class F1) with early years provision (Class F1/E); mixed use area including Use Classes C3 (Residential), E (Commercial Business and Service Uses), F1 (Learning and Non-residential institutions), F2 (Local Community Uses), and Sui Generis (hot food takeaways, pubs/bars) (Class E and Sui Generis uses to comprise up to 1,500 sq metres gross); recreation facilities and children's play; green infrastructure (including open space and Suitable Alternative Natural Greenspace (SANGS)); access from former A30, Station Road and Burrough Fields and crossings; landscaping; allotments; engineering (including ground modelling and drainage) works; demolition; associated infrastructure; and car parking for all uses.



RECOMMENDATION:

1. To adopt the **Appropriate Assessment** set out in **Appendix C**.
2. To approve the application, subject to conditions and **Section 106 (S106) Legal Agreement** which captures the heads of terms set out later in this report (final wording to be delegated to **Development Manager**).



		Committee Date: 20.06.2023
Cranbrook (Cranbrook)	19/0620/MOUT	Target Date: 24.07.2019
Applicant:	Hallam Land Management Ltd, Taylor Wimpey UK Ltd	
Location:	Cranbrook Expansion Zone West Large Site Station Road	
Proposal:	<p>Outline planning application with all matters reserved except access to the existing highway network for the expansion of Cranbrook comprising up to 870 residential dwellings; C2 residential institutions; one primary school (Use Class F1) with early years provision (Class F1/E); mixed use area including Use Classes C3 (Residential), E (Commercial Business and Service Uses), F1 (Learning and Non-residential institutions), F2 (Local Community Uses), and Sui Generis (hot food takeaways, pubs/bars) (Class E and Sui Generis uses to comprise up to 1,500 sq. metres gross); recreation facilities and children's play; green infrastructure (including open space and Suitable Alternative Natural Greenspace (SANGS)); access from former A30, Station Road and Burrough Fields and crossings; landscaping; allotments; engineering (including ground modelling and drainage) works; demolition; associated infrastructure; and car parking for all uses.</p>	

RECOMMENDATION:

- 1. To adopt the Appropriate Assessment set out in Appendix C.**
- 2. To approve the application, subject to conditions and Section 106 (S106) Legal Agreement which captures the heads of terms set out later in this report (final wording to be delegated to the Development Manager).**

EXECUTIVE SUMMARY

This application is before members today as it has received an objection from Clyst Honiton Parish Council and the neighbouring Whimble Parish Council and given the nature of the proposal, there has been significant public interest.

The application forms the majority of the Bluehayes Expansion Area (Policy CB2 of the Cranbrook Plan DPD) and proposes the construction of up to 870 residential dwellings together with a 2 form entry primary school with early years

provision, 0.46ha mixed use area, allotments, play spaces, green infrastructure and the delivery of SANGS. The proposal would also include 15% affordable dwellings (approximately 131 affordable dwellings), 4% custom and self-build and would result in a 10% Biodiversity Net Gain across the development and SANGS land (application ref. 19/0554/MFUL). The proposed development seeks approval for access from the existing highway network and proposes three new access points. All other matters would be considered at the reserved matters stage.

The application site is allocated for development under Policy CB2 in the Cranbrook Plan DPD. The policy allocates a larger area of land for around 960 homes, which when apportioned across the land parcels results in an expectation for the application site itself to deliver 842 dwellings meaning that the proposal results in a slight overprovision of 28 dwellings. However, this level of overprovision is not considered to result in a development of a different character and given that the development is considered to be sustainable and that the District Council cannot demonstrate a 5 year land supply, the quantum of housing proposed is supported.

The proposal would include a new three arm roundabout on London Road, a new secondary route from Station Road and a new access to Burrough Fields and Cranbrook Train Station. The proposed primary road would broadly run north to south and connect London Road to Burrough Fields through the middle of the site. Devon County Council (DCC) Highways have confirmed that the details provided for the London Road and Station Road access points satisfy the Road Safety Audit 1 Stage. As pedestrian and cycle access details have not yet been included for Burrough Fields, DCC Highways cannot accept the full detail of the proposal and a condition is required for further details to enable the LPA and DCC to approve.

Impacts on the wider road network have been assessed and it is considered that the development will not have a demonstrably harmful impact upon either the local or strategic road network. National Highways have not objected to the proposal.

Water resources and flood risk has been the subject of detailed assessment with much of the application site classed as Flood Zone 1 where there is a low risk of flooding. In this area, the surface water drainage requirements have been the main issue and DCC Flood Risk have confirmed the proposal is acceptable subject to conditions.

Parts of the site are within Flood Zone 2 and 3 and the Environment Agency had objected to the application and indicated that the flood modelling which informed the Flood Risk Assessment was not fit for purpose. However, sufficient information has now been submitted which has given the EA comfort to agree to the proposal with conditions. The conditions would require further details and flood resilience work to be submitted and agreed.

South West Water raised no objection to the proposal and indicated 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. Following the approach taken by Planning Committee in relation to the Treasbeare Expansion Area (application ref. 22/1532/MOUT) considered in February 2023, it is considered necessary to also attach a foul sewage condition to this application to address concerns raised by members.

In terms of landscape and visual impacts, the site's topography is generally flat and existing boundary features provide a sense of containment within the site. The landscape character type would be a medium to low landscape value but there are localised features such as veteran and mature trees which are judged to be of high value and shall be retained. The application would be viewed within the wider context of Cranbrook and would not result in any unacceptable long-term harm on landscape character and visual amenity.

In respect of heritage, Historic England raised concerns with the inter-visibility between the site and the Killerton Estate however officers are satisfied that the proposal development would not significantly harm the setting of designated heritage assets and the relationship can be reviewed further as part of the Design Code and at the reserved matters stage.

The application has been accompanied by a detailed Environmental Statement (ES) considering all relevant related matters including transport, air quality, noise, landscape and visual, heritage, ecology, water resources, soils, waste and utilities.

It is also noted that the application is in conjunction with application 19/0554/MFUL which proposes the change of use of agricultural land to SANGS at Elbury Meadows. Application 19/0554/FUL proposes 8.93ha of SANGS resulting in 18ha of SANGS in total. This is considered necessary for habitat mitigation in accordance with Policy CB14.

In summary, the proposed development is considered to comply with Policy CB2 (Bluehayes Expansion Area) of the Cranbrook Plan DPD and would make a significant contribution to local housing demands including affordable housing in a sustainable location. The proposal would support the growth of Cranbrook, providing a mixed use area, allotments, play space, open space, SANGS and 2 form entry primary school (unless delivered at Treasbeare). In this context and through applying the titled balance, the proposed benefits of the development would outweigh the harm. The proposed development is overall in accordance with the development plan and NPPF when read as a whole and is recommended for approval subject to conditions and S106 agreement.

CONSULTATIONS

A summary of the consultation responses are detailed below with the full consultation response provided in Appendix A and B of the report.

Local Consultations

a) Cranbrook Town Council

Comment Date: Tue 21 May 2019

- The Council had already commented on the principle of this proposed development as part of the recent consultation on the Cranbrook Development Plan Document (DPD).
- The proposals are broadly supported with the exception of the mixed-use area
- Road design is key to this development with satisfactory resolution of the traffic and transport issues
- The Town Council does not support the proposals for Bluehayes which provide residential units capable of conversion to employment. The Town Council welcomes the delivery of small business opportunities but these need to be separate from residential housing.
- The Chairman highlighted that two objections regarding the impact on the natural environment and ecology of the area as well as flooding concerns.
- The Committee further commented that the proposed alternative route to the train station would benefit the entire area.
- It was proposed by Cllr Les Bayliss, seconded by Cllr Colin Buchan and resolved to support planning application 19/0620/MOUT in principle

Comment Date: 12 Nov 2020

- The Committee discussed that the application included three areas of SANG. One of the new proposed SANG sites, to the South of the train station, had overtime developed into a wetland area. It was considered that dogs off lead in this area would be detrimental to the wildlife.
- The Committee discussed the proximity of Bluehayes Lane to the proposed new roundabout. Bluehayes lane is privately owned and outside of area of the planning application, however, it was commented that the proposed roundabout should include Bluehayes lane in its design.
- The Committee resolved to support the planning application in principle but with the following comments:
 1. To include the Bluehayes lane junction in the proposed access roundabout.
 2. That a further bird survey be carried out within the proposed SANG area during the winter months to identify the potential presence of overwintering/migrating birds.

Comment Date: Tue 17 Jan 2023

- The Planning Committee resolved to Support the application.

b) Broadclyst Parish Council

Comment Date: Mon 03 Jun 2019

- Broadclyst Parish Council is unable to support the submitted proposals for the following reasons:
 1. Insufficient detail as to the re-routing of Station Road;
 2. Potential difficulties in road traffic management throughout the area are not being addressed;
 3. There is insufficient mitigation to prevent coalescence between Broadclyst Station and Cranbrook.

Comment Date: Mon 09 Nov 2020

- Broadclyst Parish Council met on 2nd November 2020 and considered the amendments and did not wish to comment.

Comment Date: Tues 31 Jan 2023

- Broadclyst Planning committee met 30th January 2023 and discussed the planning amendments.
- Please could the green wedge follow the boundary line opposite Shercroft Close to cover all of Broadclyst Station
- The planning committee would like to see one of the following three options: Shut Station Road to all except cycling and pedestrians; No left turns in to Station Road; Keep the end of Station Road as access only.
- The pressure on the railway bridge is huge at present and will increase. There is no pedestrian link north to Broadclyst Village
- Bluehayes need to be self-sufficient and not rely on local provisions

c) Wimple Parish Council

- Consulted 30/04/2019. No comments received.

Objection Date: Tue 17 Nov 2020

- Whimple Parish Council note the high number of objections to the application and agree with the objections already made. There needs to be some consideration for a North/South road diverting from the rail bridge to alleviate traffic pressures that already exist in the area before any further development takes place.

d) Clyst Honiton Parish Council

- Consulted 30/04/2019. No comments received.
- Consulted 27/10/2020. No comments received.

Objection Date: Thurs 2 March 2023 (Rob Martin)

- Clyst Honiton Parish Council Objects to this application on the basis that the provision of Betting Shops should not be allowed under the Class E sui generis class in this development.
- It also believes that the current sewage disposal system is not adequate to deal with additional development in this area given that the raw sewage discharges from the pumping stations in Clyst Honiton and elsewhere are already at an unacceptable level. This is a problem that must be resolved before further large development in the area is allowed to go ahead.
- In addition, there are concerns that further major developments without sufficient regard to the potential flooding of the River Clyst is not addressed. The Parish Council believes that the Rivers Exe and Clyst need to be dredged to allow better outward flow.

e) Rockbeare Parish Council

- Consulted 30/04/2019. No comments received.
- Consulted 27/10/2020. No comments received.

f) Councillor Rylance (Broadclyst)

Councillor Rylance (Broadclyst) commented on the application on 14 May 2019. This is summarised below:

- Concerns with timing of application and validation
- Concerns with surface water and flooding especially in North West Section
- Removal of ancient field boundary - recommend retaining of hedges
- Proximity to Broadclyst Station
- Inclusion of green spaces welcomed

g) Cranbrook Country Park Ranger

Comment Date: Wed 18 Nov 2020

- The majority of the Country Park is available for dog owners to allow their pets off the lead.
- An area in the Bluehayes expansion opposite the train station has been known by birders in the past as the 'Cranbrook scrape' and does indeed hold water throughout the year.
- It stands out as an area very favourable to some more interesting birds. If dogs were permitted to run off the lead in this area any chance of these birds returning would be lost.
- According to the planning documents only a single bird survey has been carried out (May 2020), which solely focussed on recording breeding bird populations. It does not consider the presence of winter visitors or passage migrants. The majority of UK wading birds tend to be winter visitors and thus would not have been identified in the survey carried out by Ecology Solutions.

- Clearly the management of this area needs to be considered carefully in order to encourage the return of further wetland species.
- I would recommend that this area has a PSPO for either no dogs or dogs on leads and walkers restricted to the walkway around the perimeter.
- I recommend that a bird survey be carried out each season to more accurately represent the variety of bird species utilising this area.

Technical Consultations

h) EDDC Landscaping

Comment Date: Fri 28 June 2019

- The LVIA includes both the Western Expansion Area (WEA) and the SANGS area to the northeast.
- In its consideration of Devon landscape character areas (LCAs), sections 4.18-4.23, there appears to be confusion between LCTs and LCAs.
- A digitally prepared zone of theoretical visibility (ZTV) should be provided that can accurately factor in maximum height of development.
- The consideration of landscape effects is rather generalised and further quantification of physical losses should be provided such as linear metres of hedgerow and number of trees removed.
- The magnitude of landscape change within the western expansion area is judged in the LVIA to be high-medium. I consider this to be an underestimate and the change within the site should be considered high.
- There is no attempt to quantify/ describe what the differences in visibility arising from winter loss of tree and hedgerow leaf cover compared to summer would be.
- Both H5 and H6 are shown as retained within the Cranbrook Masterplan 2019 and the proposed layout should be adjusted accordingly to ensure their retention.
- The loss of this hedgerow H1 would have a high visual impact for users of the London Road and nearby residents.
- The parameters plan accompanying the application provides for three small GI areas with more limited recreational value around the western perimeter of the site and proposed new housing directly abutting the northwest boundary. This should be revised to reflect the Cranbrook Masterplan 2019.
- Dark render stone or brick frontages to the parkland under plain grey roof tiles would reduce the visual impact of surrounding buildings in views from the parkland.
- The proposed boundary treatment to parkland frontages is stated as open or low walls/ railings with views of parkland retained.
- The sustainability proposals outlined in the DAS lack ambition. In respect of heating, connection to the district heating system is stated as an option to be explored.
- As a minimum all buildings with suitable roof aspects should be fitted with solar PV panels.
- To help storm attenuation and conservation of water all homes should be provided with a water-butt to collect roof run-off.
- The provision of pond(s) with permanent standing water is desirable for both amenity and bio-diversity value and should be incorporated into the drainage proposals.

- While the details provided for the SANGS require further consideration at detail level, the general principle of the change of use is acceptable in terms of landscape and visual impact. Should the application be approved further tree and topographic survey information should be provided and the proposals amended accounting for comments above.

Comment Date: 7 Dec 2020

- Location of bollards and verge along MLR
- Consideration of tree planting along MLR

Comment Date: 28 April 2021

- Vehicular junctions require tree and hedgerow loss
- Loss to London Road is likely to be much more extensive
- Justification for the junction selection over alternatives
- Further details of SUDs to be provided to Design Principles
- Extensive woodland to screen the existing infrastructure and fencing
- Concerns with surveillance and remoteness

Comment Date: Thurs 2 Feb 2023

- The Parameters Plan should clearly indicate existing trees and hedgerow proposed to be removed.
- Not all tree and hedgerow losses proposed seem necessary, particularly at this outline design stage.
- The annotations for footways in the drawing key are incorrect and confusing.
- The proposed path ending at the attenuation basin at the western end of the site should be extended to join the road serving Railway Cottages.
- The references to compacted gravel and mown grass footways in the key do not reflect the plan annotations and should be omitted or amended as appropriate.
- The planting schedule or drawing annotations should indicate proposed planting densities.
- Concerns with tree planting locations and species.
- Location of benches within the Parkland
- Traffic calming/reduction scheme for Station Road
- Details and locations for at least two rustic benches should be indicated.
- Proposed woodland areas should be fenced with post and wire mesh rabbit proof fencing until adequately established.
- Recommended conditions

i) EDDC Green Infrastructure Project Manager

Comment Date: Tues 18 Jun 2019

- The layout presently results in an unacceptable loss of mature trees and hedges from the western corner of the site. Two English oak (trees TG9) are given category B status. They should be retained.

- No attempt has been made to interpret the development of the parkland e.g. from OS first edition maps or the protection of certain trees within the parkland with iron guards, which suggest they were planted. The green corridor and terminal GI south of the park has the potential to create a vista to/from Bluehayes House.
- There is some confusion over whether Bluehayes is to be designed for formal or informal open space. SANGS criteria require the latter. The linkages between the different SANGS areas are critical; they need to be designed to enable off-lead dog-walking without conflict between other users. The flood compensation area is developing high biodiversity interest in the wetland, including breeding and wintering birds. If possible access should avoid destroying this biodiversity value
- The design and access statement has a loose reference to mitigating the loss of hedges and trees but there is no quantification.
- The design of the junction with Station Road needs to give cyclists primacy, allowing for a major commuter cycle route linking Cranbrook to Exeter. The position of the T-junction between this connector street and the primary route needs careful design because the green corridor immediately north is a key pedestrian/cycle link with the school and Bluehayes Park.
- There should be a high quality segregated cycleway as part of the primary route.
- A single drawing 10292 which is a 'drainage strategy' but which is clearly inadequate on its own.

Comment Date: Thurs 16 Feb 2023

- Parameters Plan: Education or residential cuts right into the root protection zone of the veteran oak. The informal green infrastructure should extend down the east edge of the proposed allocation. No footpath link between the country park SANGS and parkland SANG.
- SANGS Planting Plans dwgs. FPCR L-0002, 0003 and 0004 (sheets 1-3), rev. PO5: The plans need to be re-submitted – the key does not match up. The layout and submitted information should demonstrate how the positioning of trees, paths, art, benches etc have been thought through.
- Sheet 1 of 3: Between the access road and the railway line, it would be preferential to create woodland with alder, willow etc. The proposed 'flowering lawn mix' will fail in the nutrient-rich floodplain soils.
- Sheet 2 of 3: Nature is doing a fine job on its own here, with willows and other tree species having established very quickly from seed. Open water should be re-established in the area proposed for 'wet meadow grassland'
- Sheet 3 of 3: No permanent water feature is shown, only the indicative location of a SUDS. No tree planting should occur within the crown area of existing trees. There doesn't appear to be any public art feature on this plan.
- Access Plans: Cycling and walking infrastructure should give priority and included on all plans.

j) EDDC Economic Development

Comment Date: Thu 22 Aug 2019

- The submitted Environmental Statement includes a section on employment. Section 2.3.8 states that the mixed use area has been refined in terms of size.
- From an Economic Development perspective, this reduced economic and employment offer is not consistent with sustainable community development or acceptable in Policy terms.
- This application fails to adequately address the clear Local Plan requirement to provide for 1 job per new dwelling.
- Strategy 31 also requires this development to provide around 3.72 hectares of employment land for 930 dwellings.
- The employment requirement is more urgently required in Cranbrook.
- Very little is mentioned of the mixed (inc. employment) uses within the DAS beyond it being small scale, including retail and 50% residential.
- The proposed 1,500 sqm of A1-A5 and B1 could provide only a fraction of what Strategy 31 requires.
- The socio-economic assessment covers an area far wider than the Western area application site. A baseline is established using available statistics and data.
- The reduced employment provision detracts from the scheme's overall value to both local employment provision and the local economy.
- The quantum of proposed employment; a description of the jobs and their associated levels of GVA should now be requested as part of a more robust Economic Impact Assessment.
- It is unclear how the current outline application will ensure delivery of this business space and the objectives of the Cranbrook Economic Development Strategy.
- Our preference would be that additional employment land is provided to meet the requirement of Strategy 31 and that this be proposed for B1 office use offering both higher value and employment density.
- We have an opportunity, through planning, to ensure provision for higher value jobs within the town through the provision of modern, affordable small B1 units which would make the most of the town's excellent superfast broadband, transport connectivity and locational advantage.
- Up to 1,500 sqm of A uses and B1 on approximately 0.5 Ha with 50% residential dilution will deliver too few new jobs to balance 930 new houses and more than 2,000 additional residents.
- Consulted 27/10/2020. No comments received.

k) EDDC Recycling and Waste

Comment Date: Thu 27 October 2019

- Please provide the developer with a copy of the R & W developer guide.
- In particular we would like to see a layout plan showing the individual recycling and waste collection points for each unit and the location of any communal recycling facilities.

l) EDDC Ecology

Comment Date: Fri 7 Oct 2022

- Up to date ecological survey information is essential in order to make an accurate assessment of likely ecological impacts, and assess the suitability of proposed avoidance, mitigation and compensation measures at the time of decision making.
- The most up to date dormouse survey of the site was concluded in 2016, and concluded that dormice were likely to be absent from the site.
- Given the value of the hedgerows within the site for dormice and proximity to recent local records, it is considered likely that dormice could be present on the application site.
- Based on the EDDC walkover results, the baseline habitats proposed within the BNG calculations and figures produced appear to be inaccurate in certain areas.
- No account of where reptile survey was carried out is given, and the number of mats used was very low given the large size of the habitats present which have potential to support reptile populations. The latest survey was from 8 years ago, and is out of date.
- Proposals should follow the mitigation hierarchy. Provision of biodiversity net gain (BNG) does not negate the necessity to apply the mitigation hierarchy.
- Whereas it is understood that some hedgerow loss is unavoidable in order to deliver the quantum of development required, it is considered that there are several areas where small revisions to layout could be adopted to facilitate retention of large areas of hedgerows.
- Consider addressing the BNG comments made and presenting all BNG information in a clearly laid out single BNG assessment document.
- Please address inconsistencies between current habitat condition, proposed changes for BNG calculations, and the SANGS proposals produced by FPCR.
- There is potential for allowing the existing natural regeneration and tree planting to compliment habitat enhancement proposals in this area.

Comment Date: Fri 6 Jan 2023

- It appears that yes, the proposal is capable of achieving 10% BNG, whilst considering the retention of the habitats currently present on the site.
- The ES Addendum (paragraph 9.66) states that habitats within 300m of a nest will be subject to a licence. This is not standard practice.
- Please ensure that the BNG principles above are applied to future applications/phases (use of current, detailed baseline habitats, and evidenced application of the mitigation hierarchy).

Comment Date: Thurs 24 May 2023

- Ecological information should be sufficiently up to date.
- Given that the updated bat, dormouse and reptile surveys are within three years, and an updated walkover survey was undertaken in February 2022 I would be satisfied with the age of the survey data.
- Once dormice presence has been confirmed they should be assumed to be within all connecting and suitable habitat. Therefore, a dormouse mitigation licence should be obtained from Natural England prior to any hedgerow and/or woody habitat removal.

- This could be detailed within a Landscape and Ecological Management Plan (LEMP) and may require habitat planting in advance of works.
- I would also suggest a pre-commencement condition in addition to the requirement of a LEMP.

m) EDDC Trees

- Consulted 27/10/2020. No comments received.

Comment Date: Thurs 9 March 2023

- The indicated level of hedgerow removal appears to go substantially beyond this and results in an erosion of hedgerow quality across the site as a whole.
- No objection to the principle of development at this on arboricultural grounds.
- No objection to the three stated highways connection points, subject to a condition to secure compensation tree and hedgerow planting for those removed.
- It is unclear from the information available if the stated level of development is achievable in relation to existing and proposed tree and hedgerow features.
- Any future reserved matters application should seek to retain more of the existing hedgerows.
- Buffer zones around the veteran trees should form part of the proposed plans and any development or urbanisation in these areas should be avoided.
- Any reserved matters application should be supported by a detailed arboricultural impact assessment, tree constraints plan overlaid on the proposed site plan. The reserved matters application should also be supported by detailed arboricultural method statement and tree protection plan. Provision should also be made for the ongoing monitoring of tree protection measures during the construction phase of the development.

n) EDDC Environmental Health

Comment Date: Fri 19 Jul 2019

- Environmental Statement dated March 2019 now comprehensively covered any of the concerns we raised during the previous application process in 2015.
- A condition should be applied which refers to this Statement and requires the recommendations contained within it are implemented in full throughout the life of the development.
- A condition requiring a CEMP is also needed, specifically restricting working hours to those agreed by the council in the Construction Sites Code of Practice.
- Health Impact Assessment does cover the 6 main areas of concern and indicate how the overall site design, layout and amenities is intended to meet the commitment of EDDC to create healthy communities.
- We would like to see a commitment to encourage a "work where you live" approach.
- Consulted 27/10/2020. No comments received.

Comment Date: Tues 17 Jan 2023

- I have considered the application and do not anticipate any environmental health concerns

o) EDDC Contaminated Land

Comment Date: Fri 19 Jul 2019

- The previous use of this whole area is essentially agricultural with minor areas of previously occupied land. The comprehensive Stage 1 assessment in the Environmental Statement does not identify any specific areas of concern.
- A precautionary contaminated land condition is all that is required.

Comment Date: Wed 25 Nov 2020

- I have considered the application 19/0620/MOUT and do not anticipate any concerns in relation to contaminated land.

Comment Date: Tues 17 Jan 2023

- I have considered the application and do not anticipate any concerns in relation to contaminated land.

p) EDDC Conservation

Comment Date: Thu 30 May 2019

- The application includes the submission of an Archaeology & Heritage Assessment which details the heritage assets, potential archaeology.
- The principle of development has already been accepted on the site, but the impact on any heritage asset and its setting needs to be clearly identified.
- There are no designated heritage assets including listed buildings within the Cranbrook Western Expansion Area (Bluehayes). However, there are a number of listed buildings and structures in the wider landscape, including the closest, a Grade II milestone on the A30. All other heritage assets are some distance from the actual site.
- No reference is made to the area of land known as Treasbeare, including Treasbeare Farm, listed Grade II, nor any listed buildings to the north or west of the site, for example, Heathfield Farm, Broadclyst.
- Historic England has already commented on this aspect and the much wider concept of the setting at Killerton and the surrounding Killerton Estate. A much more detailed assessment is therefore required to support the application in relation to the heritage assets and their significance.
- Acceptable in principle, but a more detailed analysis of the heritage assets, and the impact of the development on their significance in relation to their setting is required.

Comment Date: Fri 23 Apr 2021

- This provides further consideration of the heritage issues and the previously submitted assessment as well as Winter Photographs to support the landscape assessment (Fig 8.13 - 8.42).
- It is acknowledged that from Killerton House and the hill top behind that there are far reaching views of the surrounding landscape including towards the application site. However, there is already evidence of existing development within the vicinity and the proposed extension to Cranbrook would be difficult to differentiate from this distance. In addition, other designated heritage assets to the north and west of the site are likely to remain unaffected due to their location, the topography and the existing built form, mature vegetation and landscaping
- It is considered that based on the submitted additional information/justification that the level of inter-visibility is sufficiently distant to result in minimal harm to the setting or significance of Killerton and the wider Estate.

q) EDDC Housing Strategy/Enabling Officer

Comment Date: Fri 24 May 2019

- Strategy 34 of the local plan a target of 25% affordable housing is sought (232.5 units) 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 of the draft DPD states that affordable housing at a rate of not less than 15% of total dwelling numbers (139.5 units) would be required. Once adopted this policy will supersede Strategy 34.
- No information on amount and type of affordable housing has been provided but this will be a matter for negotiation and will reflect development costs, wider planning obligations and other issues.

r) Devon County Council

Comment Date: 18 June 2020

- Devon County Council provides the following view on this application:
 1. The council objects to this planning application in relation to local transport provision and flood risk management due to the submission of inadequate information.
 2. Subject to the imposition of suitable planning conditions, the council raises no objection on matters relating to waste planning or historic environment.
 3. Subject to the provision of appropriate s106 contributions, DCC does not object relating to the provision of education, extra care housing, library services, children's services and health and wellbeing.

- **Local transport provision** - Devon County Council objects to this planning application on the grounds of inadequate information contained in the Transport Assessment.
- **Local education provision (including early years)** - Without the s106 contributions towards primary, secondary and SEN education provision identified above, Devon County Council would object to this planning application.
- **Extra Care Housing Provision** - Subject to such contributions the county council has no objection to the application on the matter of extra care housing provision
- **Children's services** - Subject to such contributions towards children's services, the county council has no objection to this application
- **Waste Planning** - Should planning permission be granted, we recommend that a planning condition is imposed requiring submission as part of the reserved matters of a detailed site waste management plan to include measures for management of waste during site enabling and construction works (as proposed in the submitted waste assessment).
- **Historic environment** - Subject to submission and implementation of an approved Written Scheme of Investigation, required by an appropriate planning condition, the council has no objection on this matter.
- **Flood risk management** - Devon County Council objects to the above planning application on matters of flood risk management because the applicant has not submitted sufficient information to demonstrate that all aspects of the surface water drainage management plan have been considered.
- **Health and wellbeing** - The council broadly supports this application on matters relating to health and wellbeing subject to provision of s106 contributions and further details being resolved at reserved matters stage.
- **Gypsy and Travellers provision** - We note that this application does not make any provision for Gypsies and Travellers. However, we expect that sufficient pitches will be provided elsewhere at Cranbrook as identified in Strategy 12 of the adopted Local Plan and as proposed in the Cranbrook Plan Submission Draft.

Comment Date: 15 December 2020

- Devon County Council provides the following view on this planning application:
 1. Subject to the imposition of suitable planning conditions, the council raises no objection on matters relating to waste planning or historic environment.
 2. The council objects to this planning application in relation to local transport provision and flood risk management due to the submission of inadequate information.
 3. Subject to the provision of appropriate s106 contributions, DCC does not object relating to the provision of education, extra care housing, library services, children's services, youth service and health and wellbeing.
- **Local transport provision** - Devon County Council objects to this planning application on the grounds of inadequate information.
- **Flood risk management** - Devon County Council, as Lead Local Flood Authority, are unable to withdraw our objection, but would be happy to provide a further substantive response when the applicant has formally submitted the additional information requested.

- **Local education provision (including early years)** - Devon County Council, as the Local Education Authority, requires certainty that the development will contribute to education infrastructure to fully mitigate the impact of the housing growth proposed. The contributions requested above are fair, based on established education formulae and reasonably related in scale to the development proposed.
- **Extra care housing provision** - Subject to such contributions the county council has no objection to the application on the matter of extra care housing provision.
- **Library services** - The county council has no objection to the application subject to such contributions towards library services.
- **Children's services** - Subject to such contributions towards children's services, the county council has no objection to this application.
- **Youth service** - Subject to such contributions towards youth service facilities, the county council has no objection to this application.
- **Health and wellbeing** - The council broadly supports this application on matters relating to health and wellbeing subject to provision of s106 contributions and further details being resolved at reserved matters stage
- **Gypsy and Travellers provision** - We note that this application does not make any provision for Gypsies and Travellers. However, we expect that sufficient pitches will be provided elsewhere at Cranbrook as identified in Strategy 12 of the adopted Local Plan and as proposed in the Cranbrook Plan Submission Draft.
- **Waste planning** - The submitted waste assessment is generally acceptable and appropriate to an outline application. Should planning permission be granted, we recommend that a planning condition is imposed requiring submission as part of the reserved matters of a detailed site waste management plan to include measures for management of waste during site enabling and construction works (as proposed in the submitted waste assessment)
- **Historic environment** - The County 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.

Comment Date: Wed 1 Feb 2023

- Devon County Council provides the following view on this revised application:
 1. The Council maintains a holding objection with regards to flood risk until the additional information requested is submitted to and agreed in writing by the Lead Local Flood Authority.
 2. Subject to the imposition of suitable planning conditions, the council raises no objection on matters relating to 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.
- **Highways and Transport** - 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 s106 contributions for sustainable transport.

- **Local Education Provision (Including Early Years)** - Devon County Council, as the Local Education Authority, raises no objection to this application on education matters subject to the 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** - Subject to such contributions towards children's services, the county council has no objection to this application.
- **Youth Services** - Subject to such contributions towards youth service facilities, the county council has no objection to this application.
- **Library Services** - The county council has no objection to the application subject to such contributions towards library services.
- **Extra Care Housing Provision** - 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** - We note that this application does not make any provision for Gypsies and Travellers.
- **Health and Wellbeing** - 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** - At this stage, we are unable to withdraw our objection, but would be happy to provide a further substantive response when the applicant has formally submitted the additional information requested below to the Local Planning Authority.
- **Historic Environment** - Subject to submission and implementation of an approved Written Scheme of Investigation, required and implemented by the above appropriate planning conditions, the council has no objection on this matter.
- **Waste and Minerals** - Subject to an appropriate planning condition, the council has no objection on this matter.

s) DCC Highway Authority

Comment Date: Fri 12 Feb 2021

- In my view the proposals for the provision for cyclists set out in the application, in particular on drawing 51805-GA-003 included in the Technical Addendum, are broadly acceptable.
- A section drawing will be required to clarify exactly what is proposed in terms of cycle lane width, delineation from ped lane and/or carriageway.
- Whilst fine detail can be resolved at S278/38 stage, these access points will achieve full planning permission at this outline stage and hence clarity over the arrangement is necessary.
- In respect of the Transport Assessment documentation, it is accepted that this and the subsequent technical notes demonstrate that the junctions can accommodate the Western Expansion Area and do not prejudice and junctions coming forward for the full Cranbrook proposals, but that Bluehayes is not delivering them.
- It is also agreed that trip rates and traffic distribution cannot, and should not be fixed now, it will need to be revisited as each application comes forward in due course.
- The matter of 30mph speed limit on London Road is one that will need to be resolved.

- Some of the off-site works indicated in the documents are not actually proposed to be brought forward by this development. The funding of these elements of the IDP will need to be supported by this development and should feature in the s106 negotiations.
- The WSP submission addresses the remainder of the DCC queries to the extent that I am happy that the highway authority objection to the proposals can now be withdrawn.

Comment Date: Tues 14 Feb 2023

- Station Road: The Highway Authority generally accept the proposed arrangements] and detail however a controlled crossing point needs to be secured as part of any Outline obligations/works and be positioned, in an appropriate location.
- London Road: The NMU crossing off the northern spur/new road link proposed, as indicated in supporting Drg No:51805-WSP-RBT-00-DR-CH-0 P07 also needs to be secured as part of any favourable Outline consent.
- Burrough Fields: An appropriately worded Grampian condition will be required to ensure suitable NMU access(es) are also delivered as part of this obligation
- Movement Plan: Movement Plan indicates a commitment for a pedestrian/NMU access onto the public highway...a Grampian condition would need to be secured to ensure a commitment to its delivery.

Comment Date: 24 March 2023

- The Highway Authority are now in a position to be satisfied that the London Road and Station access proposals are acceptable to RSA1 Standard.
- The proposed access and tie into Burrough Fields, however, is not currently considered acceptable and in this instance will require a condition through a Grampian arrangement.
- The Highway Authority are satisfied with the principle of the applicants proposals as denoted in the supporting access drawing (London Road and MLR Junction) where they obligated to also contribute a sum towards offsite works in support of this evolving scheme.
- A phasing plan for the build out of the site must ensure that a genuine approach to achieving the primary links connecting all access points are delivered as early as possible.
- The County Council requests provision of s106 contributions towards public transport, off site walking and cycling, shared mobility, and travel planning.
- This development is required to deliver a robust and appropriate Travel Plan, secured in writing through a S106 in conjunction with the Highway Authority.
- The Highway Authority would recommend the requirements S106 contributions are secured through a S106 agreement and planning conditions.

t) DCC Flood Risk and SUDS (LLFA)

Comment Date: 24 March 2023

- Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the recommended pre-commencement planning condition is imposed on any approved permission.
- The applicant has provided correspondence from South West Water to confirm that they will accept a connection into their surface water drainage system.
- Above-ground features will be further explored at the Reserved Matters stages for each phase.

u) DCC Historic Environment

Comment Date: Tues 07 May 2019

- The Historic Environment Team will be commenting on this application as part of Devon County Council's overarching response.

v) Historic England

Comment Date: Mon 20 May 2019

- The new town is already having an effect on the surrounding landscape and these potential areas of expansion could significantly increase that impact.
- With development of this size, the zone of visual influence can be extensive, and limited visual impact assessments for heritage sites to the immediate vicinity of the application site is not adequate for sensitive designated assets.
- The impact assessment has undertaken no detailed analysis on the potential impact on the surrounding designated assets including the historic landscape and listed buildings on the Killerton estate, both designated at grade II*.
- The National Trust has undertaken their own settings analysis for the property, which identifies the current visibility of Cranbrook in more distant views from the park.
- The size of the proposed development makes it advisable for a more thorough impact assessment to be undertaken to ensure that the resulting change to the view would not be harmful. In the case of both heritage assets, we recommend that sequential assessment process set out in the published guidance on The Setting of Heritage Assets is followed.
- Without this work being undertaken, we would question whether the applicant has complied with paragraph 189 of the NPPF.
- The absence of such information also affects your Authority's ability to comply with paragraph 190.

Comment Date: Fri 27 Nov 2020

- The council need to satisfy themselves of the level of inter-visibility between the application site and the historic complex at Killerton. The authority will be able to establish if further steps are required either at outline or at reserved matters stage to avoid or minimise any identified impact.
- Due to the underlying topography the house and gardens are afforded far reaching views across the surrounding landscaping including towards the application site.

- The new town is already having an effect on the surrounding landscape and these potential areas of expansion could significantly increase that impact if approved.
- Whilst the distance to Cranbrook makes these views of potentially lower sensitivity in relation to Killerton's setting, the size of the proposed development makes it advisable ensure that the impact has been rigorously assessed.
- We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189 and 190 of the NPPF.

Comment Date: Wed 4 Jan 2023

- This letter should be read in conjunction with these earlier correspondence in particular those dated 27 November 2020, as much of the information remains extant. In summary, we remain of the view that the council need to satisfy themselves of the level of inter-visibility between the application site and the historic complex at Killerton. Depending on the outcome of the assessment, you, the authority will be able to establish if further steps are required either at outline or at reserved matters stage to avoid or minimise any identified impact.
- We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194 of the NPPF.

Comment Date: Mon 16 Jan 2023

- We would refer you to these earlier correspondence in particular those dated 27 November 2020 and 3 January 2023, as the information remains extant.
- We remain of the view that the council need to satisfy themselves of the level of inter-visibility between the application site and the historic complex at Killerton. Depending on the outcome of the assessment, you, the authority will be able to establish if further steps are required either at outline or at reserved matters stage to avoid or minimise any identified impact.
- 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.

w) The Environment Agency

Comment Date: Mon 03 June 2019

- We recommend the application is not determined until further information has been submitted and reviewed to ensure the Flood Risk Assessment (FRA) is adequate. We would object to the proposal if it is not supported by an adequate FRA.
- The FRA prepared by Brookbanks (ref. 10292 FRA02 Rv4, dated 09/04/19) has been reviewed and is considered to be insufficiently comprehensive and overlooks a number of site specific flood risk issues.
- Solution required to the culvert that passes beneath the railway which gives betterment over the existing situation

- The impacts of climate change need to be correctly addressed within the FRA
- Discussion needs to be included about how the layout of the indicative masterplan has been influenced by the FRA.

Comment Date: Mon 16 Nov 2020

- We consider that our position remains as that outlined in our previous letter in that the application is not determined until further information has been submitted and reviewed to ensure the Flood Risk Assessment (FRA) is adequate.
- We have reviewed the revised FRA submitted by Brookbanks (Rev. 2, dated 30/10/20). We consider that this FRA does not address the points raised in our previous letter (dated 31/05/2020) and that it represents an inadequate assessment of the flood risks posed to and from the development.
 1. An area of localised flood risk is known to exist to the north of the development site. It is considered appropriate that this element of flood risk is addressed as part of the development, providing a solution which gives betterment over the existing situation.
 2. The discrete element of the development site to the east of Bluehayes Lane should be correctly referenced in the FRA as flood zone 3 and the extents appropriately mapped.
 3. The impacts of climate change need to be correctly addressed within the FRA.
 4. Design flood levels (to mAOD) for the development site need to be derived and appropriately linked to the site topography to define areas of flood risk and development thresholds.
 5. Discussion needs to be included about how the layout of the indicative masterplan has been influenced by the FRA, and/or how it conforms in terms of the acceptability of various vulnerability elements within the flood zones.

Comment Date: Mon 12 July 2021

- Whilst the recently submitted information addresses several of our concerns, we maintain our objection to the proposed development on the grounds of flood risk.
- We have reviewed the Flood Study Report by Brookbanks (ref. 10292 FS01 Rv1, dated 10.06.21). However, a significant aspect which has not been discussed is a blockage scenario within the culverts, particularly in relation to the limiting railway culvert.
- With reference to the 5 points raised in our previous letter, the submitted flood study is applicable for addressing points 1, 2 and 3. A further addendum to the Flood Risk Assessment will be required to address points 4 and 5 once the Flood Study Report has been fully accepted, and covers the matters raised above.

Comment Date: Fri 05 Nov 2021

- We have reviewed the submitted Technical Note No9 by Brookbanks dated 26th August 2021.
- We maintain our objection to the proposed on the grounds of flood risk. The reason for this position and advice is provided below.

- Before you determine the application, your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already.
- The submitted Technical Note by Brookbanks (ref. 10292) assesses the blockage scenarios however, we have concerns regarding the modelling. Until we are confident that the model outputs are correct, we are unable to comment on the proposed flood levels for the site and the suitability of the access road in the northern part of the site which falls into the area at flood risk.
- We would recommend that the applicant submits their flood model and results as part of this planning application, so that it may be reviewed by our Evidence and Risk team.

Comment Date: Fri 22 April 2022

- We maintain our objection to this application on the grounds that it is not supported by an acceptable flood risk assessment (FRA).
- We have reviewed the current flood modelling and have found the model to be insufficient at present.
- The model must be updated in line with the comments we have provided to the FRA consultant. Once an acceptable model is available the FRA should be updated as necessary to ensure the development will be safe in respect of flooding over its lifetime without increasing flood risks elsewhere in accordance with the National Planning Policy Framework.

Comment Date: Tues 3 Jan 2023

- Thank you for re-consulting us on the above planning application. We have needed to request further information from the applicant's FRA consultant before we are able to review the revised flood modelling that supports this application.

Comment Date: Fri 27 Jan 2023

- We maintain our objection to this application on the grounds that it is not supported by an acceptable flood risk assessment (FRA).
- We have undertaken a second review of the current flood modelling which will inform the FRA and have found the model is still not fit for purpose. A number of comments have been provided and updates to the model are required.
- Unfortunately, due to the scale of development and potential level of flood risk, we are unable to recommend a condition for the modelling to be agreed at a later stage.

Comment Date: Mon 27 March 2023

- We maintain our objection to this application on the grounds that it is not supported by an acceptable flood risk assessment (FRA).
- We have undertaken a further review of the current flood modelling which will inform the FRA and have found the model is still not fit for purpose. The review indicated that there are still fundamental problems with the model.
- In 2012, (application ref. 12/0748/MFUL) an area of land was secured for flood compensation storage. This land was approved as compensation storage, so we

would like to query why the plans and model results show a larger area to be free of flood water in the design event than as previously designed. This issue likely demonstrates the issues with the flood model and hydrology that is used within it.

- The modelling (both the hydraulic model and hydrology) needs to be updated and further information is needed, as set out in the review feedback sent to Brookbanks. Once the modelling is agreed, the FRA should be amended.

Comment Date: Fri 19 May 2023

- 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 – including sign-off of the modelling and agreement of finished floor levels;
 - Detailed design of the flood storage areas;
 - Detailed design of the access road flood culverts; and
 - Construction Environment Management Plan (CEMP)

x) Royal Devon & Exeter NHS Foundation Trust

Comment Date: Fri 17 May 2019 (SEE APPENDIX B)

- 930 dwellings equates to 2,053 residents which will generate 4,845.42 acute interventions over a 12 month period.
- Contribution of £1,332,313.00 for 930 dwellings
- The Trust is currently operating at full capacity in the provision of acute and planned healthcare
- The Trust cannot plan for unanticipated additional growth in the short to medium term
- Contribution to provide services needed by the occupants of the new development for one year only
- Without contributions, the proposed development will put too much strain on services
- Impact on the Trust's ability as it will be forced to operate over capacity

Comment Date: Tues 1 March 2022

- As our evidence will demonstrate, the Trust is currently operating at full capacity in the provision of urgent and elective healthcare.
- The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new development.
- A development of 930 dwellings equates 2,053 new residents and will generate 4,845.42 acute interventions over the period of 12 months.
- Therefore the contribution required for this proposed development of 930 dwellings is £1,332,313.00.

Comment Date: Mon 11 April 2022

- As the attached document demonstrates, Royal Devon & Exeter NHS Foundation Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare.
- The contribution in the amount £545,392 sought will go towards the gap in the funding created by each potential patient from this development.
- Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development.

y) Natural England

Comment Date: Mon 10 June 2019

- 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.
- Demonstrate that a minimum of 17.5 hectares of Suitable Alternative Natural Green Space (SANGS) area can be secured, both on and off-site.
- It is your Authorities duty to undertake a Habitats Regulations Assessment and Appropriate Assessment prior to determining the applications.
- Additional Information required Habitats Regulations Assessment - Recreational Impacts on European Sites
- It is anticipated that new housing development in this area is 'likely to have a significant effect'
- We advise that mitigation will be required to prevent such harmful effects from occurring as a result of this development.
- Using the formula from the Cranbrook Plan Submission Draft 2013-2031, the proposed 930 dwellings should deliver 17.5ha of SANGS.
- The planning application at Elbury Meadows 19/0554/MFUL) is for change of use to a SANGS. We calculate this area to be approximately 8 hectares, rather than the 8.9 hectare figure given in the Design and Access statement.
- A planning condition must be included on the permission preventing occupancy of any dwellings until an appropriate quantum of SANGS has been provided.
- The Environmental Statement must address the sewage treatment capacity within the current system.

Comment Date: Thu 12 Nov 2020

- David Lock Associates have demonstrated an adequate amount of SANGS land is proposed in relation to the number of dwellings.
- Our advice is that a dedicated car park meeting the above requirements is necessary for the Elbury Meadows SANGS. To be an effective alternative to car-based visits to the European sites, adjacent car parking is needed.

- We have not been able to find how the SANGS phasing 1- 4 indicated on plan WCN055-PAW-004-C relates to residential delivery. Please ensure that 8ha of SANGS will be provided ahead of each 425 houses.
- We note that a Design Principles document is proposed with a section to set out the management principles for SANGS land. The LPA must ensure that this secured and will be implemented at the correct time. Details should be provided in the Appropriate Assessment.
- Confirmation of sewage treatment capacity.
- We have not found the response by the soil specialist referred to in paragraph 9.77 and refer back the recommendations in our previous letter in relation to soil quality.
- Additional enhancements to the SANGS (over and above what is specified in the SANGS guidelines) can be delivered to achieve some of the Biodiversity Net Gain (BNG) requirements.

Comment Date: Tues 24 Jan 2023

- Natural England has no additional comments to make to those previously submitted on the amendments listed below.

Comment Date: Wed 15 Feb 2023

- Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in a likely significant effect on the sites in question. Natural England's advice is that your assessment is not sufficiently robust to justify this conclusion. Therefore it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. We advise that your authority should not grant planning permission at this stage.

Comment Date: Mon 6 March 2023

- Please be advised that on the basis of all the mitigation measures being secured by planning condition or S106 agreement, Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of the Exe Estuary SPA/RAMSAR, the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA.

z) National Highways / Highways England

Comment Date: Mon 3 June 2019

- b) recommend that conditions should be attached to any planning permission that may be granted
- Proposed development limit of 930 dwelling prior to Moor Lane improvements
- Additional 46 two way trips in the AM peak and 42 two way trips in the PM peak.
- Commitment to Travel Plan to be formalised as part of any planning consent
- Construction Management Plan condition recommended due to predicted 278 daily trips generated by the site during construction.
- 930 dwellings can be accommodated within the original TA modelling.

Comment Date: Tue 27 Oct 2020

- We were originally consulted on the application in May 2019 and recommended the submission of a Construction Management Plan by way of planning condition.
- The Planning Statement Addendum dated October 2020 prepared by David Lock Associates sets out that the amendments relate to the provisions made for a primary school. The application now proposes a larger 2FE primary school only. As such, the quantum of residential dwellings sought by the application has been reduced from 930 dwellings to 850 dwellings to accommodate this change.
- This proposed reduction in residential development is likely to result in a reduction in the external traffic generated by the development during the peak hours. As such, the amended application is likely to reduce the impact on the safe and efficient operation of the strategic road network.
- We therefore consider that our previous response to the application dated 31 May 2019 which assesses a quantum of 930 dwellings remains appropriate.

Comment Date: Fri 27 Jan 2023

- The application proposes an increase to the number of dwellings at the Bluehayes site from 850 to 870, which remains within the 930 previously assessed and accepted for the 2019 submission, and the 960 dwellings allocated by Policy CB2 of the adopted Cranbrook Plan. On the basis we offer no objections to the revisions and consider that our previous recommendation to application 19/0620/MOUT requiring the submission of a Construction Traffic Management Plan remains appropriate.

aa)South West Water

Comment Date: Wed 01 May 2019

- I refer to the above application and would advise that South West Water has no objection

Comment Date: Tue 03 Nov 2020

- I refer to the above and would advise that South West Water has no objection or comment

Comment Date: Tue 03 Jan 2023

- I refer to the above application and would advise that, whilst South West Water has no objection, public sewers and water mains cross the site; once the foul and surface water drainage strategy plans are available for review, we will be happy to provide a revised comment.

Comment Date: Mon 9 Jan 2023

- I refer to the above and would advise that South West Water has no objection, and that the advice contained within the correspondence dated 28th December 2022 still applies.

bb)National Trust

Comment Date: Mon 10 June 2019

- The Trust owns the Killerton Estate, which comprises 2585 hectares, and includes 240 cottages, 18 farms, Silverton Mill industrial site, Ashclyst Forest, Dolbury hillfort (SM), Killerton House (Grade II* listed), and the Killerton Registered Park and Garden (Grade II*).
- The 'Archaeology & Heritage Assessment' dated 15th July 2014 makes no reference to the Killerton Setting Study as part of the assessment
- The Setting Study identifies the application site as being within a 'zone of potential influence' in which forces for change are most likely to impact on the setting of the Park.
- Whilst the area is of low significance to Killerton Park, given that the site falls within the defined 'Zone of Potential Influence', a proportionate assessment of impact on setting of Killerton should be provided.
- Parameter Plan does not appear to set out in detail how the creation of safe routes for pedestrian and cycle connectivity to the wider countryside, particularly land to the north.

cc) Devon and Somerset Fire

Comment Date: Fri 23 Dec 2022

- I have studied the additional information provided for this application on the planning portal and have no additional comments.
- Consideration should be given at an early stage for the provision of fire hydrants for the development.

Comment Date: Fri 6 Jan 2023

- I have studied the additional information provided for this application on the planning portal and have no additional comments.
- Consideration should be given at an early stage for the provision of fire hydrants for the development.

dd)Police Crime Prevention Officer

Comment Date: Fri 06 Nov 2020

- I welcome and support the comments regarding crime prevention within the DAS.

- It is not clear from the masterplan which way all the residential units would face. They must be designed to provide overlooking and active frontages to the new internal streets and public open spaces, including the play areas..
- In principle having new back gardens backing onto each other or existing gardens would be supported as this is generally accepted to assist in preventing crime.
- If any of the existing hedgerow is likely to comprise new rear garden boundaries then it must be fit for purpose.
- 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. It is particularly important that boundaries are robust enough for properties along the MLR and Gateways to developments.
- Suitable boundary treatments also need to be considered for the open space areas i.e. play areas, sports pitches and allotments. These will help to prevent conflict, aid supervision and protect against theft and damage.
- The pedestrian and cycle routes throughout the development should be integrated and not run to the rear of or provide access to gardens, rear yards or dwellings as this has been proven to generate crime. Routes should be well overlooked and straight.
- Planting next to a footpath should be arranged with the lowest growing varieties adjacent to the path and larger shrubs, trees etc. planted towards the rear.
- Where communal parking areas are utilised, bays should be in small groups, close and adjacent to homes in view of active rooms.
- Rear parking courts are discouraged as they provide access to vulnerable rear elevations of dwellings and are often left unlit with little surveillance.
- The site lighting strategy must provide proper and effective lighting for all relevant spaces which should include pedestrian links, residential and mixed use parking areas as well as new streets.

Comment Date: Tues 3 Jan 2023

- I welcome and support the comments regarding crime prevention within the DAS and sincerely hope these translate into meaningful design if the application progresses.
- It is not clear from the masterplan which way all the residential units would face.
- Detailed design should avoid having accessible space to the rear of residential back gardens.
In principle having new back gardens backing onto each other or existing gardens would be supported as this is generally accepted to assist in preventing crime.
- If any of the existing hedgerow is likely to comprise new rear garden boundaries then it must be fit for purpose.
- Boundary treatments to the front of dwellings are important to create defensible space to prevent conflict between public and private areas
- The pedestrian and cycle routes throughout the development should be integrated and not run to the rear of or provide access to gardens, rear yards or dwellings as this has been proven to generate crime.
- Where communal parking areas are utilised, bays should be in small groups, close and adjacent to homes in view of active rooms.
- The site lighting strategy must provide proper and effective lighting for all relevant spaces which should include pedestrian links, residential and mixed use parking

areas as well as new streets.

Comment Date: Wed 11 Jan 2023

- Thank you for further consultation in relation to this application. Having reviewed the amendments, I have nothing further to add to my previous response.

ee) National Air Traffic Services

- Consulted 30/04/2019. No comments received
- Consulted 27/10/2020. No comments received.

Comment Date: Wed 4 Jan 2023

- The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

ff) Exeter & Devon Airport – Consultative Committee

- Consulted 30/04/2019. No comments received.
- Consulted 27/10/2020. No comments received.

gg) Exeter and Devon Airport – Airfield Operations and Safeguarding

Objection Date: Tue 21 May 2019

- Holding objection due to the potential for Technical Safeguarding Issues

Comment Date: Tue 10 Nov 2022

- These amendments have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria.
- Exeter Airport has no safeguarding objections to this development
- We can now lift the objection that was lodged on the 21/05/19.

Comment Date: Fri 6 Jan 2023

- I acknowledge receipt of the various amendments to this planning application for the proposed development at the above location.
- These 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.

hh) Network Rail

Comment Date: Fri 19 Jul 2019

- Unfortunately we have let this application slip through our net, so are only now just undertaking internal consultations on the proposed development.
- We will require the developer to provide more detail in relation to how the proposal may impact Crannaford level crossing.
- We request that an assessment of the predicted use over the Crannaford level crossing is undertaken
- Consulted 27/10/2020. No comments received.
- Consulted 05/01/2023. No comments received.

ii) Royal Society For The Protection Of Birds

Comment Date: Mon 2 July 2019

- Building a "new town" on a green field site provides abundant opportunities for the "Biodiversity Gains" required by current and forthcoming legislation.
- We would strongly recommend that the steps to protect and enhance biodiversity
- We can demonstrate that a ratio of one bird box per residential unit is viable
- Details to be set out in the Landscape and Environmental Management Plan

jj) Exeter City Council Environmental Health

Comment Date: Mon 13 May 2019

- Transport Assessment shows that between 10-22% of travel will be into Exeter
- The air quality impact assessment has not considered this effect and impact on the existing Air Quality Management Area (AQMA)
- EDDC Policy EN14 and P.181 of NPPF seeks to limit pollution
- The development is likely to impact negatively upon the existing AQMA and no appropriate mitigation can be proposed or agreed
- The application should be refused unless an updated assessment is submitted

Comment Date: Fri 23 April 2021

- The updated report concludes that there will not be a significant impact on the AQMA in Exeter.
- If the site was in Exeter I would go on to ask what reasonable measures the developer will put in place to mitigate the impacts of emissions from the site. This

can be sustainable and active travel infrastructure for example and measures to support the uptake of EV's.

kk) FAB Link Interconnector

Comment Date: Tues 4 June 2019

- FAB Link Limited are providing this consultation response in reference to the above application submitted on 15th March 2019 by Hallam Land Management Limited and Taylor Wimpey UK Limited.
- In the context of the existing permissions and rights afforded to FAB Link over the land being proposed for a SANG, it is surprising that FAB Link have not been directly consulted on these proposals by either the applicant or by EDDC.
- FAB Link may need to exercise any of the rights described above within the proposed SANG to install our underground cables and ancillary equipment (including a directional drill underneath the adjacent railway line) before, during or after the implementation of the landscaping proposals.

ll) Sport England

Comment Date: Wed 01 May 2019

- The consultation has been received and was accepted on 01/05/2019
- Sport England will respond to this consultation within 21 days of the date of acceptance.

Comment Date: Tues 04 June 2019

- Sport England has no objection in principle to housing growth but recommends that further discussions and amendments are made to the proposals to take on board the comments above in relation to on site sporting provision and achieving good design by promoting and displaying Active Design principals before the application is determined.
- Sport England and the NGBs would like to work with the developer to provide exemplar sports facilities and physical activity opportunities for the residents of Cranbrook. This includes this phase and future phases.

Comment Date: Fri 20 Nov 2020

- We are concerned that the application is not providing on-site for sport and recreation on-site in this western zone/Bluehayes.
- Providing the housing development within the red line contributes significantly and fairly via s106 or other mechanism towards the sports proposal within the southern zone/Treasbeare then Sport England has no objection to the proposal.

Comment Date: Mon 16 Jan 2023

- Sport England recommends, based on our assessment, that if the Council is minded to approve the application, the following planning condition should be imposed for the Primary School.

1. 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.

mm) Civil Aviation Authority

- Consulted 29/03/2021. No comments received.

nn) Campaign to Protect Rural England

- Consulted 30/04/2019. No comments received.
- Consulted 27/10/2020. No comments received.

oo) Sustrans

- Consulted 30/04/2019. No comments received.
- Consulted 27/10/2020. No comments received.

pp) Devon County Council Footpath Officer

- Consulted 30/04/2019. No comments received.
- Consulted 27/10/2020. No comments received.

qq) Department for Environment, Food and Rural Affairs

- Consulted 30/04/2019. No comments received.
- Consulted 27/10/2020. No comments received.

rr) Department for Work & Pensions

- Consulted 30/04/2019. No comments received.
- Consulted 27/10/2020. No comments received.

ss) E.ON Energy

- Consulted 30/04/2019. No comments received.
- Consulted 27/10/2020. No comments received.

NEIGHBOUR CONSULTATIONS

107 representations have been received as a result of this application.

102 objections have been received. These are summarised below:

- Impact on existing services and infrastructure
- Impact on the local road network (London Road, Station Road)
- Impact on Station Road traffic and congestion
- Concerns with design of access points
- Impact on highway safety around the proposed school
- Impact on neighbouring settlements and green wedges
- A rail passing loop should be included to support rail travel
- Impact on the rural setting
- Impact on wildlife and habitat loss
- Loss of green spaces
- Impact on noise and pollution
- Light pollution from new development
- Impact on flooding and surface water drainage
- Construction on a flood plain
- Concerns with the quality of the application and lack of detail
- Concerns with the proximity to Broadclyst Station and incorporation into Cranbrook
- Country park should create a buffer between Cranbrook and Broadclyst Station
- Existing facilities and shops in Cranbrook are not adequate and/or have not been provided yet
- Impact on pedestrian and cyclists safety on Station Road and lack of safe access route
- Connectivity between development and Station Road
- Measures to reduce car dependency
- Concerns with design and density along over the development and around Station Road
- Impact from Exeter Airport from movements and engine testing
- Loss of hedgerows and trees
- Impact on outlook
- Concerns with the car parking levels
- Impact on the sense of community and identity
- Concerns with the need for additional housing
- Impact on wellbeing and amenity
- Impact on privacy and overlooking
- Suitability of the land
- Impact on sewage infrastructure and risk of pollution to River Clyst
- Timing of the application following DPD consultation and public consultation
- Lack of car parking within Cranbrook
- Impact from neighbouring land and uses e.g. animals
- Access to land and Bluehayes Lane
- Impact on Bluehayes Hamlet
- Area lacks good employment opportunities
- Lack of benefits for the residents

- Structural concerns with existing Station Road Bridge
- Impact on setting of Sher Moor Farm
- Impact on existing private drainage in Bluehayes Meadow

4 comments have been received. These are summarised below:

- Imbalance between residential development and supporting uses when compared to Treasbeare
- Quantum of uses should be equalised across expansion areas
- Preferred location of Primary School in Bluehayes not Treasbeare and mechanisms should allow for flexibility
- Primary school lands should come forward for residential
- Confusing approach to SANGS across two applications
- The approach to the allocation of SANGS provision for each of the expansion areas is not consistent
- SANGS should be provided within each expansion area
- Phasing and delivery should not impact viability of other areas
- Concerns with level changes at access points
- Concerns with housing numbers
- Lack of green buffers between Broadclyst Station and Cranbrook
- Concerns with traffic along Station Road
- Removal of hedgerows and trees
- Impact on trees
- Location of primary school along main road
- Adequate SUDs and soakaways required
- Supportive of housing being development
- Inclusion of Bluehayes into Cranbrook
- Concerns with flooding
- Creation of a buffer between existing housing and new development
- Location of benches in relation to dwellings in SANGs

1 letter of support has been received. This is summarised below:

- Suitable location for new housing and within walking distance of the station
- Proposal would enrich and improve Cranbrook and support the town centre
- Well thought out development
- Development does not encroach on Broadclyst
- Provide housing for local people
- Development is not within an AONB

PLANNING HISTORY

Address and Reference	Description	Decision
03/P1900 Cranbrook Site Of New Town Honiton Road Rockbeare Exeter Devon	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
15/0045/MOUT Cranbrook Expansion Zone West Large Site Station Road Broadclyst	The expansion of Cranbrook comprising up to additional 820 residential dwellings, one 1-form entry 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. Access from former A30, landscaping, engineering (including modelling and drainage) works, demolition, associated infrastructure and car parking for all uses. All matters reserved except for access.	Pending consideration
19/0554/MFUL Land at Elbury Meadows Cranbrook	Change of use of existing agricultural land to Suitable Alternative Natural Greenspace (SANG) with associated infrastructure for use and access.	Pending consideration

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.

The Cranbrook Plan Development Plan Document 2013-2013 was adopted in October 2022 and supersedes a number of Local Plan Policies in part and/or in full. Strategy 12 of the East Devon Local Plan 2013-2031 has been superseded in full and is no longer relevant to this application.

Cranbrook Plan DPD

CB1 (Health and Wellbeing at Cranbrook)

CB2 (Bluehayes 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)
CB14 (Delivery of Suitable Alternative Natural Green Space)
CB15 (Design Codes and Place Making)
CB16 (Amenity of Future Occupiers)
CB18 (Coordinated Sustainable Travel)
CB24 (London Road Improvements)
CB25 (Allotments)
CB26 (Landscape, Biodiversity and Drainage)

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)
Strategy 2 (Scale and Distribution of Residential Development)
Strategy 3 (Sustainable Development)
Strategy 4 (Balanced Communities)
Strategy 5 (Environment)
Strategy 5B (Sustainable Transport)
Strategy 6 (Development within Built-up Area Boundaries)
Strategy 9 (Major Development at East Devon's West End)
Strategy 10 (Green Infrastructure in East Devon's West End)
Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End)
Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)
Strategy 38 (Sustainable Design and Construction)
Strategy 46 (Landscape Conservation and Enhancement and AONBs)
Strategy 47 (Nature Conservation and Geology)
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)
EN13 (Development on High Quality Agricultural Land)
EN14 (Control of Pollution)
EN16 (Contaminated Land)
EN18 (Maintenance of Water Quality and Quantity)
EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)
EN21 (River and Coastal Flooding)
EN22 (Surface Run-Off Implications of New Development)
E12 (Neighbourhood Centres and Shops)

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

NPPF (National Planning Policy Framework 2021)

Government Planning Documents

National Planning Practice Guidance

OFFICER REPORT

1. Site Description

- 1.1 The application site measures approximately 40.3 hectares in size and is located approximately 8.5km to the east of Exeter City Centre. The application site is located to the west of Cranbrook Phase 1 and consists of the majority of land allocated as the Bluehayes Expansion Area within the Cranbrook Plan DPD Policy CB2.
- 1.2 The majority of the site as shown on the Site Location Plan is within the Cranbrook Parish, however there are three areas outside of Cranbrook. Two areas along Station Road totalling 0.07ha fall within Broadclyst and one area approximately 0.1ha along London Road falls in both Clyst Honiton and Broadclyst.
- 1.3 The application site is south of the West of England main railway line and to the south and east of residential properties on Railway Terrace. Cranbrook Train Station and the station car park adjoin the site at its north-eastern point. The eastern edge of the site is bounded by Bluehayes Lane and properties access of it and Bluehayes Parkland is included within the application site. The western edge of Cranbrook lies beyond Bluehayes Lane to the east. The southern boundary follows London Road (B3174) and abuts the rear boundaries of the plots containing detached houses that front London Road and Station Road. The western edge of the site is bounded by Station Road and Sher Moor Farm.
- 1.4 Three parcels of land are subject of the change of use to Suitable Alternative Natural Greenspace (SANGS) land in order to mitigate the impacts of the proposed development. The first parcel is approximately 5.52 ha in size and is known as Bluehayes Parkland. The second parcel, known as Bluehayes Meadow is 3.55ha in size and adjoins the Cranbrook Country Park, south of Cranbrook Railway Station. The third parcel is approximately 8.93 hectares and is located north east of the western expansion area, north of the Cranbrook Country Park and Crannybrook Stream and is subject to a separate planning application (LPA Ref.: 19/0554/MFUL) and is therefore given no further consideration in this report. In total, across the two applications the development proposes the delivery of 18ha of SANGS.

- 1.5 The site is located to the north of London Road, which connects to the A30 and Honiton Road, and in turn, both link to Junction 29 of the M5 Motorway. In relation to public transport provision, the site is located adjacent to Cranbrook Railway Station. The rail services link Cranbrook to Exeter Central and St David's to the west and to London Waterloo to the east. Bus services also operate within Cranbrook, linking the town to Exeter City Centre and other destinations, such as Exeter Science Park.
- 1.6 The site is green field in nature and is predominately used for agricultural purposes (arable and pastoral farming). There are a good mix of trees on the site including five veteran trees and a number of hedgerows around the perimeter of the site and within the site. Topographically, the land adjacent to London Road is around 27m AOD and slopes gently from the railway at the north at around 16m AOD. No public rights of way cross the application site.
- 1.7 The majority of the site is located within Flood Zone 1. The Cranny Brook, a tributary of the River Clyst, flows approximately 180m to the north of the application site and therefore parts of the site in the north-east of the application site are located within Flood Zones 2 and 3. An additional watercourse runs south of the railway line to Sunnyhayes and passes under the railway line joining up to The Cranny Brook.
- 1.8 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.
- 1.9 There are no statutory protected historic assets within the application site. The nearest listed building to the application site is a Grade II late 18th century milestone located immediately north of the old London Road.

2. Proposal

- 2.1 Outline planning permission with all matters reserved except access to the existing highway network is sought. This means that the scale, appearance, layout and landscaping ('the Reserved Matters') for the application site would be specified via future Reserved Matters Applications. Each of the 'Reserved Matters' is defined in Article 2 of the Development Management Procedure Order (2015).
- 2.2 In terms of access, the primary vehicular access to the site is proposed to be provided through a new 3-arm roundabout junction along London Road located to the west of Bluehayes Lane. The northern arm of the proposed roundabout junction will extend into the site and serve the development as its primary spine road towards Cranbrook Station. Two new access connections are also provided on Station Road and a link to Cranbrook Station via Burrough Fields to the north. Pedestrian and cyclists' access would be provided at the proposed connections as well as additional connections to Station Road, Railway Terrace and to the existing country park. Please see supporting plans submitted for further information.

2.3 While the outline planning permission would mean that the composition and detailed design is not yet fixed, the future development potential would be dictated by a suite of overarching documents.

Development Specification

2.4 The application seeks planning permission for the following principal components:

- Up to 870 new residential dwellings (Use Class C3), including 15% affordable housing and 4% custom and self-build.
- C2 residential institutions (e.g. care or nursing home).
- A 0.46ha mixed-use area, incorporating a neighbouring centre with a maximum of 1,500sq.m gross of ground floor space for Class E and Sui Generis uses.
- A 2ha two-form entry primary school with early year's provision and community room (unless delivered at Treasbeare).
- Allotments.
- Public open space, formal play spaces, green infrastructure and 1.6ha addition to the Country Park
- 9.07ha of Suitable Alternative Natural Greenspace (SANGS) land.
- Vehicular, cycle and pedestrian access'; and
- Associated infrastructure

Parameter Plans

2.6 The parameter plans submitted include information on the spatial distribution of the proposed uses, building height, structure of green and blue infrastructure and access and movement. The parameter plans together with the development specification encapsulate the quantum and form of development that is applied for and would provide the framework for the submission of subsequent reserved matters applications. These plans include:

1. Parameters Plan (ref. WCN055-PAW-001 H) – setting out the land use and building heights (up to 12m ridge height), quantum of land for mixed use area, education, green infrastructure and SANGS.
2. Green and Blue Infrastructure Plan (ref. 7764-L-20 U) – setting out location of trees, hedgerows, planting, drainage basins, swales and foot paths.
3. Access and Movement Plan (ref. WCN055-026 G) – setting out the primary and secondary access routes and connections, indicative bus stops and cycle parking, internal streets and footpaths and connections to surrounding areas.
4. Phasing Plan (ref. WCN055-PAW-005-B) – setting out the delivery of residential phases 1 to 4, highways, footpath connection, drainage basins and SANGS.

2.7 Additional Plans submitted include:

1. Surface Water Drainage Strategy (ref. 10292-DR-04 B) – setting out the surface water run-off and location of drainage basins.
2. Proposed SANGS Land Plan (ref. WCN055-PAW-004 D) – setting out the quantum and location of SANGS land.

2.8 While not a parameter plan there is also an overriding masterplan (ref. WCN055-012 G, received 28.02.23) which brings the parameter plans together and demonstrates how they work together and the application was also supported by Tree Retention Plans (7764-T-W7-W9 G, received 23.03.23).

2.9 A separate planning application (19/0554/MFUL) has been submitted for the change of use of existing agricultural land to SANGS at Elbury Meadow and details are included within some of the parameter plans submitted.

3. PLANNING ASSESSMENT

3.1 The key considerations in the determination of this application are:

- A. The Policy Context and Principle of Development
- B. Affordable Housing and Custom and Self Build
- C. Building Standards, Amenity and Nationally Described Space Standards
- D. Landscape and Visual Impact
- E. Agricultural Land and Soils
- F. Design, Layout and Heritage
- G. Flood Risk and Drainage
- H. Transport and Access
- I. Air Quality and Odour
- J. Noise
- K. Biodiversity and Ecology
- L. Sustainability and Net Zero
- M. Arboricultural Impact
- N. Airport Safeguarding
- O. Health
- P. Infrastructure Delivery and Planning Obligations

A. THE POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

3.2 The East Devon Local Plan 2013-2031 (EDLP) sets out the strategic policy for development across East Devon and Strategy 3 advocates for sustainable development and that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways.

3.3 Strategy 1 of the Local Plan sets out the planned provision (including existing commitments) will be made in East Devon for a minimum of 17,100 new homes and development on approximately 150 hectares of land for employment purposes during the plan period. Strategy 7 of the Local Plan provides the strategic policy framework for the West End of East Devon and Strategy 9 of the Local Plan sets out a number of schemes at East Devon's West End, including the major new East Devon market town of Cranbrook.

3.4 The Cranbrook Plan DPD (adopted 19 October 2022) (the Plan) supersedes Strategy 12 of the East Devon Local Plan that previously allocated land for the development of

Cranbrook. The Plan provides considerable detail and allocates additional land to accommodate the planned growth which is identified within the Local Plan (2013-2031) and now forms part of the development plan for the District. Other local plan policies remain in full or have been superseded in part or in full as noted in the DPD.

3.5 The Cranbrook Plan Policies Map identifies the majority of the application site as falling within the Bluehayes Expansion Area and as being within the Built-up Area Boundary as detailed in Policy CB8. Under Policy CB2 of the DPD, the Bluehayes Expansion Area as a whole is required to provide the following:

1. Around 960 new dwellings with typologies of property to reflect the location of development
2. A mixed use area which provides for a sufficient range of uses and services to support the proper functioning of the local area. This must incorporate:
 - a) A range of business spaces for Commercial, Business and Service uses/development (Class E); and,
 - b) Spaces for other uses compatible with and to support the mixed use area, which can include uses from Class F1 (Learning and Non Residential), Class F2 (Local Community Uses), Class C1 (Hotels) and Class C3 (Dwellings Houses). Compatible sui generis uses may also be considered appropriate
3. Formal open space recreational land (derived from the existing Bluehayes Parkland) comprising an area of at least 5.5 hectares.
4. A 420 pupil place primary school, with 57 place facility for early years provision and a room for community use of 100sq.m on a site of at least 2 hectares either as direct delivery by the developer or as serviced land together with a financial contribution equivalent to the cost of the school provision. This requirement exists until either the school land has been transferred and finance secured or that the School delivery (if this is by a developer) has occurred in the Treasbeare Expansion Area
5. Equipped/serviced open space for the following typologies delivered at the specified rates (where rates are provided on a per 1000 population basis calculated at 2.35 people per dwelling):
 - Formal play space for children and youth (at 0.1ha)
 - Allotments (at 0.25ha)
 - Amenity Open Space (at 0.35ha)
6. Financial contributions will also be required towards town centre facilities and community facilities serving Cranbrook as listed in CB6 (4A and B) and will be secured via Section 106 agreements
7. Contributions towards London Road improvements

3.6 A detailed assessment on how the proposal performs against the requirements of the land uses, site specific infrastructure and delivery of the target outputs is provided throughout the remainder for this report.

Housing

- 3.7 The Cranbrook Plan seeks to provide around 4170 new dwellings to meet the growing population and to assist the delivery of a healthy and sustainable new town with around 960 homes allocated at Bluehayes.
- 3.8 The LPA, at the time of determination, is unable to demonstrate a 5 Year Housing Land Supply meaning the titled balance towards presumption in favour of sustainable development is triggered under paragraph 11 of the NPPF.
- 3.9 For the Bluehayes Expansion Area, Policy CB2 requires the provision of approximately 960 new dwellings. Whilst the application site does not cover the entire expansion area as demarcated within the Policies Map (as it reflects the previously allocated land in the Local Plan rather than the larger site identified in the Cranbrook Plan DPD) the application sets out that the proposal would deliver up to 870 new dwellings across 18.73 ha of land. When apportioned again the allocated housing numbers, the application site is expected to deliver 842 dwellings meaning that an overprovision of 28 dwellings is proposed. The proposal would allow for Use Class C3 and C2 residential in areas allocated for residential development on the parameters plan.
- 3.10 The application site by virtue of the existing and proposed infrastructure would be located in an area considered to be sustainable and the site is able to support and accommodate the quantum of housing proposed. Given the application site sits wholly within an allocated area and the proposed uses align with policy, the principle of development on this site is therefore considered to be acceptable in policy terms.
- 3.11 It is acknowledged that excess housing can put pressure on some of the infrastructure that has been planned for especially the local and strategic road network but additional contributions and mitigation can be secured against this where it is deemed necessary. The impact of the proposal on highways and other matters is set out below in further detail.
- 3.12 The housing proposed under this application must be given significant weight in the decision making process as it represents approximately 11 months housing supply for the council. The proposed development would be located on allocated land which is located in a sustainable area and would make a significant contribution to local housing demands. In this context the application therefore complies with Policy CB2 (1).

Mixed-Use Area

- 3.13 Paragraph 92 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, for example through mixed use developments, strong neighbourhood centres, are safe and accessible and enable and support healthy lifestyles, for example through the provision of local shops and layouts that encourage walking and cycling.
- 3.14 Policy CB1 (Health and Wellbeing at Cranbrook) of the Cranbrook Plan looks to ensure that services, civic and community buildings are well integrated in the town and

accessible to all and that the community is able to have the infrastructure needed to support their needs and aspirations.

- 3.15 Policy CB2 of the Cranbrook Plan sets out within Bluehayes, that a mixed use area which provides for a sufficient range of uses and services to support the proper functioning of the local area should be delivered.
- 3.16 The proposed outline application includes approximately 0.46 hectares of land proposed for the provision of a mixed use area. The proposal would provide up to 1500 sqm of Class E (Commercial, Business and Service Uses) and Sui Generis Uses and would allow a range of other uses including Use Class C3 (Residential), F1 (Learning and Non-residential institutions) and F2 (Local Community) Uses. The parameter plan identifies that the mixed use area would be located within the south-eastern part of the application site, adjacent to the new access route into the site from London Road. This location is consistent with that identified in the Cranbrook Masterplan (Figure 8 in the CP DPD) and would result in a gateway feature to the site. It would have been preferred if the mixed use area framed both sides of the proposed roundabout as shown in the masterplan, however this has not been proposed and having regard to the fact that this is not intended to be of the same status as a neighbourhood centre it is deemed acceptable. It is noted that the mixed use area would not be within 400m walking distance of all dwellings but would be within 800m for the majority of dwellings which is consistent with Manual for Streets. The proposal would also be within walking distance of existing residents in Phase 1 and proposed residents at Treasbeare. The overall quantum of land is slightly lower than the LPA had hoped for and as part of this application the quantum was reduced in size from 0.5ha to 0.46ha. However, there is no minimum size policy requirement set under Policy CB2 and the proposal would be broadly comparable to mixed use/neighbourhood centres within the other expansion areas (Treasbeare 3000 sqm (resolution to approve); Cobdens 750 sqm (resolution to approve) and Grange 1250 sqm (allocated)).
- 3.17 The proposed uses could include Use Class C3, E, F1, F2 and Sui Generis uses which generally accord with the wording of Policy CB2 and would result in a mixed use area. The wording of the policy states that compatible sui generis uses may also be considered appropriate and compliance with this wording can be assessed at the reserved matters application stage. The location of the school and potential for hot-food takeaways in particular would need careful consideration. The Cranbrook Plan would also expect to see business spaces within the mixed use area. These uses are included in the use classes applied for and the quantum of this would also be reviewed at reserved matters.
- 3.18 The proposed maximum quantum of floor space proposed is considered to be appropriate in this location. The proposal is not considered to result in harm to the vibrancy or viability of the emerging town centre, even in conjunction with Treasbeare neighbourhood centre which would be located around 250m east. These neighbourhood and mixed use centres would serve a different purpose to the town centre and the LPA is satisfied that the mixed used area proposed can coexist alongside the town centre and serve the day-to-day needs of residents.
- 3.19 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 mixed use area without first demonstrating their impact on the town centre.

3.20 Whilst the location of the mixed use area is included on the Phasing Plan, the delivery of the mixed use area has not been included and an indicative build programme has not been provided. The delivery of the mixed use area including marketing shall be agreed and secured via a S106 agreement, with it recommended that a trigger for a minimum Class E use class delivery also to be secured through the S106.

3.21 Subject to these provisions, the application therefore complies with Policy CB2 (2).

Primary School

3.22 Paragraph 95 of the NPPF sets out the importance of sufficient school places being made available to meet the needs of existing and new communities.

3.23 Strategy 3 of the Local Plan details that ensuring that future generations live in a high quality environment where jobs, facilities, education and training are readily available is a constituent to sustainable development. Furthermore, securing educational facilities forms a key component of a balanced community as set out in Strategy 4 of the EDLP. Strategy 11 sets out that coordinated infrastructure provision will be required to cover education within East Devon's West End. Policy CB6 of the Cranbrook Local Plan sets out that a 2 Form Entry Primary School and associated land must be delivered in full by developers of the expansion area and the land necessary for the school must be safeguarded from the start of the development in accordance with the agreed parameter plans.

3.24 Policy CB2 sets out that a 420 pupil place primary school, with 57 place facility for early year's provision and a room for community use of 100sq.m on a site of at least 2 hectares must be provided. It is important to reference that within Policies CB2 and CB6 of the Plan, delivery of a 2 form entry (2FE) school is required either in Bluehayes or Treasbeare not in both.

3.25 The submitted Parameter Plan provides 2 hectares of land for a 420 place 2 form entry primary school in accordance with the land use allocation requirements set out under Policy CB2 of the Cranbrook DPD. The land identified for the proposed school is located relatively centrally within the site, within 400m of the majority of dwellings and to the west of Bluehayes Parkland. The proposed school would also be located to the east of the main local route (MLR) that provides vehicular, pedestrian and cycle links and would be south of formal play and open space.

3.26 In relation to phasing, Policy CB7 details that the school land as required by Policies CB2 – CB4 (i.e. expansion areas of Bluehayes, Treasbeare and Cobdens) must be secured through appropriate legal agreements and requires that no more than 30 houses are built and occupied in any of the expansion areas until the first school is built and open. The policy also sets out that once the school land has been transferred or school delivery has occurred in either the Bluehayes or Treasbeare expansion area, the residual site within the other expansion area can be released for alternative uses, in this case residential uses. At the present time, the Local Education Authority's preference is

for the school to go on the Treasbeare expansion area but this is subject to change and the policy requires the safeguarding of the land on both sites in the first instance.

- 3.27 If the school is not delivered within this site, residents of Bluehayes would be reliant on the Treasbeare School or the existing St Martin's Primary school in Phase 1, however it is noted that neither of these schools are particularly accessible to future Bluehayes residents. At present there no direct route to St Martin's due to the presence of the private Bluehayes Lane between the two, meaning that walking distances could be in the region of 1,500m at their greatest. This would not result in a readily walkable neighbourhood and may result in increased car use however the Cranbrook Plan only requires one school in either Treasbeare or Bluehayes. If the school is delivered at Bluehayes, residents of Treasbeare would be reliant on Bluehayes School or St Martin's, neither of which are particularly accessible for all residents.
- 3.28 The Heads of Terms for the S106 include appropriate mechanisms to safeguard the land identified for the delivery of the school and the method of delivery or release of land (if the school is delivered on another site). Subject to an appropriate S106 agreement, officers consider that the proposal would accord with the relevant policies in this regard. It is therefore considered that the proposed school would be in an acceptable location for future residents at Bluehayes. The application therefore complies with Policy CB2 (4).

Open Space, Formal Play Space and Allotments

Open Space

- 3.29 As the lead developer by definition in the Cranbrook Plan (being a developer in control of at least 80% of an expansion area), Policy CB2 requires the delivery of the full quantum of open space requirements to satisfy the full allocation of 960 dwellings, despite the application proposing only 870 dwellings.
- 3.30 Policy CB2 sets out that provision should be made within the Bluehayes Expansion Area for formal open space recreation land (derived from the existing Bluehayes Parkland) comprising an area of at least 5.5ha.
- 3.31 The submitted parameter plans seek to retain the existing parkland as open space/SANGS and the plans also detail the footpath arrangements allowing this space to be linked to the wider site and to the country park to the north. Detailed design and landscaping of this parkland will be considered at reserved matter stage. The application therefore is therefore considered to comply with Policy CB2 (3).
- 3.32 As the lead developer, Policy CB2 requires at least 0.81ha of Amenity Open Space to be provided. The applicant is proposing to provide 0.81ha of Amenity Open Space that would be located to the south and centre of the site. The location of these spaces are considered acceptable in this instance. The quantum of amenity open space meets the requirement and it is noted that additional Country Park land and green infrastructure is provided which would be acceptable here.

Formal Play Space for Children and Youth

3.33 The Bluehayes Expansion Area site allocation sets out that 0.1ha of formal play space for children and youth should be provided on a per 1000 population basis. As the lead developer, Policy CB2 requires a quantum of 0.23ha of formal play provision.

3.34 The submitted parameter plan sets out 0.23ha of formal play provision would be located to the north of the land safeguarded for the future school and along the southern boundary. The locations proposed are considered to be acceptable, within walking distance of the majority of new dwellings and would be in different phases of the development. A combined neighbourhood area of play (NEAP) and locally equipped area of play (LEAP) and/or Activity Trail is proposed north of the school. A second LEAP and/or Activity Trail would be located to the south of the site. The parameter plan allows for flexibility and a combination of different play spaces and equipment. Officers are satisfied that the quantum of play provision would meet the policy requirements and this element of the proposal is therefore acceptable in principle. However it would have been preferable to deliver 1 x NEAP, 2 x LEAPS and 1 x Activity Trail with some play space in the west. Detailed design of the play areas, including play equipment would be considered at the reserved matters stage.

Allotments

3.35 The development plan recognises that allotments are a valuable asset in promoting greater sustainability within local communities and sets out that this should be provided as part of the open space provision. Policy CB2 of the Cranbrook Plan DPD requires that a ratio of 0.25ha of land for allotments should be provided per 1000 population. The proposal therefore necessitates that 0.58ha of land is designated for allotments within the application site.

3.36 The submitted parameter plan identifies that 0.62ha of land has been designated for the proposed allotments that would be located within the north-west of the application site, adjacent to Railway Terrace. The detailed requirements to ensure suitable facilities are provided for the allotments and that they are accessible to all as set out in Policy CB25 of the Cranbrook Plan DPD will be determined at reserved matters stage. Officers are satisfied that the allotments would be within a suitable location within the site and that the quantum of provision would meet the minimum requirements set out in Policy CB2.

3.37 The application therefore complies with Policy CB2 (3) and (5).

Suitable Alternative Natural Greenspace Sites

3.38 The Conservation of Species and Habitats Regulations 2017 places an obligation on all competent Authorities that before they can grant any permission favourably they must be confident that the development proposal would not lead to an adverse effect on the designated sites.

3.39 The South East Devon European Sites Mitigation Strategy (2014) provides significant detail and evidence with regard to the likely impacts of development, the distance from which effects are likely to occur and the necessary mitigation that needs to be secured to prevent such effect. In the case of Cranbrook, evidence indicates that the Exe Estuary, designated as a Site of Special Scientific Interest (SSSI), Special Protection Area (SPA)

and RAMSAR and the Pebblebed Heaths which is designated as a SSSI, SPA but also a Special Area of Conservation (SAC) are within a distance where residential development, which is not accompanied by suitable mitigation is likely to result in a significant effect and thereby must be resisted.

- 3.40 On the basis of the 2014 Mitigation Strategy and the Habitat Regulation Assessment that accompanies the Cranbrook DPD, there is a need for mitigation to take two forms. The first is on site mitigation which can take the form of a financial contribution to allow for direct work to be undertaken on and within the environment, and the second is the delivery of SANGS to provide a genuine alternative to the particular designated environments.
- 3.41 Strategy 10 of the EDLP sets out that all development proposals of the West End will individually and collectively contribute to the implementation and long-term management of green infrastructure initiatives through appropriate contributions and/or on site provision. The Proposals Map identifies land to accommodate the Clyst Valley Regional Park. Strategy 10 of the EDLP sets out how The Clyst Valley Regional Park will enable and support major development in the West End of East Devon without generating adverse biodiversity impacts and details that the provision of SANGS will be an essential part of the overall West End development.
- 3.42 Policy CB14 of the Cranbrook Plan DPD sets out that Suitable Alternative Natural Green Space at a ratio of at least 8ha per 1000 net new population generated by residential development schemes must be provided on a phased basis and made available for use from the first occupation of the residential dwellings in each respective phase. To assist with this requirement 128 hectares of land is safeguarded for Suitable Alternative Natural Green Space (SANGS) on the Cranbrook Policies Map.
- 3.43 As set out in the Cranbrook Plan Policies Map, available land for SANGS purposes has been identified within expansion area allocations. Furthermore, the Bluehayes site allocation (Policy CB2) requires SANGS provision in line with Policy CB14, together with financial contributions for direct enhancement and conservation of the Exe Estuary and Pebblebed Heaths.
- 3.44 The outline planning application seeks permission for up to 870 new dwellings. On the basis of the SANGS provision ratio of 8ha per 1000 net new population generated by residential development schemes, there is a requirement to provide a minimum of 16.4ha of SANGS for this application. The proposal would provide approximately 18ha of SANGS land. The SANGS land would be provided as three parcels. Bluehayes Parkland (5.52ha) would be located to the south west of Bluehayes Lane and Bluehayes Meadow (3.55ha) would be located north of Bluehayes Lane and 60m south of Cranbrook Station. Elbury Meadow (8.93ha) would be located north of the existing Cranbrook Country Park and south of the Exeter to Waterloo Railway Line. The land at Elbury Meadow is the subject of a separate change of use application that is linked to the outline permission application (reference 19/0554/MFUL). The location of the proposed SANGS land is consistent with the locations of potential SANGS land set out in the Cranbrook Plan Policies Map.
- 3.45 The quantum of SANGS proposed would comply with the policy requirements and a financial contribution shall be secured towards on-site mitigation within the S106 agreement. On this basis, officers are satisfied that the proposal ensures suitable

mitigation is being made available to ensure that there is no likely significant effect on the Pebblebed Heaths and Exe Estuary, in accordance with the relevant policies.

Detailed Design of SANGS Land

3.46 In terms of detailed design, Policy CB14 of the Cranbrook Plan DPD also sets a number of requirements that SANGS needs to deliver covering parking, access and movement, visitor infrastructure, habitats and the quality of the land. The Parameters Plans indicate proposed routes, planting, access points etc. however the exact details will be deferred for consideration at reserved matters stage. The design of Elbury Meadows is outlined within application 19/0554/MFUL.

SANGS Management

3.47 In relation to the management strategy, Policy CB14 of the Cranbrook Plan DPD details that this should demonstrate how the SANGS will be maintained in perpetuity (comprising a minimum period of 80 years), an identification of the full costs required for this and a financially sustainable means by which it can be delivered over the in perpetuity period.

3.48 The application is accompanied by a SANGS management plan which provides details of the delivery of the site and long term management proposals. Within that document, reference is made at paragraph 2.5 that ongoing management will be undertaken by Cranbrook Town Council via a commuted sum contribution. The Cranbrook Plan and its linked Infrastructure Delivery Plan (IDP) identify that the cost of in perpetuity management (80 years) of SANGS will need to be met by the developers of the expansion areas and the IDP has assumed that this will be via an endowment financial model as it is the deemed the most cost effective over this long time period. Whatever financial management model is chosen, they work most cost effectively at scale and so consideration of a collective financial management model for SANGS across the expansion areas is deemed by Officers to be most appropriate at present. The resolutions to approve at both Treasbeare (22/1532/MOUT) and Cobdens (22/0406/MOUT) and the currently drafted s106's for those applications both secure the financial contribution as being paid to the Local Planning Authority in the first instance. It may be ultimately decided that management should lie with the Town Council but at present this is not determined and therefore the initial payment of monies to the Town Council is not appropriate. Accordingly, the submitted management plan will need reviewing and a condition is recommended to secure this.

Infrastructure Delivery

3.49 The Bluehayes Area Expansion site allocation sets out that financial contributions will be required towards town centre facilities and community facilities serving Cranbrook as listed in Policy CB6. The Policy also requires contributions towards London Road improvements. Further discussion of this requirement is made later in this report.

Principle of Development Conclusion

3.50 As detailed above, the proposed development would satisfy the requirements for the Bluehayes Expansion Area as set out in Policy CB2 of the Cranbrook Plan DPD. Whilst the proposal is a slight over allocation and concerns are raised with accessibility to primary schools if the primary school is not delivered within the site, the proposal would provide a comprehensive mixed use scheme as an expansion of Cranbrook and is therefore supported in principle subject to the satisfactory resolution of all planning issues and subject to relevant conditions and a S106 agreement.

B. AFFORDABLE HOUSING AND CUSTOM AND SELF BUILD

3.51 One of the key components of Strategy 3 (Sustainable Development) of the Local Plan is promoting social wellbeing, which includes providing facilities to meet people's needs such as affordable housing. The Cranbrook Plan also seeks to promote health and wellbeing in Policy CB1, which includes the delivery of affordable houses.

3.52 Within Cranbrook, the affordable housing requirement under Strategy 34 of the EDLP has been superseded following the adoption of the Cranbrook Plan DPD. Policy CB10 of the Cranbrook Plan DPD sets out that affordable housing will be required on residential developments within the built-up area boundaries of Cranbrook at a rate of no less than 15% of total dwelling numbers. The affordable housing tenure sought is 70% social and affordable rented accommodation and 30% affordable home ownership or other affordable tenure.

3.53 The application proposes a broadly policy compliant 15% affordable housing which would be split 70% affordable rent and 30% affordable home ownership unless otherwise agreed. Discussion are on-going regarding the exact tenure type and split and would be agreed within the S106. This would deliver approximately 131 affordable dwellings which is a significant number and would make a meaningful contribution to the housing needs in the District. The affordable housing mix and delivery will be stipulated in the S106 agreement having regard to the latest evidence of housing need. Affordable housing would be visually indistinguishable from open market housing and would be dispersed throughout residential developments in groups of no more of 10 dwellings. This would be agreed within the S106 agreement.

3.54 Policy CB11 of the Cranbrook Plan DPD sets out that 4% of the total number of dwellings proposed in each of the individual expansion areas must be delivered as custom and self-build plots and their delivery recognised within the phasing strategy. The applicant has committed to providing 4% of the total number of dwellings as custom and self-build plots but at present no site for these has been specifically identified. Subject to appropriately securing this as part of the S106 agreement, and the inclusion of delivery with a submitted phasing strategy via condition, the proposal would be acceptable in this regard.

3.55 The proposal is therefore considered to comply with Policy CB10 and CB11 of the Cranbrook Plan DPD.

C. BUILDING STANDARDS, AMENITY AND NATIONALLY DESCRIBED SPACE STANDARDS

- 3.56 Section 12 of the NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 3.57 Policy D1 of the Local Plan sets that that development proposals should not adversely affect the amenity of occupiers of adjoining residential properties. The amenity of future residential occupiers should also not be adversely affected with respect to access to open space, storage space for bins, bicycles, prams and other uses.
- 3.58 Policy CB16 of the Cranbrook Plan also requires new dwellings to provide accommodation that meets with the Nationally Described Space Standards. New residential development should also ensure adequate protection from noise and pollution and adequate outlook for future occupiers. This requirement is intended to be met in this application and can be secured as part of the Section 106 agreement.
- 3.59 Strategy 36 also seeks to ensure that all affordable dwellings and at least 20% of open market houses that are delivered should be designed to meet M4(2) of the Building Regulations which relates to accessible and adaptable dwellings. This requirement is also intended to be met in this application and can be secured as part of the Section 106 agreement.
- 3.60 The assessments within the Environmental Statement are premised on a maximum building height of up to 12m within the site. This is also set out within the submitted parameter plan. Given the proposed scale of the buildings in relation to the prevailing building heights within the locality and the separation distances between existing dwelling houses and the proposed development plots, it is considered that the proposed development would not have a detrimental impact on the residential amenities of existing occupiers in relation overshadowing, loss of light or loss of outlook. This would also be a detailed consideration in the assessment on any future reserved matters application on layout, scale, appearance and landscaping.
- 3.61 In relation to the living conditions of the future occupiers, it is expected that the future residential units would provide a high quality of living environment for future occupiers with due consideration given to internal space standards, daylight and sunlight, privacy and amenity space. However, this would be assessed in detail as part of any future reserved matters application.

D. LANDSCAPE AND VISUAL IMPACT

- 3.62 The applicant has provided a Landscape and Visual Impact Assessment (LVIA) within the Environmental Statement. Landscape plays a critical role for the setting and assessment of the various land uses discussed.
- 3.63 The application site is located within the 3E Lowland Plains Landscape Character and a small section adjacent to the Railway Line is within the 3C Sparsely Settled Farmed Valley Floor Landscape Character. The site is also within the Clyst Lowlands Farmlands Devon Character Area, is around 15-20m AOD and occupies the lower lying valley of the

Cranney Brook. The landform is generally flat, with a more pronounced slope in the south-eastern corner of the parcel towards London Road. The wider Clyst Valley landscape is gently undulating in its character and with some local rises such as the land near Treasbeare Farm (50m AOD). In the much wider landscape there are a number of more prominent ridgelines that occupy higher land above the Clyst Valley.

- 3.64 The existing local landscape has some high value assets including the mature and veteran parkland trees within Bluehayes Parkland, other veteran and mature trees and the Cranney Brook to the north. It is recognised that the site has some value however the site itself is not a designated landscape and there is nothing that sets the site apart from ordinary agricultural land. The surrounding settlements of Cranbrook and Broadclyst Station and industrial uses and infrastructure to the north reduces the rurality of the site and the tranquillity experienced within the application site. The generally flat topography and strong boundary features and surrounding uses do provide a sense of containment.
- 3.65 The Environmental Statement recognises that the landscape character type would be a medium to low landscape value but there are localised features such as veteran and mature trees which are judged to be of high value and shall be retained.
- 3.66 In relation to visual amenity, the site has a relatively small visual envelope. The surrounding landforms, vegetation, infrastructure and surrounding buildings/development provide screening effects and obscure views of the sites. Clear views of the site are only experienced within the immediate context of the site including Broadclyst Station, London Road and on Bluehayes Lane. Bluehayes Lane is home to mature trees and hedges which screen views such that views of the site for those residents within Phase One of Cranbrook are generally prevented and obscured with the exception of properties on South View Pasture. From London Road, the site is presently screened by existing trees and hedges and the site is at a higher level than the road which prevents views into the site, although this would change with the introduction of a new access onto the road.
- 3.67 Those passing by on Station Road have glimpses of the site from a number of locations however boundary hedges and buildings limit views into it. It is noted that the majority of hedges along Station Road would be retained. More open, albeit passing views, are experienced for rail travellers as they pass the site from a higher position along the Exeter to Waterloo Line.
- 3.68 The Cranbrook Plan Landscape & Visual Appraisal came to a judgement that the site is “well contained with views restricted to visual receptors immediately adjacent to the eastern and western boundaries. The parcel is visible in some distant views, but these tend to be glimpses where parts of the parcel are visible in the distance and seen in the context of existing housing”.
- 3.69 The application site would be located approximately 5.5km from the East Devon AONB. It is acknowledged that views of the development could be possible from the AONB however this would be within the context of Cranbrook and wider West End development. Bluehayes is also the furthest from the AONB with the Grange Expansion Area approximately 3km from the AONB. At this distance, in combination with screening elements in the landscape, the proposed development would not have any adverse impact on the AONB.

- 3.70 There are potential beneficial changes from the development including the provision of multi-functional green infrastructure and the delivery of SANGS which would in parts join with the existing Cranbrook Country Park. The retention of Bluehayes Parkland and the change of use of Bluehayes and Elbury Meadows to SANGS is also beneficial for the wider public and environment.
- 3.71 Appropriate mitigation for many of the adverse effects set out within the ES including the loss of landscaped features can be controlled at detailed design stage and by condition in the event that the application is approved - particularly through the securing of the Landscape, Biodiversity and Drainage Strategy (LBDS) which is required by Policy CB26 as well as a Landscape & Ecology Management Plan (LEMP) and Construction & Environment Management Plan (CEMP).
- 3.72 In addition to the LBDS, an advance planting condition is also recommended in the event of approval. Planting and habitat creation and the visual framing and softening of development is important as well as planting within the parkland and open spaces to ensure its high value is maintained. Further work shall be undertaken with the applicant at the earliest opportunity to agree a scheme of advance planting and where this can be achieved it will deliver the green infrastructure and biodiversity net gain that is fundamental to the scheme.
- 3.73 In recognising the assessment against landscape and visual impacts, it is considered that the scheme at this stage 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). The proposed development in this instance and subject to conditions, would not result in any unacceptable long-term harm on landscape character and visual amenity.

E. AGRICULTURAL LAND AND SOILS

- 3.74 Paragraph 174 of The NPPF requires that planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. In addition, the planning system should contribute to and enhance the natural and local environment, including protecting and enhancing soils.
- 3.75 Policy EN13 of the EDLP which aims to protect from development the higher quality agricultural land unless there is an overriding need for the development and there is insufficient lower grade land available (or has environmental value) or the benefits of the development justify the loss of the high quality agricultural land.
- 3.76 The site is mostly in agricultural use. Under the Agricultural Land Classification, the site is considered to be the Best and Most Versatile (BMV) agricultural land with the most of the site being considered to be grade 2 (26.7ha) and grade 3a (10.3ha). A small area is grade 3b (2.2ha) in the north and 0.8ha of the site is non-agricultural.

- 3.77 The proposed development would result in the permanent loss of this agricultural land starting at the construction stage. However, this is an allocated site where the loss of BMV land has been considered at the local plan level and as part of the plan making process. The benefits and overriding need of the scheme including 870 dwellings, 131 affordable dwellings, a mixed use area and primary school, as outlined as part of this report are considered to justify the loss of the BMV agricultural land. Furthermore, it is highly unlikely that a development of comparable size could be sited without loss of best and most versatile agricultural land. It is recognised that the soils on site are a valuable resource and it is recommended that any planning permission granted should have a condition to require a Soil Resources Plan as part of the CEMP.
- 3.78 In relation to ground conditions, the site is dominated by Bridgnorth soils comprising well drained sandy and coarse loamy soils over soft sandstone. A survey of the site found the soils to be mainly deep loamy over reddish clay lower subsoils with light loamy soils in the south-east and slowly permeable soils in the north-east. The proposal would result in the compacting and loss of some top soils.
- 3.79 In terms of mitigation, the ES recommends that during construction suitable working practices should be put in place, a CEMP should be implemented, there should be a Materials Management Plan and Site Waste Management Plan and unidentified contamination found will need a Reactive Remediation Strategy.
- 3.80 The EDDC Contaminated Land Officer was consulted on the application and does not anticipate any concerns in relation to contaminated land. However, it is possible that unforeseen contamination could be encountered during construction and therefore a contamination condition is recommended to control any contamination discovered during excavation and development of the site.

F. DESIGN, LAYOUT AND HERITAGE

- 3.81 The Government attaches great importance to the design of the built environment. The NPPF details that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF further advises that decisions should ensure developments will function well and add to the overall character of the area, be visually attractive, sympathetic to local character and establish a strong sense of place.
- 3.82 The National Design Guidance lists ten characteristics which contribute towards the creation of well-designed places. These include context, identity and building form and should include an analysis of the relationship between the natural environment and built development, the typical patterns of built form that contribute positively to local character, the street pattern, their proportions and landscape features, the proportions of buildings framing spaces and streets, and the local vernacular, other architecture and architectural features that contribute to local character.
- 3.83 Policy D1 of the ELDP sets out that new development should be of a high quality design and locally distinctive. Proposals are required to respect the key characteristics and special qualities of the area in which the development is proposed. Furthermore,

proposals should ensure that the scale, massing, density, height, fenestration of buildings relate well to their context.

- 3.84 To help deliver an attractive and functioning place, it is important that the expansion areas allocated within the Cranbrook Plan are developed to a good standard of design with appropriate connectivity and a distinctiveness at all levels. Policy CB15 of the Cranbrook Plan DPD builds upon Policy D1 of the ELDP by requiring proposals to be brought forward based on a Design Code that demonstrates regard to the National Design Guide and to the indicative layout of development in the Cranbrook Masterplan. The Design Codes should also comply with the principles set out in the Building for a Healthy Life Document.
- 3.85 The parameter plans and development specification read together set out the key design principles for the outline application and masterplan. These would control the subsequent reserved matters applications relating to scale, layout, and appearance and landscaping. At this outline stage, the land uses and access and movement strategy can be assessed as set out in the parameter plans. A condition requiring a Design Code prior to the submission of a reserved matters would help to secure a high quality and locally distinctive place, thereby meeting the requirements of Policy CB15. The future reserved matters applications would be assessed in terms of their compliance with the approved Design Code, their exact height and form, architecture and materials as well as a detailed consideration on the impact of adjoining and future occupiers.
- 3.86 The proposed built form would be spread across the application site with 18.73ha of residential uses as well as a mixed use area (0.46ha) and 2FE primary school (2ha). The proposed parameters plan includes a mixture of allotments, drainage basins, Country Park, green infrastructure and residential dwellings around the perimeter of the site and it is expected that site would provide connections to other parcels of land as well as to the boundary with Station Road and Railway Terrace. The proposed height of buildings would be up to 12m and it is expected that taller buildings would be located along the MLR and mixed use area.
- 3.87 In relation to Broadclyst Station, it is expected that residential dwellings would front Station Road, albeit the existing hedge is retained. The parameters plan also proposes dwellings to the south and east of Railway Terrace and the allotments are proposed to the north east of Railway Terrace. Two surface water basins would act as green buffers between the site and Broadclyst Station and Station Road. Residential dwellings would also front Station Road opposite Shercroft Close and as noted above the existing hedge would be largely retained. The parameters plan attempts to strike a balance between connecting to Broadclyst Station and Station Road whilst maintaining a degree of separation as concerns have been raised regarding the separation of Bluehayes and Broadclyst Station. The design of the development in parcels adjacent to Broadclyst Station and Railway Terrace will need to ensure they do not harm the character and appearance of these areas whilst ensuring that the development allows for greater connections. The detailed designs will be reviewed at reserved matters stage.
- 3.88 The mixed use area would be within the south eastern corner of the site and would front London Road and the proposed access roundabout. This would provide a gateway feature to the site. It is expected that this area would include a range of uses including residential, commercial and business uses. As noted above, this location is consistent

with that identified in the Cranbrook Masterplan and would be within 800m for the majority of dwellings.

3.89 The parameter plans indicate the layout and form of the development and provide the framework for the submission of subsequent reserved matters applications. It is noted that these parameter plans form a guide/starting point and the applicants are free to diverge from this where there are sound planning reasons for doing so and the revised location still works with the fundamental concepts of Cranbrook Plan.

Historic Environment

3.90 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."

3.91 Paragraph 195 of the NPPF requires that Local Planning Authorities identify and assess the particular significance of any heritage asset. Paragraph 199 requires that great weight is given to the conservation of designated heritage assets and this position is further supported by Local Plan Strategy 49 (The Historic Environment) and policies 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).

3.92 There are no designated heritage assets within the application site. A Grade II listed milestone lying north of the old A30, is located adjacent to the application site. Within a 2km radius of the site, there are approximately 47 designated heritage assets. The National Trust's Killerton Estate would be nearly 5km to the north west of the site including the Grade II* Listed Park and Garden and Killerton House. The most relevant assets including the following:

- Grade II Listed Milestone at SX998946 (north side of A30 20 metres north east of junction with B3185)
- Grade II Listed Rockbeare Bridge
- Grade II Listed Ballamount
- Grade II Listed Heathfield Farmhouse
- Grade I Listed Rockbeare Manor and Grade II Listed Park and Garden
- Grade II* Killerton House and Grade II* Park and Garden

3.93 The setting of a designated heritage asset is an important element in the significance of these assets and considerable importance and weight should be given to the preservation of setting when carrying out the balancing exercise in decision making. The NPPF identifies that where a development will have less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal. However, even if the harm is less than substantial, the balancing exercise should not ignore the overarching statutory duty and the emphasis should be on avoiding harm either by designing it out or suitable mitigation.

- 3.94 The applicant has provided an assessment of the proposals on Cultural Heritage which forms part of the Environmental Statement. This concludes that the proposed development would not cause harm to the setting or significance of designated heritage assets in the area around the site.
- 3.95 In relation to the Milestone and Rockbeare Bridge, while no physical change to them is proposed their setting would change and arguably already has changed as a result of Cranbrook. Post development, they would still be clearly identifiable and both of their functions remain. As they are not considered to be at risk of being altered by the proposed development, the impact of the development on these assets is considered acceptable.
- 3.96 Ballamount is approximately 1.5m from the site and Heathfield Farmhouse is approximately 1.8km from the site. Given that there is a significant distance between these heritage assets and the site, the effect on the setting of these assets is not considered to be harmful in the context of a wide and varied landscape with views limited to distance views only and these broken by intervening landscaping in any event.
- 3.97 Rockbeare Park and Garden and Rockbeare Manor would be located approximately 3.2 km and 2.4km from the site. Rockbeare Manor encompasses a significant amount of heritage and has a number of individually listed components varying from grade I, through II* and II as well as the Grade II registered park and garden. Given that there is a significant distance between these heritage assets and the site, the effect on the setting of these assets is not also considered harmful.
- 3.98 In relation to the Killerton Estate and following comments from Historic England, The National Trust and EDDC's Conservation Officer, the applicant provided additional information in October 2020 in the form of a Technical Note. This provides further consideration of the heritage issues and the previously submitted assessment. Following a re-consultation, the National Trust have requested that a proportionate but systematic assessment of the impact on the setting of Killerton Park should be submitted. Historic England have advised that the Council need to satisfy themselves of the inter-visibility between the application site and the historic complex at Killerton and the level of potential impact that could be caused by the development to the affected heritage assets. In the event that the site would be visible, Historic England have advised that the council should ensure that any adverse impact can be avoided and minimised at the reserved matters stage. In the event that the site is not visible, then from the information provided, Historic England do not wish to offer any further comments.
- 3.99 It is acknowledged that from Killerton House and the hill top behind, there are far reaching views of the surrounding landscape including towards the application site. However, there is already evidence of existing development within the vicinity and the proposed extension to Cranbrook would be difficult to differentiate from this distance. In addition, other designated heritage assets to the north and west of the site are likely to remain unaffected due to their location, the topography and the existing built form, mature vegetation and landscaping. On this basis, the Council's Conservation Officer considers that based on the submitted additional information/justification, the level of inter-visibility is sufficiently distant to result in minimal harm to the setting or significance of Killerton and the wider Estate. Furthermore, the benefits of the scheme would outweigh this. However,

to ensure that any potential impact is minimised, an appropriate assessment shall be made at the reserved matters stage when detailed proposals on scale, appearance and landscaping are to be considered. Subject to this, officers are satisfied that the proposed development would not harm the setting of the designated heritage assets.

- 3.100 The Cultural Heritage chapter within the Environmental Statement sets out the results of the archaeological investigations undertaken on the site. This details that there are some localised Bronze Age and prehistoric archaeological deposits present within the application area and the development of the site will have an impact upon these heritage assets. The Historic Environment Team at Devon County Council recommended that the 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. A condition is therefore accordingly attached 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.
- 3.101 Overall, it is considered that the impact of the development accords with Policies EN7, EN8 and EN9 of the adopted Local Plan. The harm to both designated and undesignated assets is considered to be less than substantial, and while giving great weight to the conservation of the heritage assets, wide ranging public benefits outweigh this harm.

G. FLOOD RISK AND DRAINAGE

- 3.102 Paragraph 159 of the NPPF states that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk (whether existing or future). When determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 3.103 Policy EN21 of the EDLP states that a sequential approach will be taken to considering whether new developments excluding minor developments and changes of use will be permitted in areas subject to river and coastal flooding. Wherever possible, developments should be sited in Flood Zone 1. The policy sets out a sequential approach whereby if there is no reasonably available site in Flood Zone 1, only then will locating the development in Flood Zone 2 and Flood Zone 3 be considered. Policy EN18 of the ELDP requires developers to take appropriate measures to ensure that development does not adversely affect the quality or quantity of surface or groundwater, while Policy EN19 requires developments to provide a suitable foul sewage treatment system of adequate capacity and design will be provided.
- 3.104 Reducing the risk of flooding by incorporating measures such as sustainable drainage system is a key component to conserving and enhancing the environment in order to achieve sustainable development as set out in Strategy 3 of the ELDP. Policy EN22 of the ELDP sets out that surface water should be managed by sustainable urban drainage systems for new major residential developments.
- 3.105 A Flood Risk Assessment (FRA) produced by Brookbanks Consulting Limited has been provided as part of the Environmental Statement. The majority of the application site

is located within EA flood zone 1 and therefore has a low probability of flooding. However, a small area in the north-eastern corner of the site is located within flood zones 2 and 3 (medium and high risk of flooding). The EA surface water flood maps also identify areas of surface water flooding (flood zones 2 and 3) within and adjacent to the northern boundary of the site.

- 3.106 It is noted that a number of representations have raised concerns with flooding, sewage disposal and surface water drainage, especially in the northern and eastern parts of the site. This includes concerns and objections from Councillor Rylance, Cranbrook Town Council and Clyst Honiton Parish Council. As part of the application process both the Environment Agency (EA) and DCC Flood Risk have raised concerns with the development. The EA had raised concerns that the flood modelling which informed the FRA was not fit for purpose and raised concerns with the flood compensation storage area. DDC Flood Risk requested further information in relation to surface water drainage, the LBDS, permeability areas and exceedance flows. The applicant submitted further information to both the EA and DCC to address the concerns raised. This enabled DCC Flood Risk to remove their holding objection and recommend a condition to the LPA on 24 March 2023. Following further information and amendments to the model, the EA removed their objection on 19 May 2023 and recommended conditions to be attached to any permission. These conditions relate to Flood Resilience; Detailed design of the flood storage areas; Detailed design of the access road flood culverts; and a Construction Environment Management Plan (CEMP).
- 3.107 All built development will lie in Flood Zone 1, with only uses categorised by the EA as water compatible and essential infrastructure development lying in Flood Zones 2 and 3 which marginally encroach within the site adjacent to watercourses. It is noted that the road linking to Burrough Fields and Cranbrook Train Station will be within the flood zone and it is expected that the road would be constructed at a higher level similar to the existing Burrough Fields however further details of this would be reviewed at Reserved Matters. Additionally, as noted in the FRA Addendum, to mitigate the impact of the volume displaced due to the new access road, it is proposed to lower the ground levels to enable the temporary storing of excess of water in extreme events.
- 3.108 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 green field 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 green field 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 used within this application.
- 3.109 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.

In this instance and to help ensure that adverse effects don't occur during the construction phase a drainage strategy for this period is required by condition.

- 3.110 Turning back to the principle of ensuring that surface water drainage does not lead to increased flood risk, it is proposed to create a series of attenuation basins (A, B, C and D) and swales– where by water is captured, stored and then released throughout the development. While in principle only at this stage, the size and specification of the basins have been assessed by Devon County Council as Local Lead Flood Authority who have indicated that such basins are sufficient to meet the requirements of attenuation. Overall it is envisaged that this network of basins and swales 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.
- 3.111 Foul drainage is an important issue and one that requires mention here – not least because of the recorded flooding events that have occurred in Clyst St Mary – a village downstream of the current proposal. Much of the flooding that has occurred in Clyst St Mary including the backing up of sewage into private property has occurred during peak rainfall events when sewage treatment has been unable to cope within the volume of water that it has been presented with. It is understood that South West Water (SWW) are currently in the process of working their way upstream to remove surface water ingress into the foul network, which should otherwise have capacity to deal with all foul flows that could be generated.
- 3.112 In terms of this application, South West Water 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. SWW's response indicates that either the existing network has sufficient capacity to take the additional load and/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.
- 3.113 Recognising that SWW do not object and have to comply with legislation that allows developers to connect (while being able to recover costs for any improvement that is necessary as a result of the proposed connection) there is no justification for refusing or delaying this application on these grounds and the application meets with Policy EN19 (Adequacy of foul sewers and adequacy of sewage treatment systems) of the Local Plan. This policy states that new development will not be permitted unless a suitable foul sewage treatment system of adequate capacity and design is available or will be provided in time to serve the development.
- 3.114 Member's requested an additional condition in relation to foul sewage when the Treasbeare Expansion Area (ref. 22/1532/MOUT) was presented at committee on 28 February 2023. Given this, it is considered necessary to also attach this condition to the application in attempt to address concerns raised by members.

H. TRANSPORT AND ACCESS

- 3.115 The NPPF encourages the early consideration of transport issues when forming development proposals. Specifically, Paragraph 104 of the NPPF states that this early consideration should allow for; 1) the potential impacts on transport networks to be addressed; 2) opportunities from existing and proposed transport infrastructure and changing transport technology and usage to be realised; 3) opportunities to promote walking, cycling and public transport use to be identified and pursued; 4) the environmental impacts of traffic and transport infrastructure to be identified and assessed, with necessary mitigation provided; and 5) a full consideration of how streets, parking and the pattern of movement in the formation of a proposal.
- 3.116 Strategy 5B of the Local Plan states that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Strategy 11 of the Local Plan promotes a high quality and integrated transport provision at East Devon's West End.
- 3.117 The application seeks approval of access as part of this outline application. But, there are several components to this aspect the assessment including the connectivity, trip generation and trip distribution in respect of both the local road network and its impact on the wider network including the strategic network. The impact on the Crannaford Lane Level Crossing has also been raised within consultee responses.
- 3.118 The application is supported by a Transport Assessment produced by WSP and consultation has taken place with National Highways (Strategic Road Network) and DCC Highway Authority (Local Road Network).

Access and Junctions

- 3.119 The primary vehicular access to the site is proposed to be provided through a new 3-arm roundabout junction along London Road located to the west of Bluehayes Lane. The northern arm of the proposed roundabout junction will extend into the site and serve the development as its primary spine road. New access connections for vehicles are also provided along Station Road as well as a link to Cranbrook Railway Station to the north via Burrough Fields.
- 3.120 In compliance with Policy CB24 of the Plan, London Road will undergo works to become a much slower and less car dominated environment with the new roundabout becoming part of the western gateway to Cranbrook. Additional works are proposed at the entrance to the Treasbeare Expansion Area including the creation of a double mini roundabout with pedestrian and cycling infrastructure emphasised.
- 3.121 The new three arm roundabout would retain the east to west bus lane on the southern side and would include provision for pedestrians and cyclists traveling along London Road and into the site. The proposal would also include a new controlled crossing to the north with details to be reviewed as part of reserved matters and S.278 works. The proposal would result in the loss of hedgerows and trees along the London Road however these will be replaced during the reserved matters stage. The overall design, materials and landscaping would be secured via a further details condition. DCC Highways has confirmed that the details provided satisfies the Road Safety Audit 1 Stage.

- 3.122 It is noted that the proposed roundabout would be to the south west of the existing roundabout at Younghayes Road and the Treasbeare expansion area proposes a third roundabout on this stretch of road. This would effectively result in three roundabouts in a row which requires drivers to slow down, check for hazards and speed up at multiple points and does not provide a straight route. However, the whole premise of the expansion of Cranbrook is to ensure that the London Road becomes integrated into the proposals and is a road for all users within Cranbrook rather than acting as a by-pass or fragmenting the north and south of the town (Policy CB24). The London Road junction has been designed with proposed signage of 30mph. To further support this there is an expectation that traffic calming measures are introduced along sections of the London Road to reinforce the change in nature and character. While a holistic and comprehensive scheme along the length of London Road from W-E through Cranbrook has been delayed, the application seeks to demonstrate that speeds can be brought down. It is envisaged that with appropriate materials and landscaping, this roundabout can form part of the western gateway to Cranbrook.
- 3.123 Roundabouts do not provide optimum facilities for pedestrians and cyclists to cross them but having regard to the anticipated high levels of traffic at this point, being the closest junction to the employment areas of SkyPark and Logistics Park to the West, in this instance the need for a roundabout is justified and appropriate crossing points will be provided as previously discussed.
- 3.124 The proposal would also include a new access from Station Road which would direct traffic from Station Road through Bluehayes to London Road. A new junction is created to access the southern section of Station Road. The proposal includes pedestrian and cycle links from the north and south into the site and makes provisions to connect to the DCC proposed Strategic Cycle Route to Mosshayne via land north of Shercroft Close. A new controlled crossing is also proposed within the site to ensure pedestrians and cyclists can cross this secondary road. The overall design, materials and landscaping would be secured via a further details condition. DCC Highways has confirmed that the details provided satisfies the Road Safety Audit 1 Stage.
- 3.125 The third access would be via Burrough Fields, adjacent to Cranbrook Train Station. The road would connect to the existing car park entrance and would provide a link from Bluehayes to Cranbrook Phase 1. At this stage, only vehicular access is shown and pedestrian and cycle connections are not included on the plans. This omission is not because the applicants do not intend on providing such connections but rather that no decision has yet been made as to how best to accommodate this due to other unknown factors such as whether or not a primary school will be located on the site. Both the LPA and DCC Highways have expressed concerns as the application is determining access and pedestrian and cyclists access forms part of this. This means that the Burrough Fields access cannot be accepted at this stage and a condition is required for further details of the access to enable the LPA and DCC to approve.
- 3.126 Furthermore, the visibility splay from the station carpark onto Burrough Fields has raised concerns due to the potential for overhanging vehicles in existing parking bays to obscure the full visibility splay. This has not been addressed as part of this application and further details are required as part of the condition to ensure this is acceptable. It had been the LPA's preference to secure these details prior to determination, however

in the interests of progressing this application, the LPA is willing to attach a condition to secure these details in due course and the Highway Authority is satisfied with this approach also.

- 3.127 The proposal would also include a provision for separate Non-Motorised User (NMU) access off Station Road at the north-western corner of the site as well as an access to Railway Terrace. Further details and timings will be secured via a S106 agreement and condition and reviewed at the reserved matters stage.
- 3.128 The Highway Authority also requests that TRO's are submitted and secured for the required posted speed limit and any other signage on London Road, any signage and necessary mitigation measures on Station Road and for a commuted sum for the maintenance of any signalised crossings. These can be secured via s106.

Traffic Generation

- 3.129 Connectivity is extremely important in the delivery of a healthy and sustainable new town and urban expansion and consideration has already been given to the primary network of routes that make up this expansion area; the location of the mixed use area, school and green infrastructure. Furthermore, consideration has been given to how the site links to the wider area including Broadclyst Station, Cranbrook Phase 1 and the Treasbeare Expansion Area. Given the existing infrastructure, consideration has also been given to the trips that can be made within this expansion area and/or within the town rather than having to commute out of town. Such trips reduce the dependency on the wider road network and importantly the potential impact on junctions on the Strategic Road network which is managed by National Highways.
- 3.130 While National Highways has not sought to raise an objection to the proposal, their recommendation is made strictly on the basis that the cumulative total of dwellings consented across the four expansion zones does not exceed 4,170 dwellings (the total number of indicative dwellings allocated in Cranbrook Plan Policies CB2-CB5). Their approach would 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 be brought forward.
- 3.131 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.
- 3.132 In this instance the work by DCC, supported both the general approach that has been advocated and importantly the overall findings. This is that with increased internalisation, increased bus provision as a result of identified section 106 contributions, and a

reinvigorated travel plan approach (which itself recognises the provision of good accessibility by foot), the higher number of houses do not lead to a higher number of vehicle movements when compared with the original assessment carried out in the mid 2010's that identified the upper limit of housing that could be accommodated on the strategic road network. Modelling undertaken by DCC has considered the excess housing that is currently proposed by other expansion areas and the additional town centre housing and this too has been considered as falling within the overall parameters previously established for the total of 4170 dwellings.

3.133 It is noted that 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, which the 28 included in this application would be considered as. In addition with the backdrop of more housing needing to be found in the "right place" (i.e. sustainable locations) and the technical work undertaken by the developers and independently by Devon County Council, this risk is considered low. Ultimately it is something that would have to be addressed in due course if agreement cannot be achieved. It is not a matter over which the current application should be held when there is good evidence that supports the case for excess housing numbers without putting the delivery of other allocations within the Cranbrook Plan at risk. Based upon the information presently available and discussed above, it is considered that the development will not have a demonstrably harmful impact upon either the local or strategic road network, such that the application meets with the requirements of Policy TC7 (Adequacy of road network and site access) of the Local Plan.

Sustainable Travel

3.134 Policy CB9 of the Cranbrook Plan DPD sets out that provision shall be made for an enhanced public transport network serving the expanded town. As well as an enhanced bus capacity and routes, the policy also details that primary roads through Cranbrook shall be designed to accommodate bus services.

3.135 Policy CB12 of the Cranbrook Plan DPD sets out that development at Cranbrook is expected to be designed, constructed and perform to the highest practicable and viable whole life sustainability standards and all developments must demonstrate that they minimise the need for travel.

3.136 The primary school and combined NEAP, LEAP and/or Activity Trail is located centrally within the site and would be within 400m of the majority of dwellings within the site. The second LEAP and/or Activity Trail would be within a different phase of the site, allowing for easy access for future residents. The mixed use area which could include retail, commercial and business uses would be within 800m of the majority of dwellings in the site and is considered to be capable of providing some services to meet the day to day needs of future residents. The proposal would also include cycle parking at the school and mixed use area to encourage residents to cycle to these areas rather than drive. Access to green space is within 400m of the majority of houses.

3.137 The application site would include a number of pedestrian and cycle links to the north via Burrough Field, east and west via London Road and would connect to the Treasbeare expansion area in the south. The proposal would also include additional pedestrian and cycle links to the boundary to Station Road and Railway Terrace. The site would be designed to be served by a bus route along the main route through it from Burrough Fields to London Road, with proposed bus stops within 400m of all residential dwellings in the site. The opening up of the road to Burrough Fields will enable a through route past the railway station and finally enable busses to serve it, as to date they have not due to the need to turn around making it inefficient for timetabling. The site would be well served by Cranbrook Train Station, with the majority of dwellings within 800m of the station as well as the primary school and mixed use area. In addition to the mixed use area, the employment areas of SkyPark, Logistics Park and the forthcoming employment land at Treasbeare would be within a reasonable distance for walking or cycling. In combination these measures would help to reduce car dependency and ensure that trips made by residents are as sustainable as possible.

3.138 It is acknowledge that pedestrian and cycle links to Cranbrook Phase 1 are limited due to Bluehayes Lane and this is unfortunate but as the land is outside the applicant's control, it is not presently deliverable. A proposed permissive footpath across the land was proposed as part of a small housing scheme that was considered in 2018 (ref. 18.0789/FUL) but the scheme was dismissed at appeal and to date no revised scheme submitted.

Rail Network

3.139 Network Rail have requested more detail in relation to how the proposal may impact Crannafoord Level Crossing. It is noted that Network Rail appeared at the examination of the Cranbrook Plan with a request for barrier improvements. However no evidence was put forward which linked the expansion areas with a material increase in traffic over the crossing and the Inspector chose not pursue the matter or require changes to the Plan to address Network Rail's concerns.

3.140 While highway and rail safety must be an absolute priority, there is still no evidence that trips from the Bluehayes Expansion Area, given the distance to the crossing would make a material difference in the number of vehicle and pedestrian movements over the crossing. The number of movements as a result of the development would be so low as to not make a material difference to the safety of the crossing. As such while the concern from Network Rail is noted, the closure of the crossing is not something that should be sought or attempted to be secured through this application. If Network Rail wish to pursue closure then this request should be directed to Devon County Council who can consider the request through due process – it is however not something that can reasonably be linked to the determination of this application.

Travel Planning

3.141 Policy CB18 of the Cranbrook Plan DPD sets out that a Travel Plan will be required for all development that will result in the creation of employment premises or residential properties.

3.142 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. The applicants have agreed to make the proportionate contributions to travel planning for residential occupiers of the dwellings. 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 and highway network.

London Road Improvements

3.143 Policy CB2 (7) expects contributions towards London Road improvements to be secured and Policy CB24 sets out that London Road will become a route within the Cranbrook community. 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. The Policy also requires development proposals within the Cranbrook Plan Area to make a proportionate financial contribution to the cost of delivering the London Road improvements. The Highway Authority are satisfied with the principle of the proposal and the design of the proposed access has been addressed above with further details to be secured via a condition.

3.144 Policy CB6 also requires contributions towards London Road improvements and a financial contribution would be secured as part of the S106 agreement.

Construction Logistics

3.145 A Construction Traffic Management Plan (CTMP) will be required by condition 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 EN14 (Control of Pollution in New Development) of the adopted East Devon Local Plan.

I. AIR QUALITY AND ODOUR

3.146 Paragraph 174 of the NPPF requires that the planning system should contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from unacceptable levels of air pollution. This is reflected in Policy EN14 of the EDLP which does not support development that would result in unacceptable levels of pollution to the atmosphere.

3.147 A chapter on Air Quality produced by Brookbanks Consultants is contained within the Environment Statement. Following a consultation response regarding the Air Quality Impact Assessment from Exeter City Environmental Health, a revised assessment has been provided as part of the Environment Statement Addendum. This includes the updated air quality monitoring data, both in the vicinity of the proposed development and

within the Exeter Air Quality Management Area (AQMA). The model verification has also been updated to utilise the latest data and additional model verification has been undertaken for monitoring sites within the AQMA. Detailed dispersion modelling has also been undertaken to predict concentrations at sensitive receptors in the Cranbrook area (including the proposed development) and also at worst case receptors on London Road.

- 3.148 This supplied further information concludes that the proposed development will not have a significant impact on the existing Exeter Air Management Quality Area. Subject to appropriate measures being incorporated during the construction phase and the promotion of sustainable travel alternatives and infrastructure, EDDC's and Exeter City's Environmental Health Officers have raised no objection to the proposal.
- 3.149 Policy EN14 of the EDLP also states that permission will not be granted for development which would result in unacceptable levels of odour to residents or the wider environment.
- 3.150 An Odour Assessment produced by Brookbanks has been submitted as part of the Environmental Statement which assesses the potential impact of airport activities on the proposed development. The qualitative and quantitative assessments have identified that the airport activities will not adversely impact on the proposed development or result in loss of amenity and mitigation measures are therefore not deemed necessary. On this basis, it is concluded that odour impacts at the site are insignificant and do not constrain it for the proposed uses.

J. NOISE

- 3.151 Paragraph 185 of the NPPF requires that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. Policy EN14 of the EDLP also protects against development that would cause unacceptable noise pollution.
- 3.152 A noise assessment has been provided as part of the Environmental Statement and considers various potential noise impacts on both future residents and other noise sensitive development within the proposed development, and existing noise sensitive receptors in the surrounding area, which include nearby residential properties.
- 3.153 Noise impacts could arise during the construction phase. This however would be mitigated appropriately through the submission of a Construction Environment Management Plan (CEMP) that would set out the proposed methods of reasonable practice noise control in order to minimise potential noise effects. Following completion of the development, the existing residents may be subject to noise effects as a result of road traffic noise. However, having considered the noise level traffic levels as existing and following the proposed development, the noise assessment concludes that the magnitude of any noise effects is found to be small (worst case scenario) therefore equating to a noise impact of low significance. As such, no mitigation is proposed for this noise source. The Council's Environmental Health Officer has raised no objection to the proposal in this

regard, subject to the submission of a Construction and Environment Management Plan (CEMP) which has been appropriately secured by way of condition.

3.154 In relation to the future occupiers, the noise assessment considers the potential noise impacts arising due to transportation noise (i.e. road, rail and aircraft). Across the majority of the site, the required internal and external noise criteria can be achieved without the need for any particular noise mitigation measures. The selection of suitable external façade elements (such as standard thermal double glazing) would also ensure that the internal acoustic criteria can also be achieved in the locations within the site that are more exposed to various noise sources. To offset the noise levels in some locations, mitigation is proposed in the form of detailed layout design and orientation of dwellings, and associated gardens with appropriate screening along garden boundaries. The Council's Environmental Health Officer has raised no objection to the proposal in this regard.

K. BIODIVERSITY AND ECOLOGY

3.155 All public bodies have a legal duty to conserve biodiversity having regard to species and habitats listed within the Natural Environment and Rural Communities Act 2006. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible. Paragraph 180 of the NPPF goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 180(d) of the NPPF that opportunities to improve biodiversity in and around development 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.

3.156 Strategy 5 of the Local Plan requires development proposals to ensure conservation and enhancement of natural environmental assets, promote ecosystem services, green infrastructure and geodiversity. Strategy 10 of the Local Plan notes that the Clyst Valley Regional Park will provide new wildlife and green corridors that enhance the biodiversity of the West End. These requirements are also carried through in Strategy 47 of the Local Plan, which also deals with the impact on proposals on internationally and nationally designated sites, and the mitigation and compensation measures that may be required.

3.157 Policies CB6 and CB26 of the Cranbrook Plan DPD require developments to deliver at least 10% Biodiversity Net Gain.

3.158 In relation to statutory designated sites, the Exe Estuary Special Protection Area (SPA), Ramsar and Site of Special Scientific interest (SSSI), is located approximately 5.3km southwest of the application site. The most northerly point of the East Devon Heaths SPA and East Devon Pebblebed Heath Special Area of Conservation (SAC) and SSSI is located approximately 5.6km southeast of the application site. 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.

3.159 In advance of the first occupation, mitigation should be in place to avoid harm occurring to the Exe Estuary and Pebblebed Heaths - particularly from recreational use. The

delivery of SANGS and contributions to it's in perpetuity management and to offsite mitigation on the protected sites themselves can be secured by Section 106 agreement to address this aspect.

- 3.160 Natural England reviewed the Appropriate Assessment and concluded that on the basis of all the mitigation measures being secured by planning condition or S106 agreement, the proposed development will not have an adverse effect on the integrity of the Exe Estuary SPA/RAMSAR, the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA. A full copy of the Appropriate Assessment is included as Appendix C.
- 3.161 An Ecological Assessment produced by Ecology Solutions is included within the Environment Statement. The assessment relies on habitat and faunal surveys carried out by Ecology Solutions between June 2011 and October 2014, between May and November 2016 for the application site area, and again in September 2018 which also included the SANGS land subject to the change of use application. Some later survey work was undertaken in 2021 in respect of specific animals and groups. The surveys are generally older than would normally be appropriate, however these have been reviewed by the District Ecologist and are still considered to give an appropriate assessment of the impact of development and further update surveys will be required to be submitted to accompany reserved matters applications in order to ensure that development is undertaken in an appropriate manner.
- 3.162 In terms of existing habitats, the Ecological Assessment confirms that there are six arable fields within the application site. The application site also contains two semi-improved grassland fields, a marshy grassland field, some rough grass margin, and areas of scrub, approximately 25 hedgerows, tall ruderal vegetation and parkland with mature and veteran trees.
- 3.163 Local Plan Policy EN5 (Wildlife Habitats and Features) requires that where development is permitted on sites that are host to important wildlife habitats or features, mitigation will be required. The ES considers in detail the potential for important species to be present and the potential impact that the development might have. These findings are summarised by species in the following paragraphs:
- 3.164 Badgers - The Ecological Assessment details that evidence of badgers was recorded within site, with three setts recorded when the surveys were undertaken. A number of Badger latrines were also recorded in the application site. An updated Badger survey will be undertaken prior to any construction works to ensure no new setts have been constructed and a Natural England licence will be sought prior to any construction works commencing within 30m of any active setts identified. Currently the badger population is considered to be of local importance and while some local foraging opportunity would be lost, the delivery of Green Infrastructure and 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.
- 3.165 Bats - The Ecological Assessment identifies a total of seventeen trees with potential to support roosting bats within the application site (including the SANGS land). All these trees are to be retained as part of the development. Bat activity surveys were undertaken during the survey seasons in 2011, 2012, 2014, 2016 and 2021. Bat activity was recorded within the application site during this time, albeit mainly along certain hedgerows and the

northern and eastern boundaries of the parkland. There are no existing buildings on site proposed to be removed. Bat Corridors are proposed on the parameter plans and it is recommended that bat boxes are secured across the development.

- 3.166 Otters - During surveys undertaken, evidence of Otter spraints were recorded in two locations east of the consented area along the Cranny Brook and a tributary off this stream. A possible holt was also recorded along this tributary.
- 3.167 Breeding Birds - A total of 38 species of birds were recorded during 2012 surveys that included 7 species that are in the Royal Society for the Protection of Birds (RSPB) red list. A total of 31 species of birds were recorded during the 2014 surveys, of which 8 are on the RSPB red list. No Owl activity was recorded during the 2012 or 2014 survey. Impacts could arise from vegetation clearance and more generally the change in land use. This would particularly affect ground nesting birds. 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 to be secured.
- 3.168 Wintering Birds - Wintering bird surveys were undertaken in February and March 2021 in the flood mitigation area proposed for SANGS uplift as a result of comments received by Cranbrook Town Council. The surveys showed no particularly notable birds present on the site. Effects during construction are again likely to result from vegetation clearance, soil stripping and once built from an increase in domestic pets and more general disturbance. Provision of SANGS and management of the mosaic of habitats to be created would help to further mitigate any effects.
- 3.169 Dormice - Dormice have historically been found at Cranbrook, particularly to the east of the town. Surveys were undertaken in 2011, 2012, 2014 and 2016 with possible recordings for signs of Dormice present within the Application Site. An updated survey was undertaken between June and November 2021. 80 tubes were used and they were checked between June and November 2021. The risk of harm would occur through hedgerow removal, which would have to be undertaken under licence and at the correct time of year, while once developed, appropriate hedgerow and woodland management would be required to ensure populations were maintained and supported. The installation of additional dormice nest boxes would further support appropriate mitigation and would be secured as part of the Natural England licence that will be required.
- 3.170 Invertebrates - The rough grassland, scrub, hedgerows and trees within the site offers suitable opportunities for a range of common invertebrates however given the agricultural uses on the site, there is no evidence to suggest that any rare or notable species are present. Any harm during construction is not considered to be significant while potential greater harm could occur once development is built and occupied due to the potential for inappropriate habitat management e.g. intensive mowing hedge trimming or removal of deadwood features.
- 3.171 Reptiles - During the 2021 surveys, low populations of Slow Worm, Grass Snake and Common Lizard were recorded within the rough grassland habitat. 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.

3.172 Hedgehogs- The site offers suitable shelter, foraging and commuting habitat. 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 can be secured by condition.

3.173 Taken together it is recognised that for a number of species including Badgers and Dormice, the proposed works would 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 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. 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.

3.174 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

3.175 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 870 houses, including 15% affordable; the delivery of a 2 form entry primary school, mixed use area, allotments and SANGS as well as the open space typologies that together support the development.

3.176 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 and this site has been allocated for development since 2016. As explored already within the report, changes to the scheme have been made to reduce where possible the likely ecological impact, however removal of the various lengths of hedgerow means that there are no other satisfactory alternatives available.

3.177 To mitigate for the loss of the dormouse habitat, significant additional (new) habitat is being created across the site and in the SANGS areas to provide new and enhanced foraging and nesting opportunities. For bats and birds there is a proposal to install boxes on 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. There is ample opportunity within the SANGS area and open spaces to provide additional mitigation if required for badgers. 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.

3.178 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. 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.

3.179 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.

Biodiversity Net Gain (BNG)

3.180 A BNG assessment using metric 3.1 has been undertaken and demonstrates that a BNG of 10.84% can be achieved across Bluehayes and Elbury Meadows (the land subject of application 19/0554/MFUL). This has been reviewed in detail by the District Ecologist who confirmed the BNG. The assessment is considered to comply with Policy CB26 (Landscape Biodiversity and Drainage) and is achieved having regard to the habitat, hedgerow/linear features and river/stream corridor found on site. As such, BNG needs to be evidenced in the subsequent reserved matters but also secured through the S106 to ensure long term retention and maintenance of the resource that is being provided.

3.181 The Landscape Biodiversity and Drainage Strategy (LBDS) proposed for the development presents itself as an overarching document that can be secured by condition. It addresses each discipline in a way that allows a simple checklist style review at reserved matters stage. Each strategy within the LBDS addresses its own discipline and sets out the principles for landscaping, biodiversity, drainage and SANGS and includes the characteristics of the SANGS areas, open space and allotments. The LBDS submitted at this stage does not include relevant mitigations as set out in the ES and does not include full details of implementation, management and maintenance. As a result of this an updated LBDS is required and would be secured via a condition.

3.182 Although the LBDS has been written without the expectation of further change, the Policy (CB26) specifically requires that it is reviewed and updated every 5 years. Such an update can be secured as part of the condition mentioned above.

3.183 Furthermore, a detailed Landscape Environmental Plan (LEMP) shall also be prepared at the reserved matters stage to document the proposed management of the features.

L. SUSTAINABILITY AND NET ZERO

3.184 Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate. It should help places to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources,

including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

- 3.185 Chapter 17 of the EDLP relates to climate change and climate change mitigation. The Chapter acknowledges that East Devon is experiencing changes to the climate as a result of greenhouse gas emissions and that these changes are likely to escalate. Accordingly, the Council seeks to plan for a greater frequency of extreme flood events, energy efficiency and the generation of renewable energy appraisal.
- 3.186 Strategy 38 of the ELDP states that applicants will be encouraged to provide information as to where and how sustainable design and construction methods will be incorporated into proposals. Information should be provided in relation to the re-use of materials from the construction phase, passive design measures, building materials, landscaping and the use of renewable energy. Development should also be designed to be resilient to climate change; consider any potential adverse impacts from the construction and operational phases of development; and make improvements to biodiversity.
- 3.187 Policy CB12 of the Cranbrook Plan DPD sets out that Development at Cranbrook is expected to achieve zero carbon and to be designed, constructed and perform to the highest practicable and viable whole life sustainability standards. The Policy goes on to state that all developments which propose the construction of new homes or non-residential floorspace must demonstrate that they; minimise the need for travel; minimise energy demand and carbon emissions; maximise the proportion of energy from renewable or low carbon sources; and ensure in-use performance.
- 3.188 The application was supported by a Climate Change and Sustainability Statement which considers potential sustainability measures available to the development to meet national and local requirements. It is noted that a Climate Change and Sustainability Chapter was not included within the ES.

Minimise the need to travel

- 3.189 The parameters plans submitted indicate that the primary school and combined NEAP, LEAP and/or Activity Trail are located centrally within the site and would be within 400m of the majority of dwellings within the site which would promote walking and active travel. The second LEAP and/or Activity Trail within the site would reduce walking distances for a number of dwellings to play space. The mixed use area would be located in the south eastern corner however as noted above, it would not be within 400m of the dwellings to the north and west of the site but would be within 800m of the majority of dwellings in the site. Access to green space is within 400m of the majority of houses with SANGS and the additional country park to the centre and north west of the site.
- 3.190 The application site would include a number of pedestrian and cycle links to the north, east and west and would eventually connect to the Treasbeare expansion area in the south. The site would be served by a bus route along the MLR with proposed bus stops within 400m of all residential dwellings in the site. The site would be well served by Cranbrook Train Station, with the majority of dwellings within 800m of the station as well as the primary school and mixed use area.

3.191 The site would be served by a suite of communication services including ultrafast broadband.

Minimise energy demand and carbon emission

3.192 The application would be required to minimise energy demand and maximise the proportion of energy that is derived from renewable or low carbon sources – something that is required by Policy CB12 (Delivering Zero Carbon). In terms of the development energy demand, the policy requires a minimum of 19% reduction over the 2013 Building Regulations. However, by 2025, new homes will be expected to produce 31% lower carbon emissions as part of building regulations. As such the policy aspiration is expected to be met.

3.193 The applicant has made commitments to the use of passive design, solar master planning and effective use of on-site landscaping with details of indicative landscaping proposed. Further details would be required and reviewed as reserved matters stage.

3.194 The application has provided minimal information regarding the use of low carbon solutions where additional energy is required for building services such as heating, ventilation and air conditioning. Further details would be required and reviewed as reserved matters stage.

Maximise the proportion of energy from renewable or low carbon sources

3.195 The application proposes to connect with the District Heat (DH) network to help achieve a zero carbon development.

3.196 With the Council proceeding with the interconnector project to decarbonise the existing DH network serving Cranbrook and the Skypark, further work has been ongoing in recent months to reassure developers that DH can be delivered in time for their respective developments, produces the emission savings that are required by building regulations and is a cost effective way of delivering a policy compliant scheme. Significantly DH also has the advantage that it can be done at scale and can benefit from further carbon reductions (at scale). The connection to a DH network will be secured through a Section 106 agreement.

3.197 In order to achieve zero carbon as required by CB12, further measures are likely to be required and this could include the installation of Solar PV, a feature that has been conspicuously absent in the delivery of Cranbrook to date. In line with the requirements of Policy CB19 development (residential and non-residential) will be required to be built with EV charging in order to enable electric vehicles to discharge to the grid (Vehicle to Grid) 3 phase electricity supplies will be required; this detail can be secured within the Section 106 with details provided at reserved matters stage.

Ensure in-use performance

3.198 The development would be required to demonstrate that in-use performance of buildings is as close as possible to the at-design calculation. This would be secured via a carbon plan as part of the S106.

- 3.199 As part of the reserved matters applications, a Sustainability Statement would be required and further details would be reviewed at this stage.
- 3.200 During construction, emissions from vehicle movements are considered to be infrequent and temporary, and whilst occurring over the full period of construction are still considered to result in an insignificant effect due to the short term nature of the operations.
- 3.201 In addition to minimising energy demand and maximising the proportion of energy from renewable or low carbon sources, such tools as the CEMP can be used to secure best practice during construction. This approach can minimise the risk of increased dust and particulate matter from entering the atmosphere while an associated Construction Traffic Management Plan can control movement of construction traffic and reduce risk of excess emissions.
- 3.202 Operationally tools such as the travel plan, a legible layout with good permeability, and use of shared bike facilities can all reduce the reliance on the private car and therefore the emissions potential.

Waste

- 3.203 The ES contains a waste chapter which considers the potential effects of both the construction and operational phases and identifies both the risks and associated mitigation requirements.
- 3.204 Waste will be generated during the construction phase which needs to be controlled through the CEMP and Site Waste Management Plan. During the operational phase, it is expected that individual dwellings and uses would have waste and recycling stores to encourage the composting, recycling and appropriate disposal of household and commercial waste. Providing relevant information to residents and users can also encourage recycling. Waste and dog bins within green spaces would be expected.
- 3.205 In relation to sustainability and net zero, the roll out of District Heating to the development would play a key role in achieving carbon savings for Cranbrook and meeting the policy requirement. Through Section 106 obligations, it is possible to ensure that the development complies with Policy CB12.

M. ARBORICULTURAL IMPACT

- 3.206 The NPPF sets out in paragraph 130 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 131 acknowledges that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning Decisions should therefore ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 3.207 Policy D3 of the EDLP states that planning permission will be refused for development resulting in the loss or deterioration of ancient woodland and the loss of aged or veteran

trees found outside ancient woodland, unless the need for, and benefits of the development in that location clearly outweigh the loss. Furthermore, the policy states that permission will only be granted for development where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction and that the council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development.

3.208 The site is largely in agricultural use with trees located mainly along the field boundaries within the hedgerows either as standalone specimens or within groups. In the central area of the site, a number of field parcels also contained trees. Within the application site five trees are considered to be Veteran Trees (T22, T23, T24, T27 and T34). In addition, the submitted Arboricultural Assessment identified a total of 24 individual trees and 1 group of trees as Category A (high quality/value), 21 individual trees and 11 groups of trees as Category B (moderate quality/value), and 7 individual trees and 27 groups of trees as Category C (low quality and value). A total of 5 individual trees were also considered to be Category U (unsuitable).

3.209 Tree retention plans have been submitted with the application. These indicate that within the application site, the proposal would result in a loss of three individual trees and one tree group. Of the individual trees, one would be Category U (T46) and two are Category C (TG10). Two trees which are Category B (TG9) are labelled as retained unless detailed designs mean they are to be removed and replaced. Around the perimeter of the site, the proposal would result in the loss of Tree Group 17 (Cat C) as noted above to facilitate the access from London Road and the loss of hedgerows H1 (Cat C), H5 (Cat C), H7 (Cat C), H12 (Cat B) and H13 (Cat C) and partial losses of H3 (Cat C) and H6 (Cat C). The loss of any tree is not ideal and the LPA has worked with the applicant to retain as much as possible whilst ensuring accessibility and permeability. It is acknowledged that most of the trees or tree groups identified for removal would be Category C or U and therefore have a low value for retention. Furthermore, their loss can be mitigated through planting of a new tree stock as part of an advanced landscaping scheme and reserved matters scheme. The Green and Blue Infrastructure Plan indicates a significant amount of tree planting across the site which is supported.

3.210 A significant amount of hedgerow (H1, H5, H12 and H13) would also be lost to facilitate primary site access, along the MLR and associated visibility splays. EDDC Trees have raised concerns with the level of hedgerow removal proposed and the LPA share this concern however EDDC Trees have not raised an objection subject to sufficient mitigation which can be secured. The proposed loss of hedgerows (circa 0.9km) is less than ideal however many are considered to be of low quality and value, except for H12 (Cat B) and in part their removal aligns with EDDC's own masterplan for Bluehayes that was produced as part of the evidence base to support the production of the Cranbrook Plan. Some of the hedgerow removal is to facilitate road delivery along the alignment of an existing water trunk main, whose diversion would not be readily feasible. The proposal would retain over 2.6km of existing hedgerows and would include over 190m of hedgerow planting adjacent to the parkland and over 800m of planting in Elbury Meadow. Landscaping and planting is a reserved matter and opportunities to increase planting and trees will be reviewed.

3.211 Whilst the loss of trees and hedgerow is regrettable, nevertheless the important trees and hedgerows are to be retained and those on the boundaries will help screen the development. With additional planting and the protection/management of the trees to be

retained, officers consider that the adverse impact of the loss of trees and hedgerows would be reasonably off-set.

N. AIRPORT SAFEGUARDING

3.212 Policy TC12 of the ELDP states that within the boundary of the aerodrome safeguarded areas and the Public Safety Zones for Exeter International Airport, within which this site lies, planning permission will not be granted for development that would prejudice the safe operation of protected aerodromes, give rise to public safety concerns or would compromise air safety by creating physical obstructions that could interfere with flight paths or navigational aids.

3.213 The National Air Traffic Services and Civil Aviation Authority were notified of the planning application but have not provided any comments. Exeter and Devon Airport Airfield Operations and Safeguarding have also been consulted on the application and have no safeguarding objections. At the request of the Airport, a Wildlife Hazard Management Plan condition is recommended to be attached to any approval.

O. HEALTH

3.214 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 including the more general consideration on connectivity and legibility associated with the highway network and general layout of the scheme. In so doing the scheme is trying to address the requirements of the first policy of the plan CB1. 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.

3.215 As part of the consultation for this application, the Royal Devon University Healthcare Foundation Trust (RDUH) have submitted a request for a contribution of £545,392 for acute and community care – principally aimed at addressing gap funding for the first year of occupation of each dwelling. The RDUH identified these contributions as being necessary because the funding of its services is based on service demand and the population within its catchment but is calculated around 12 months in arrears. It is noted that in principle this Council has previously given an acceptance that it will support such requests where possible.

3.216 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.

3.217 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.

- 3.218 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.
- 3.219 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 does not welcome the additional request which if supported, risks a reduction elsewhere within the infrastructure package that the plan secures or more generally the affordable housing which is set through the plan at 15% - this is already 10% lower than the level sought in other towns in the District. Whilst representing a material consideration, this late request does not fit with the adopted Cranbrook Plan or the infrastructure that is expected to be secured and which is set out in policy.
- 3.220 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. The University Hospitals of Leicester NHS Trust challenged this position and lost – principally on the grounds that it had not established that a gap existed. The judgement goes further and is clear in identifying that funding for “services” (which is different to an infrastructure project) could be viewed as a national issue. It recognises that as the CCG funding formula recognises at least in part projected population migration, it can be argued that people moving into an area are already considered within the health funding provision even if not at a local level.
- 3.221 NHS Devon wrote to all LPA’s across Devon at the end of April 2023 setting out in relatively high level terms why the aforementioned court case does not render the type of request made by RDUH (and other hospital trusts in Devon) as invalid. While helpful in setting out their overarching position the letter did not go into specific detail around the funding arrangements of the RDUH. Clearly more work needs to be undertaken within East Devon and between this Council and the RDUH to understand the implications of this decision but it does act as a caution to the weight that should be given to East Devon’s previously agreed approach.
- 3.222 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 1Q2020). It is equivalent to £1679 per dwelling or when inflation is taken into account and indexation applied, £1859 per dwelling (correct to 4Q2022).

3.223 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 elements of 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 (acute and/or community) 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.

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

P. INFRASTRUCTURE DELIVERY AND PLANNING OBLIGATIONS

3.225 As referenced at various stages within the report are some of the expected infrastructure and other Section 106 requirements that would form part of the package that is secured and delivered by this application. For clarity this part of the report will explain how Policy CB6 (Infrastructure Delivery) operates before briefly setting out the full range of obligations that should be secured from this application having regard to the governing policy.

3.226 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.

3.227 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

3.228 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.

3.229 In the case of the Bluehayes Expansion Area, it has already been discussed that they should deliver category 3 infrastructure comprising:

- 2 Form Entry (2FE) primary school, early years' provision and community room unless this goes onto the Treasbeare site.
- Upgrading of London Road

3.230 Assuming that the school is located within Bluehayes, although it is noted that DCC's preference is Treasbeare, this results in a higher proportion of costs on a per-dwelling basis and therefore a lower proportion of category 4 contributions – in total and for allocated housing of 842 dwellings, the expected contribution is as a result, £4,862,492 (or £5,774.93 per dwelling) based on 1Q2020 figures. If the school is delivered at Treasbeare, the contribution is proportionally higher at £13,566,695 in total covering all S106 requirements (£16,112.46 per dwelling). Regardless of which amount is ultimately paid, the use for this does not need to be fixed at this stage and could be directed towards any of the category 4 projects.

3.231 As discussed earlier, the scheme seeks to deliver up to 28 dwellings in excess of the allocation. Based on Policy CB6, these are expected to make proportionate contributions to unfunded or not fully funded infrastructure. In summary this expects £430,198 (£15,364 per additional dwelling) towards category 3 and 4 projects including education and other town centre infrastructure.

3.232 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.

3.233 In summary this proposal is expected to deliver:

Section 106 agreement requirements:

- a. Delivery of 15% affordable housing comprising a mix of social and/or affordable rent and affordable home ownership.
- b. Delivery of 4% custom and self-build (released in phases).
- c. Design Standards including meeting M4(2) in 20% of open market and all affordable dwellings and compliance with Nationally Described Space Standards.
- d. Delivery (including phasing) of the mixed use centre including provisions for marketing.
- e. Highway connections across the site and to the boundary of this application site with adjacent plots and sites.
- f. Timing of the delivery of all vehicular access points (including their internal connections), any associated alterations to the public highway, any signalised/controlled crossing points, NMU access points and full and appropriate NMU access thereto on London Road, Station Road and Burrough Field.
- g. To submit and secure a TRO for the required posted speed limit and any other signage on London Road, the extents and locations, to be agreed in writing with the Highway Authority.
- h. To submit and secure a TRO application to the Highway Authority for any signage and necessary mitigation measures on Station Road.
- i. To pay a commuted sum for the maintenance of any signalised crossings consented and delivered as part of this application.
- j. SUDS and open space delivery and management.
- k. A community use agreement in consultation with Sports England for any sports facilities that may be provided as part of the primary school.
- l. Monitoring fees.
- m. Proportionate contributions for dwellings in excess of the allocation of 842 units.
- n. Infrastructure in accordance with the Cranbrook IDP and Policy CB6 – namely:

Category 1 infrastructure (delivered on site)

- Biodiversity net gains (10% across Bluehayes and Elbury Meadows)
- SANGS establishment and enhancement
- Formal open space
- Play provision (anticipated to be 1 x NEAP, 2 x LEAPS and/or Activity Trail)
- Allotments
- Amenity Open space
- Improved fabric first measures (to include agreement of Carbon Plan)
- Connection to a District Heat Network
- EV Charging

Category 2 infrastructure (off-site contributions)

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

Category 3 infrastructure (on-site direct delivery)

- 2FE primary school (unless delivered at Treasbeare)

- Upgrading of London Road

Category 4 infrastructure (off-site contributions)

- £4,862,492 (£5,774.93 per dwelling) – index linked from 1Q2020 assuming the school is delivered at Bluehayes. If the school is delivered at Treasbeare, the contribution is proportionally higher at £13,566,695 in total covering all S106 requirements (£16,112.46 per dwelling).
- £430,198 (£15,364 per dwelling x 28) index linked from 1Q2020 for additional dwellings over the allocated number.

3.234 Contributions towards infrastructure covering categories 1-4 are on a proportionate and per dwelling basis. In the first instance contributions from excess housing will have to be used to deliver habitat mitigation to fulfil the habitat regulation and for education purposes.

4. CONCLUSION

4.1 This section works through the checklist of Policy CB1 to bring the considerations of the proposal together and to inform the final conclusion and recommendation. Policy CB1 (Health and Wellbeing at Cranbrook) of the Cranbrook Plan is an overarching strategic policy which all development proposals must accord with. The Council will require all developers and applicants to demonstrate how proposals meet the objectives of this policy in order to embed positive health and wellbeing outcomes in the planning process.

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 The scheme as a whole is considered to respond to this requirement of Policy CB1. It demonstrates a good framework through the parameter plans which are set with well-defined green corridors. The proposal responds to the context of the application and embeds green and blue infrastructure which in this location is important. The scheme demonstrates links into the wider area with pedestrian and cycle access link and crossing points. The proposal makes provision for a bus link from London Road to Cranbrook Train Station and the primary school is at the heart of the scheme (if delivered). The proposal has links to green infrastructure, SANGS and the existing Cranbrook country park and provisions are made for links to other parcels of the expansion area. Taken as a whole it is considered to demonstrate the broad framework for delivering an attractive and legible community.

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 While some of the identified Cranbrook expansion funded infrastructure is in the town centre and therefore delivered by offsite contributions from other areas, this scheme is more focussed on delivery of actual infrastructure within its own parameters. This is fully dealt with through Policy CB6 which equalises costs across the four areas and in doing

so ensures that infrastructure is delivered in a fair way. Taking this holistic view it can be seen that the infrastructure required by the community would be delivered – from leisure and health and wellbeing based provision to on site allotments, green infrastructure and a new school. The site helps to deliver a range of infrastructure meeting the needs of its community now and in the future.

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

4.4 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, 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.

4.5 Uses such as hot food takeaways in the mixed use centre have the potential to have a detrimental impact upon health. If the school is delivered within the site, the mixed use area would be around 350m from the school meaning hot food takeaways would not be acceptable. However given that DCC's preference is for the school to be within Treasbeare this would be more than 400m from the mixed use area and therefore flexibility is provided for within the uses. The specific uses of the mixed use area will be reviewed at the Reserved Matters stage in accordance with Policy CB2 and in the interests of public health and wellbeing.

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.

4.6 This aspect picks up the need for services and land uses to be accessible. If the school is delivered within Bluehayes, the location of the school and formal play spaces would be within walking distance of residents. It is noted that, if the school is not delivered within the site, residents of Bluehayes would be reliant on the Treasbeare School or the existing St Martin's Primary school, however neither of these schools are particularly accessible to future Bluehayes residents which is not ideal. The school in Treasbeare would result in a less walkable neighbourhood however, there are overall benefits to the locations proposed and therefore taken in the round the location is considered both acceptable and still accords with this objective of the policy. The scheme delivers public transport links, allotments, play space, SANGS and green space within easy access for residents.

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

4.7 Focussing on the actual streets as places, this policy objective 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 detailed design of streets and access junctions would be reviewed through conditions or at the Reserved Matters stage.

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

4.8 The application proposes to have a primary school with community room and there is opportunity within the mixed use area for community and other uses. Both require detailed design to be fully considered against this policy, but both are reasonably accessible locations and can be designed to meet the expectations of the policy. If the school is delivered at Treasbare this would reduce accessibility to a community or civic building and this prospect represents the single weakest area of the proposal. However, this scenario was the subject of debate through the examination of the Cranbrook Plan and the Inspector recognised the potential benefits and weaknesses of both scenarios and ultimately found the Plan sound with the policies allowing for this situation, however a community or other use building could be proposed within the mixed use area. This would partly be captured through the design code and partly through the subsequent reserved matters application.

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

4.9 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.

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

4.10 This 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 such as around the mixed use area and along the MLR 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. This will be considered in more detail through the design code and at the Reserved Matters stage. A variety of typologies can also be further explored at the detailed stage of development proposals.

4.11 In summary, the proposed development is considered to comply with Policy CB1 (Health and Wellbeing at Cranbrook) and Policy CB2 (Bluehayes Expansion Area). The proposal would result in a mixed use development with new access points, public transport provision and links to green infrastructure, SANGs and the existing country park.

4.12 The proposed development is considered to be acceptable in terms of highways and transport, flood risk and drainage, sustainability, climate change, design, ecology, heritage and landscape and the proposal would result in a 10% biodiversity net gain.

The proposal subject to conditions and S106 agreement would comply with the Cranbrook Plan DPD and East Devon Local Plan. The proposal is considered to be sustainable development and the benefits would demonstrably outweigh any harm identified in accordance with paragraph 11 of the NPPF.

5. RECOMMENDATION

1. To adopt the Appropriate Assessment as set out in Appendix C; and
2. To approve the application subject to a section 106 agreement to secure the requirements set out below and the conditions that follow.

Section 106 agreement requirements:

- a. Delivery of 15% affordable housing comprising a mix of social and/or affordable rent and affordable home ownership.
- b. Delivery of 4% custom and self-build (released in phases).
- c. Design Standards including meeting M4(2) in 20% of open market and all affordable dwellings and compliance with Nationally Described Space Standards.
- d. Delivery (including phasing) of the mixed use centre including provisions for marketing.
- e. Highway connections across the site and to the boundary of this application site with adjacent plots and sites.
- f. Timing of the delivery of all vehicular access points (including their internal connections), any associated alterations to the public highway, any signalised/controlled crossing points, NMU access points and full and appropriate NMU access thereto on London Road, Station Road and Burrough Field.
- g. To submit and secure a TRO for the required posted speed limit and any other signage on London Road, the extents and locations, to be agreed in writing with the Highway Authority.
- h. To submit and secure a TRO application to the Highway Authority for any signage and necessary mitigation measures on Station Road.
- i. To pay a commuted sum for the maintenance of any signalised crossings consented and delivered as part of this application.
- j. SUDS and open space delivery and management.
- k. A community use agreement in consultation with Sports England for any sports facilities that may be provided as part of the primary school.
- l. Monitoring fees.
- m. Proportionate contributions for dwellings in excess of the allocation of 842 units.
- n. Infrastructure in accordance with the Cranbrook IDP and Policy CB6 – namely:

Category 1 infrastructure (delivered on site)

- Biodiversity net gains (10% across Bluehayes and Elbury Meadows)
- SANGS establishment and enhancement
- Formal open space
- Play provision (anticipated to be 1 x NEAP, 2 x LEAPS and/or Activity Trail)
- Allotments
- Amenity Open space

- Improved fabric first measures (to include agreement of Carbon Plan)
- Connection to a District Heat Network
- EV Charging

Category 2 infrastructure (off-site contributions)

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

Category 3 infrastructure (on-site direct delivery)

- 2FE primary school (unless delivered at Treasbeare)
- Upgrading of London Road

Category 4 infrastructure (off-site contributions)

- £4,862,492 (£5,774.93 per dwelling) – index linked from 1Q2020 assuming the school is delivered at Bluehayes. If the school is delivered at Treasbeare, the contribution is proportionally higher at £13,566,695 in total covering all S106 requirements (£16,112.46 per dwelling).
- £430,198 (£15,364 per dwelling x 28) index linked from 1Q2020 for additional dwellings over the allocated number.

STATEMENT ON HUMAN RIGHTS AND EQUALITIES ISSUES

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

APPENDIX A – Consultation Responses

APPENDIX B – NHS R&DE Response 17.05.2019

APPENDIX C – Appropriate Assessment 02.03.2023

RECOMMENDED CONDITIONS:

Timescales and Parameters

1) Reserved Matters

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

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

2) Time period for submission

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

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

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

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

3) List of Approved Plans

The development hereby permitted shall be undertaken in accordance with the parameters set out in the following plans which are hereby approved:

Site Location Plan – WCN055-PAW-002 – Received 21 December 2022
Parameters Plan – WCN055-PAW-001 H – Received 2 May 2023
Green and Blue Infrastructure Plan – 7764-L-20 U – Received 23 March 2023
Access and Movement Plan – WCN055-026 G – Received 21 March 2023
Phasing Plan – WCN055-PAW-005-B - Received 17 May 2023
Tree Retention Plan - 7764-T-W7 G - Received 23 March 2023
Tree Retention Plan - 7764-T-W8 G - Received 23 March 2023
Tree Retention Plan - 7764-T-W9 G - Received 23 March 2023

In addition main access junctions shall be delivered in accordance with the following approved plans (save for materials and final landscaping which is subject of a separate condition):

London Road Access & MLR Junction - 51805-WSP-RBT-00-DR-CH-001-P10 – Received 27 February 2023
Station Road Access & SLR Junction - 51805-WSP-STN-00-DR-CH-0001-P08 – Received 27 February 2023

Reason – To clarify the terms of the planning permission and in accordance with Policy CB2 (Bluehayes Expansion Area) of the adopted Cranbrook Plan 2013 – 2031.

To be agreed prior to Reserved Matters:

4) Strategic and Detailed Design Code

Prior to the submission of the first reserved matters application, a Strategic Design Code which addresses site wide components of design and sets the parameters and specific character for each phase shall have been submitted to the Local Planning Authority. The Strategic Design Code must be approved by the Local Planning Authority prior to the determination of the first reserved matters application unless otherwise agreed.

The code must reference the parameter plans hereby approved and build upon these which accompanied the outline planning application. The code shall be based on effective community engagement and must reflect local aspirations for the development. The code shall also have regard to the National design guide, and the adapted principles from Building for a Healthy Life set out in Policy CB15 of the Cranbrook Plan.

The design code shall include a Detailed Design Code/s submitted as part of the Strategic Design Code or prior to each phase of development, which addresses detailed components of design and character within each phase or sub phase of the development. The relevant Detailed Design Code shall be approved in writing by the Local Planning Authority prior to the determination of the first reserved matters application in each phase.

Amongst other aspects, the design code shall also address principles (as far as practically possible) for the location and installation of substations and similar utility buildings required by statutory undertakers and shall also establish general principles

for the installation of plant and equipment and the need for pollution prevention measures from commercial buildings.

All reserved matters applications must each include a statement of compliance setting out how they meet with the terms of the Strategic and Detailed Design Code.

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

5) Landscape Biodiversity and Drainage Strategy (LBDS)

A revised and updated Landscape Biodiversity and Drainage Strategy (LBDS) shall be submitted to and approved in writing by the Local Planning Authority in advance of the determination of the first reserved matters application.

It shall be based on the framework contained in the submitted but not approved LBDS dated February 2023 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 including but not limited to the following:

- An 8 metre wide maintenance and wildlife corridor either side of all existing watercourses
- Measures to detail with surface water (exceedance) flows during construction and other pollution pathways to safeguard water quality, ditches and other aquatic features
- The location of key dark corridors where light levels will be maintained at no greater than 0.5 lux and a commitment to provide a lux level contour plan (which shall accompany reserved matters applications) in accordance Devon County Council maintaining dark corridors through the landscape for bats (2022) and guidance Note 08/18, Bats and artificial lighting in the UK, Bat Conservation Trust (BCT) and Institution of Lighting Professionals (ILP)
- Principle of community gardening and allotments
- Principle for the design and delivery of attractive and suitable headwall designs
- Clear indication of any avoidance, mitigation, and compensatory features provided for biodiversity, including for any protected and priority species, in addition to any provision required for open space or SANGS provision and detail of how landscape permeability for wildlife will be provided and maintained.

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

Reason – To ensure that the final version of the LBDS is comprehensive in accordance with Policy CB26 (Landscape Biodiversity and Drainage) of the adopted Cranbrook Plan 2013 – 2031.

6) Phasing Programme

A phasing programme shall be submitted to the Local Planning Authority prior to or with the submission of the first reserved matters application. The phasing programme shall specify the estimated delivery of the following:

- All access points, all walking and cycling routes, all highways and vehicular routes and public transport routes.
- C3 residential phases, custom and self-build plots, C2 residential, the mixed use area and the primary school (if delivered).
- SANGs, allotments, play spaces, public open space and green and blue infrastructure.

The details must show that the first phase of SANGs will be available prior to the first occupation of any dwelling and must show a cycle and pedestrian connection from Bluehayes Parkland to the boundary of the site towards Bluehayes Meadow and Cranbrook Station.

The development shall be carried out in accordance with the approved phasing plan and additional details secured by this condition and any such amendments to the phasing plan or additional details shall be subsequently agreed in writing by the Local Planning Authority.

Reason - To ensure that the development proceeds in accordance with an agreed programme of delivery, those areas closest to existing transport services are developed first, and that would be in individual phases, the open space associated with the development is co-ordinated with the construction of the houses which it will serve.

7) Wildlife Hazard Management Plan

Prior to the submission of the first reserved matters, a Wildlife Hazard Management Plan shall be submitted to the Local Planning Authority. This shall document key risks associated with the development and their relationship with aviation operations. The Plan shall set out mitigation and management for any identified risks.

Subsequent applications and management shall comply with the details agreed and any additional or amended details shall be agreed in writing by the Local Planning Authority.

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

8) 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 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 in accordance with guidance in the NPPF.

9) Foul Sewage

In advance of the approval of the first reserved matters application in each phase, a 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 all or relevant Reserved matters applications

10) Landscape and Ecology Management Plan (LEMP)

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

The LEMP shall also include the following where relevant:

- a) A scheme for the provision of bird boxes, bat boxes and insect hotels including the physical details of the box or hotel and the location of the box within the phase.
- b) A scheme for hedgehog passes including the physical detail of the access holes and the location of the passes. The scheme must take account for changes in land levels (where possible) and holes within fences or walls shall be no smaller than 13cm x 13cm.
- c) Detail how protected species including dormice, bats, reptiles and badgers will be protected during the development and include details of working practices, compensatory habitat, receptor site, monitoring and remedial measures.

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

No building approved shall be occupied until the artificial nests and hedgehog passes associated with that building or plot have been provided in accordance with the approved details and shall thereafter be maintained for the lifetime of the development.

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

11) Finished Floor Levels

Details in relation to the reserved matters submitted for any phase or sub phase comprising residential or other built development or relevant part of the access route in compliance with Condition 1, shall include finished floor levels off all building and existing and proposed external ground levels in relation to a fixed datum for that sub-phase, together with details of retaining walls, underbuilding/tanking in excess of 300mm, heights and materials. Development shall then be carried out in accordance with those approved details.

Reason - To ensure that adequate details of levels are provided to enable assessment of the relative heights of ground and buildings in relation to the landscape, the proposed development and existing structures in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and Policy CB15 (Design Codes and Place making) of the adopted Cranbrook Plan 2013-2031.

12) Surface Water Drainage

- a. Prior to or as part of each Reserved Matters application, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the submitted Flood Risk Assessment and accompanying catchment plan: Surface Water Drainage Strategy ref. 10292-DR-04 B, received 21 March 2023.

(b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

(c) Proposals for the adoption, management and maintenance of the permanent surface water drainage system/SUDS features.

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

(e) Evidence there is agreement in principle from the landowner and/or South West Water.

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

- b. No work shall commence on the relevant phase 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.

Development shall only take place in accordance with the agreed details.

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

13) Landscape Biodiversity and Drainage Strategy Compliance

Accompanying each reserved matters application and to be approved in writing by the Local Planning Authority, shall be an LBDS compliance statement for the relevant phase of sub-phase, which demonstrates the proposal's conformity with the LBDS to be approved under Condition 5 of this planning permission. Any amended or additional details shall be agreed in writing by the Local Planning Authority.

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

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

14) 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 which organisation or Local Authority is likely to take on which asset and to help minimise the risk of the disposal of key assets and connecting routes, in accordance with Policy CB15 (Design Codes and Place Making) of the adopted Cranbrook Plan 2013 – 2031.

15) Sustainability Statement and Carbon Plan

All reserved matters applications shall be accompanied by a Sustainability Statement and Carbon Plan setting out how the development will deliver carbon savings in line with the Energy Hierarchy.

Development must be undertaken in accordance with the agreed details.

Reason – To secure a sustainable development in accordance in accordance with Policy CB12 (Delivering Net Zero) of the adopted Cranbrook Plan 2013 – 2031.

16) Tree Rooting Volume

All reserved matters applications proposing tree planting shall, as well as listing the number, species, and planting size, 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 in 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.

17) Tree Protection

Accompanying each reserved matters application and to be approved in writing by the Local Planning Authority, a tree survey and report to include an Arboricultural Impact Assessment (AIA), a Tree Protection Plan (TPP) and Arboricultural Method Statements (AMS) for the protection of all retained trees, hedges and shrubs during construction that are in or in proximity to the application area, shall be submitted to and approved in writing by the Local Planning Authority.

The tree survey and report shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. The development shall be carried out in accordance with the approved details.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS. The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures.

On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Local Planning Authority for written approval and final discharge of the condition.

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

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines for The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

Reason - To ensure the continued wellbeing of retained trees in the interests of the amenity of the locality to accord with Policy D3 (Trees and Development

Sites) of the East Devon Local Plan 2013-2031. The details are required prior to commencement as potential damage can occur to trees from the start of construction work.

To be agreed before first commencement on site or phase

18) Dormouse Mitigation Licence

No works shall commence unless the Local Planning Authority has been provided with a copy of the dormouse mitigation licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead. Any mitigation and compensation measures should be in accordance within an agreed Landscape and Ecological Management Plan (LEMP), unless otherwise amended by Natural England.

Reason - Details are required prior to the commencement of development to demonstrate how the favourable conservation of dormice will be maintained throughout the development in accordance with Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013 – 2031.

19) Further Details – Burrough Fields

Within two years from the date of the decision notice or prior to the first submission of a reserved matters application within Phase 4 as shown in the approved phasing plan (Ref. WCN055-PAW-005-B) whichever is earlier, detailed plans for the full access (including the full pedestrian and cycle access), tie in and all associated alterations to the railway station layout at Burrough Field will have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority) relating to line, level, layout and any necessary visibility splays.

Reason – To ensure all access points for all modes of transport are acceptable and because the application is in outline with all matters reserved, except in respect of main accesses in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan.

20) London Road and Station Road Access Points

Prior to the commencement of the relevant accesses and their associated works (London Road & MLR Junction 51805-WSP-RBT-00-DR-CH-001 P10 and Station Road & SLR Junction 51805-WSP-STN-00-DR-CH-0001 P08), detailed plans shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority) for that access, relating to lines, levels, layouts and any necessary visibility splays, as generally shown on the previously mentioned drawings, to also include full and appropriate pedestrian and cycle access.

Reason – To ensure all access points for all modes of transport are acceptable and because the application is in outline with all matters reserved, except in respect of

main accesses in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan.

21) Station Road Pedestrian and Cycle Access

Prior to the commencement of any works within Phase 3 as shown in the approved phasing plan (Ref. WCN055-PAW-005-B), detailed plans and a timetable for delivery for a separate Pedestrian and Cycle access onto Station Road at the north-western area of the parcel site shall have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority).

Reason – To promote active modes of travel and to ensure the development is permeable. To reduce car dependency for travel within and outside of the development in accordance with Policy TC4 (Footpaths, Bridleways and Cycleways) and Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan.

22) Station Road Improvement Scheme

Within two years of the date of the decision notice, detailed plans and a timetable for delivery for the Station Road pedestrian and cyclist improvement scheme that will also promote traffic calming/reduction will have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority).

Reason – To ensure necessary improvements are made to Station Road to facilitate active travel and reduce car dependency in accordance with Policy TC4 (Footpaths, Bridleways and Cycleways) of the adopted East Devon Local Plan.

23) Junction Materials and Landscaping

Notwithstanding the plans hereby approved and before any work shall commence on the following main access junctions a revised material palette and landscaping scheme for each of the junctions shall have been submitted to and agreed in writing by the Local Planning Authority:

- Station Road
- Burrough Fields
- London Road

To support the materials palette, other than where a black tarmac surface is proposed, samples of each of the materials to be used shall be also be submitted.

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

Reason – To ensure that an attractive and legible 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.

24) Archaeology

No development shall take place within any phase until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) for that phase 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) Detailed Design of the Flood Storage Areas

Prior to or alongside the first submission of a reserved matters application within Phase 4 as shown in the approved phasing plan (Ref. WCN055-PAW-005-B), the detailed design of the flood mitigation storage areas shall be submitted to, and approved in writing by, the Local Planning Authority. The flood storage areas must be fully implemented prior to the first occupation of that phase of development and subsequently maintained in accordance with the submitted details.

Reason - To ensure that there are no detrimental impacts to flood storage or flood flow routes.

26) Detailed Design of the Access Road Flood Culverts

Prior to or alongside the first submission of a reserved matters application within Phase 4 as shown in the approved phasing plan (Ref. WCN055-PAW-005-B), the detailed design of the access road flood culverts shall be submitted to, and approved in writing by, the Local Planning Authority. The flood culverts must be fully implemented prior to the first occupation of that phase of development and subsequently maintained in accordance with the submitted details.

Reason - To ensure that there are no detrimental impacts to flood storage or flood flow routes.

27) 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 by the LPA. Unless otherwise agreed through the submission of separate Plans, the Plan shall apply to the whole of that phase of development and include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site.

The CEMP shall also include:

- A detailed soil resources management plan 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.
- Details of how construction activities generating Greenhouse gas emissions are undertaken efficiently in order to minimise emissions
- Measures to prevent discharge of soil/silt to adjacent watercourses
- Details of the construction access and contractors' parking/compound:
 - Where this shall be provided
 - When this shall be provided
 - Details of visibility splays
 - How it will be surfaced and drained
 - How the area will be remediated and
 - It's 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.

28) Construction Traffic Management Plan (CTMP)

No development within each respective phase of development shall take place until a detailed a detailed Construction Traffic Management Plan (CTMP) has been submitted

to and approved in writing by the Local Planning Authority unless otherwise agreed by the LPA. The CTMP which may be included within the CTMP, 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 6:00pm 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.

29) Site Waste Management Plan

Before any development is commenced on site, a detailed site waste management plan for the construction and operational phases of the development shall be submitted to and approved in writing by the Local Planning Authority unless otherwise agreed by the LPA.

These details shall include but is not limited to the following information:

- The amount of waste likely to be produced during the demolition stage and site clearance stage in tonnes.
- Provide the amount of construction waste likely to be produced in tonnes.
- Further information on how development will be designed to minimise the production of waste during the construction phase.
- The method for auditing the waste produce including a monitoring scheme and corrective measures if failure to meet targets occurs.
- The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied.
- Further details of the disposal site for the waste likely to be produced during the construction phase.

EDDC does offer a garden waste collection service and space for green waste bins should be included in the storage provision.

The requirements of the approved waste management plan shall be implemented in full both during construction and the operational phase of the development.

Reason - Details are required prior to the commencement of development to ensure that the waste arising from the development is managed sustainably and responsibly in accordance with Policy W4 of the Devon Waste Plan 2014 and Policy within the National Planning Policy for Waste.

30) 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 shall 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 CB2 (Bluehayes Expansion Area) and CB15 (Design Codes and Place Making) of the adopted Cranbrook Plan 2013- 2031.

31) Details of Road, Services and Facilities

No development shall take place within a sub-phase of the site (other than such engineering, landscaping, infrastructure works (including in relation to access, drainage and utilities) as the Local Planning Authority may agree in writing ,until the relevant details of the following works in respect of that sub-phase have been submitted to and approved by the Local Planning Authority:-

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

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

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

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

32) SANGs Delivery, Enhancement and Management Plan

No development shall take place until, an updated SANGS Delivery, Enhancement and Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The delivery component of the strategy shall direct the establishment of the SANGS to ensure that it is available for use ahead of relevant occupations and include details of advertisement and publicity.

The management component shall demonstrate: • how the SANGS will be maintained in perpetuity (comprising a minimum period of 80 years), • an identification of the full costs required for this, and • a financially sustainable means by which it can be delivered over the in perpetuity period.

The development shall then be carried out in accordance with the approved plan.

Reason – Details are required prior to the commencement of development to ensure that suitable mitigation is being made available and that SANGS is brought into use alongside development in accordance with Policy CB14 Habitat mitigation and Delivery of Suitable Alternative Natural Green Space (SANGS) of the of the adopted Cranbrook Plan 2013-2031.

Prior to first occupation

33) Way-finding Strategy

The development hereby permitted shall not be first occupied until a way-finding strategy 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 shall be delivered on site in accordance with the approved details and phasing and maintained for the lifetime of the development. Any subsequent amendments as shall be approved in writing by the Local Planning Authority.

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.

34) Street Furniture

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

For the avoidance of doubt the strategy shall be delivered on site in accordance with the approved details and phasing and maintained for the lifetime of the development.

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.

35) Archaeology

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

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

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

36) Travel Plans

Each phase (applying to residential, commercial/mixed use and educational phases) shall not be first occupied until a detailed travel plan has been submitted to and approved

in writing by the Local Planning Authority for that phase. The travel plan shall be implemented in accordance with the agreed details.

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

General stipulations/compliance requirements

37) Foul Drainage

The 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.

38) Lighting

No external lighting shall be provided unless details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan have previously been submitted to and approved in writing by the Local Planning Authority.

In accordance with the findings of the Environmental Statement (ES), lighting where used shall be installed and maintained in accordance with the stipulations set out in Chapter 9 Ecology and Biodiversity of the ES unless otherwise agreed.

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

Reason – The use of warm light is less disruptive to a variety of species and less in congruent in the landscape in accordance with Policy 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.

39) Retail Units (restriction to below 280sqm net floor area)

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

Reason – To prevent (without further assessment) the formation of individual retail units with a net floor area of 280sqm (or greater) through internal changes or through a change of use in the interest of the vitality and viability of the town centre and in accordance with Policy CB2 (Bluehayes Expansion Area) of the adopted Cranbrook Plan 2013 – 2031.

40) 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 WCN055-PAW-001 H.

Reason – To clarify the terms of the permission in accordance with Policy CB2 (Bluehayes Expansion Area) of the adopted Cranbrook Plan 2013 – 2031.

41) Use Restriction – Garages

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

Reason - To ensure that adequate space is made available for the storage of vehicles and bicycles in accordance with Policy CB20 of the adopted Cranbrook Plan 2013 – 2031.

42) Land Contamination

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority and further development works shall cease unless alternative arrangements have been first agreed in writing with the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary, a revised remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The revised scheme shall thereafter be implemented as approved. The requirements of this condition shall also

apply if other circumstances arise during the development, which require a reconsideration of the approved remediation scheme.

Reason - To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with Policy EN16 (Contaminated Land) of the adopted East Devon Local Plan 2013 – 2031 and paragraphs 120, 121 and 174 of the NPPF.

43) Landscaping Replacement

The landscaping works approved as part of each reserved matters application for a particular phase or as part of an advance planting scheme 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, grass area 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 by the developer.

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 by the developer 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.

44) Retained Trees and Hedgerows

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

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

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

Informative

1. 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.
2. Definition of Phase: A stage of development within a series of stages as shown on the submitted phasing plan e.g. Phase 1.
3. Definition of Sub Phase: A sub stage of a defined phase of development e.g. Phase 1a and Phase 1b.
4. Any subsequent reserved matters application should be supported by an updated biodiversity net gain calculation using the most up to date biodiversity metric (currently 4.0) and updated biodiversity gain plan following best practice guidelines and principle including BS 8683 and taking into account any current or subsequently released guidelines.
5. Advice - Flood Risk

Comments received from the Environment Agency: Based on the information we have reviewed to date, it appears that there will be no development, other than green space, within the 1%AEP plus climate change flood extent. We are therefore satisfied that the proposals will not pose a flood risk to future residential or commercial development.

As you will be aware, we have been reviewing the flood modelling submitted to support this application to ensure that the hydraulics and hydrology meet EA guidance. While we are not yet at a position where the modelling can be formally signed-off, progress has been made. Although some final amendments/further information is required, we are content that this will not change the flood extent and depths to a level that would prevent the application from progressing at this stage. Once the modelling is formally agreed, the final layout must show that there will be no development within the 1%AEP plus climate change flood extent.

We also advise that the detailed site layout should consider any marked watercourses and unmarked drainage ditches within the site. A suitable easement must be provided between new development and these features. We suggest that the applicant provides a drawing with the detailed design showing the easement areas. Where any crossings are required, the preference would be for clear span bridges.

6. Advice – Construction Environment Management Plan

Comments received from the Environment Agency: 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.

7. Advice – Highway Authority

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

8. Advice – LEMP

Comments from the Landscape Architect and District Ecologist: A Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years 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.
- Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to inform any initial works required to address defects/ issues identified and bring them into good condition.
- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
 - Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
 - 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 and update of the plan that may be required to meet its objectives and reflect any relevant changes to site, legislation and best practice guidance.

Appendix A: List of Consultation Responses

Local Consultations

Cranbrook Town Council - 21 May 2019

The Chairman highlighted that the Council had already commented on the principle of this proposed development as part of the recent consultation on the Cranbrook Development Plan Document (DPD) as follows:

"The proposals are broadly supported with the exception of the mixed-use area (as commented below) and the desire to maintain clear separation between the town and existing Station Road homes.

Road design is key to this development with satisfactory resolution of the traffic and transport issues surrounding Station Road and safe access to the B3174."

and

"The Town Council does not support the proposals for Bluehayes which provide residential units capable of conversion to employment. The current lack of small incubator sites in the town have seen a growth in small businesses being run from domestic garages. This has impacted on residential amenity both from unneighbourly parking of goods vehicles to noisy activities associated with some businesses. Any proposals to deliver homes where the ground floor can be converted to business use needs to be carefully weighed against any adverse impact on residential amenity. The Town Council welcomes the delivery of small business opportunities but these need to be separate from residential housing. The preferred option is for employment opportunities to be delivered within walking and cycling distances from residential but not as proposed by mixed use in Strategy CB2."

The Chairman highlighted that two objections had been published on East Devon District Council's planning portal from residents in the Station Road area, Broadclyst regarding the impact on the natural environment and ecology of the area as well as flooding concerns. A third objection from Exeter City Council's environmental health service had been received regarding the potential impact on air quality.

The Committee noted that further details, including details to the proposed road layouts, would become available in the subsequent reserved matters planning application but the Committee was concerned at this stage about potential difficulties in road traffic management at the proposed roundabout or junction which would connect Bluehayes Lane and the B3174 in such close proximity to the existing roundabout at Gate A in Cranbrook.

The Committee further commented that the proposed alternative route to the train station would benefit the entire area.

It was proposed by Cllr Les Bayliss, seconded by Cllr Colin Buchan and resolved to support planning application 19/0620/MOUT in principle but recommend that the Committee's concerns be addressed regarding the potential difficulties in road traffic management at the proposed roundabout or junction which would connect Bluehayes Lane and the B3174 in such close proximity to the existing roundabout at Gate A in Cranbrook.

Cranbrook Town Council - 12 November 2020

Planning application 19/0620/MOUT was discussed by Cranbrook Town Council Planning Committee on the 9 November 2020, minute Ref P/20/65.

The Committee discussed that the application included three areas of SANG, two of which were new proposed SANG sites. One of the new proposed SANG sites, to the South of the train station, had overtime developed into a wetland area. The Country Park Ranger made comment that only a 'breeding bird survey' had been conducted for this application and therefore did not take into consideration the overwintering birds or winter visitors. It was considered that dogs off lead in this area would be detrimental to the wildlife.

The Committee discussed the proximity of Bluehayes Lane to the proposed new roundabout. The Committee considered that access off Bluehayes lane, in such close proximity to the proposed new roundabout, could be seen as being dangerous and may also cause access difficulties for the residents of Bluehayes. Bluehayes lane is privately owned and outside of area of the planning application, however, it was commented that the proposed roundabout should include Bluehayes lane in its design.

The Committee resolved to support the planning application in principle but with the following comments:

1. To include the Bluehayes lane junction in the proposed access roundabout.
2. That a further bird survey be carried out within the proposed SANG area during the winter months to identify the potential presence of overwintering/migrating birds.

Cranbrook Town Council – 17 January 2023

The Planning Committee resolved to Support the application.

Broadclyst Parish Council - 29 May 2019

The Council has been copied into the representations made by local residents and wishes to echo the concerns raised by the community and neighbours of the site.

In addition to endorsing the comments raised by members of the public, Broadclyst Parish Council would like to raise the following comments:

That development along the northernmost edge of the north field be avoided due to local flooding concerns, being utilised instead as green infrastructure (outside of identified flood zones) and Country park;

That the allotments be re-sited away from this ground as it can lie very wet;

That the proposed Clyst Valley Regional Trail, which will link Cranbrook Station to the east of Exeter and Clyst St Mary, be routed through the Blue Hayes parcel in such a way that it provides a buffer between Cranbrook and Broadclyst Station;

The provision of cycle/footpaths with separate dual-use designation be welcomed to mitigate concerns over pedestrian / cyclist safety. Such links should be provided in

accordance with Strategy 10 of EDDC's Local Plan which seeks to ensure natural ecosystems function in the west end;

That mitigation for bats is provided;

That existing hedgerows are retained;

That the historic parkland be protected from development in perpetuity;

That the root zones of mature trees in the development area be adequately protected;

That as areas within this site lie within the Clyst Valley Regional Park - an express objective of which is to 'provide new wildlife corridors that enhance the biodiversity of the West End' and 'conserve and enhance heritage assets and their setting to reflect their intrinsic importance' - any development proposals maximise beneficial outcomes for park users, encouraging use of the park and enriching the natural and cultural identity of the area;

That additional public transport services on busses and trains be provided to encourage residents to develop sustainable travel methods and thus reduce reliance on the private car;

That adequate provision of parking for school pick-up and drop-off be provided. If the primary school goes ahead on this site it will be on primary infrastructure routes, which must be kept clear as not to cause traffic issues in the surrounding areas as is evident from the two schools already built within Cranbrook;

That the rerouting of Station Road will cause the HGV's and coaches to pass in close proximity of the school;

That the southern end of Station Road be truncated immediately north of Spenco, with a restricted junction allowing left-turn access only from Exeter and left-turn only exit onto the B3174 for Spenco and its immediately adjacent residential properties only. This southernmost section of Station Road be prioritised as green infrastructure, continuing through to Broadclyst Station and the westernmost edge of Cranbrook

That options for Station Road rerouting be more detailed, with consideration to how traffic moves through the wider area.

Settlement Boundaries

Broadclyst Parish Council requests that development proposals should respect the individual and distinct identities of the built-up area of Broadclyst Station the town of Cranbrook. Request: A gap between the settlements, utilised as GI / public open space, be protected through policy and land use allocation. Reasons: Development should not be permitted where it would result in the loss of the visual and physical separation which currently exists between these two settlements or would lead to their coalescence. The lack, deletion, or blurring of a boundary which thus allows coalescence does not reflect the Broadclyst Station community's view and aspirations.

Coalescence

Whilst it is accepted that development will take place in the Bluehayes parcel, the plans for development should include a buffer between the established and new communities. This mitigation measure would define the two settlements, as well as offering the opportunity to enhance the local landscape.

Request: Broadclyst Parish Council requests that landscaped and planted buffer zone, incorporating green infrastructure and areas of local green space, be taken forward along the line of the built-up area boundary where the Bluehayes expansion zone meets the Broadclyst Parish boundary.

Reasons: To enable creation of a safe off-road cycle/footpath, providing connectivity between the B3174 and Cranbrook railway station, part of which (from north west to northeast) would facilitate the continuation of the required Clyst Valley Regional Trail between the back of the Hayes Farm commercial site and Cranbrook railway station. Provision of this vital link of sustainable connectivity will not result in any significant loss of developable land. The Broadclyst Neighbourhood Plan can offer land use options which facilitates this route through land which lies within the Broadclyst Neighbourhood Plan Area.

Ecology

A recent survey recorded a range of bat passes in the Littlehayes area, flying a route along the private lane from Station Road to Sunnyhayes. Species recorded include: myotis species, pipistrelle species, common pipistrelle, noctule, soprano pipistrelle, long-eared bat, and grey-eared bat, which is extremely rare. Birds of prey nest in Bluehayes woods; many species of native wildlife including newts, badgers, and foxes are regularly seen in the area.

Request: that a full ecological survey be carried out in the Bluehayes parcel as part of the Outline planning consent.

Request: that bat corridors be identified and protected; development should respect bat corridors in terms of layout and lighting.

Reasons: to conserve the established ecological balance of resident protected species

Flooding: Concerns were raised that any proposed building in the field to the north/west of the site will leave Broadclyst Station residents vulnerable to being flooded. The residents of this private lane have already resorted to building their own flood defences to stop being flooded.

Broadclyst Parish Council is unable to support the submitted proposals for the following reasons:

1. Insufficient detail as to the re-routing of Station Road;
2. potential difficulties in road traffic management throughout the area are not being addressed;
3. there is insufficient mitigation to prevent coalescence between Broadclyst Station and Cranbrook.

Broadclyst Parish Council - 9 November 2020

Broadclyst Parish Council met on 2nd November 2020 and considered the amendments and did not wish to comment.

Broadclyst Parish Council – 31 January 2023

Broadclyst Planning committee met 30th January 2023 and discussed the planning amendments.

19/0620/MOUT - Cranbrook Expansion Zone

Green wedge around all Broadclyst Station. Thank you for taking note of the green wedge boundary around half of Broadclyst Station, please could the green wedge follow the boundary line opposite Shercroft Close to cover all of Broadclyst Station. The plans show fields right opposite Shercroft Close.

Traffic/Road layout

End of Station Road junction

The planning committee would like to see one of the following three options for the residents of Broadclyst Station:

1. Shut Station Road to all except cycling and pedestrians to link up with the Clyst Valley Regional Park. All traffic would need to be diverted through the new road in Bluehayes.
2. No left turns in to Station Road coming from Exeter – all traffic would need to come into the development and on to Broadclyst through the new road in Bluehayes.
3. Keep the end of Station Road as access only coming off the London Road, with all lorries using the new road.

Bridge over the railway

The pressure on the railway bridge is huge at present and will increase the pressure significantly once Bluehayes is built out. It is the only North/South link. There has been accidents on the bridge with the volume of traffic meeting the large HGV's that use the road. There is no pedestrian link north to Broadclyst Village. All traffic that comes through Broadclyst Station going North, drive past a large, busy secondary school Clyst Vale to get access to the B3181.

Other comments made:

Local primary schools in Broadclyst are already over prescribed for reception and foundation education.

Bluehayes need to self-sufficient and not rely on local provisions i.e. Doctors surgeries are all ready at capacity.

Clyst Honiton Parish Council

Consulted 30/04/2019. No comments received.

Consulted 27/10/2020. No comments received.

Clyst Honiton Parish Council (Rob Martin) – 2 March 2023

Clyst Honiton Parish Council Objects to this application on the basis that the provision of Betting Shops should not be allowed under the Class E sui generis class in this development.

It also believes that the current sewage disposal system is not adequate to deal with

additional development in this area given that the raw sewage discharges from the pumping stations in Clyst Honiton and elsewhere are already at an unacceptable level. This is a problem that must be resolved before further large development in the area is allowed to go ahead.

In addition, there are concerns that further major developments without sufficient regard to the potential flooding of the River Clyst is not addressed. The Parish Council believes that the Rivers Exe and Clyst need to be dredged to allow better outward flow.

Rockbeare Parish Council

Consulted 30/04/2019. No comments received.

Consulted 27/10/2020. No comments received.

Whimble Parish Council

Consulted 30/04/2019. No comments received.

Whimble Parish Council – 17 November 2020

Whimble Parish Council note the high number of objections to the application and agree with the objections already made. There needs to be some consideration for a North/South road diverting from the rail bridge to alleviate traffic pressures that already exist in the area before any further development takes place.

Cllr Eleanor Rylance (Broadclyst) - 13 May 2019

I was dismayed to see the date stamp on the plans for this application, which appear to have been lodged on March 21st 2019, although the application was not made public until April 24th and due to be responded on by May 22nd. The timing seems *interesting* give that we ward members were all running for election at the time, and changes of member were possible or even likely. For future reference, it would be useful if planning applications could be made as soon as is practical, and that they not be made live until the documentation is available to be viewed.

I am somewhat mystified by the resurrection of this plan and application. It is the 2017 plan (17/1482/MOUT) for a start, being resubmitted right in the middle of the consultation process for the Cranbrook DPD. It is different from the DPD in some respects at Broadclyst Station.

I welcome the large swathes of green space included in the 2017 plans, however, it seems that some slight oddities that we thought had been ironed out in the intervening period. Firstly, water. There is a LARGE amount of water washing around that area at some times of the year. This is *running* water that accumulates very quickly to a depth of 8 to 10 feet.

Residents of Railway terrace have had to construct their own bund to keep their lane and houses from flooding. This threat has become more acute since the construction of Cranbrook, and cannot simply be discounted or ignored. Water rises very fast in this area, flowing downhill towards the ford, and at times washing away the gravel under the rails of the railway line.

We have repeatedly requested that building in this area be minimal in order to avoid water displacement. Nevertheless plans keep being submitted showing proposed development in areas of high flood risk. The dept of environment flood plans are inaccurate regarding the flooding risk in this location. Anecdotal evidence over the last ten years shows that the flood risks need to be reassessed for this area, and the flooding maps updated.

The next issue is that of the apparent removal from these plans of an ancient field boundary, a hedge, and the building over proposed SUDS land set aside to provide green space and an attenuation pond bordering the houses railway terrace. The proposed area now set aside alongside the (private) lane to provide green space and an attenuation pond is -at best- derisory.

I would like to recommend the retention in any future plans of the hedge, with all existing houses protected in their existing setting by significant green space and suitable amounts of SUDS to protect the existing settlement from the inevitable water rises.

As far as coalition of settlements is concerned, this resubmitted plan again fails. Building is proposed far too close to the existing settlement of Broadclyst station, which affects the integrity and autonomy of the settlement. There is no good reason for not leaving a significant area of green space between the proposed expansion zone and the existing settlement.

Furthermore, none of these plans make any provision for Station Road, which is at times reaching critical levels of traffic saturation and suffering from an extreme HGV problem on a road originally designed for carts and horse traffic. This needs to be addressed to make the road a fit thoroughfare to and from a much larger, much busier village than Broadclyst was ten years ago, with inevitably more traffic from newly-built houses.

As for the good points- the green spaces proved around existing houses and settlement are welcomed. The placement of the school adjacent to Bluehayes meadow seems good, but why build any houses to the other side of it? Parkland just over the fence would be ideal for a school, and protect the pupils from any pollution, a big problem currently at many schools.

Summary:

- Submit planning applications in a sensibly timed fashion.
- Plan substantial green spaces wrapped all around the existing settlement.
- Make proper (not disingenuous) provision for flood water so existing houses do not suffer.
- Proper consideration given to existing residents' needs.
- Appropriately address the daily chaos that is Station Road.

Cranbrook Country Park Ranger -18 November 2020

The majority of the Country Park is available for dog owners to allow their pets off the lead. Currently, the only area in which this is prohibited (has a PSPO) is a small area South of the B3174 (also known as the nature reserve). This area was originally designed with scrapes for wetland birds and thus it would seem sensible that dogs are not permitted in this area. However, these scrapes were not dug deep enough, and the majority do not hold water even during the wettest months making the area redundant as wader habitat.

An area in the Bluehayes expansion opposite the train station is proposed to be designated as a SANG. This area has been known by birders in the past as the 'Cranbrook scrape' and does indeed hold water throughout the year. It could be more effectively managed as a scrape as it has become somewhat overgrown, but in the past a number of wader and passerine species have been sighted in this area. These include sightings of whitethroat (regular summer visitor) and stonechat as well as snipe (regular winter visitor). In the past wood sandpiper, common and green sandpiper and little ringed plover have all been sighted in this area (2014).

As such it stands out as an area very favorable to some more interesting birds. If this area were to be restored as an effective scrape, these species and more may be encouraged to return - see extracts from survey carried out by Devon Birds 2017/2018 below. If dogs were permitted to run off the lead in this area any chance of these birds returning would be lost.

Observations from survey carried out by Devon Birds 2017/2018:

3.3 The flood compensation area near the railway station was clearly of interest to passing migrant waders in 2014. The Devon Birds Report of 2014 reported that Cranbrook 'Scrape', as it was then called, attracted the first and last sightings that year of Wood Sandpiper (an uncommon passage migrant) and that the 'scrape' was becoming a 'significant site in the County'. The area also produced sightings of other waders including both Common and Green Sandpiper and Little Ringed Plover (a scarce passage migrant).

3.4 However, the following year the DB Report 2015 commented that 'the rather random nature of sightings is nicely illustrated by Cranbrook Scrape, the most favoured site in 2014 but was now overgrown and with no records in 2015'.

According to the planning documents only a single bird survey has been carried out (May 2020), which solely focussed on recording breeding bird populations. It does not consider the presence of winter visitors or passage migrants. The majority of UK wading birds tend to be winter visitors and thus would not have been identified in the survey carried out by Ecology Solutions.

Clearly the management of this area needs to be considered carefully in order to encourage the return of further wetland species.

I do not support the proposal that this area be a SANG, as the free roaming of dogs would be detrimental to the wildlife. I would recommend that this area has a PSPO for either no dogs or dogs on leads and walkers restricted to the walkway around the perimeter.

Furthermore, I recommend that a bird survey be carried out each season to more accurately represent the variety of bird species utilising this area. Accounting for the winter migrant species using this area of wetland is of particular significance.

Technical Consultations

Devon County Council - 18 June 2019

Thank you providing the opportunity to comment on this planning application. This response provides the formal views of Devon County Council in relation to:

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

Devon County Council provides the following view on this application:

1. The council **objects** to this planning application in relation to local transport provision and flood risk management due to the submission of inadequate information.
2. Subject to the imposition of suitable **planning conditions**, the council raises no objection on matters relating to waste planning or historic environment.
3. Subject to the provision of appropriate **s106 contributions**, DCC does not object relating to the provision of education, extra care housing, library services, children's services and health and wellbeing.

This response is separated into sections relating to each of the subject areas set out above. As this is a revised application for the western expansion area, the comments made in this letter are provided in addition to previous responses on the original western expansion application (15/0045/MOUT, sent on 1 June 2015) and the consultation on the Cranbrook Development Plan Submission Draft (sent on 24 April 2019). The comments in this letter are also made in the context of the existing permitted area of Cranbrook and the other planning applications submitted by the New Community Partners for the west and east expansion areas (15/0046/MOUT, 15/0047/MOUT and 17/1482/MOUT). Devon County Council reserves the right to amend its comments should more information become available that justifies this.

The county council notes that section 7 of the submitted Planning Statement sets out generic Heads of Terms for the Section 106 obligations indicating that they will be subject to negotiation. The Council supports provision of contributions through s106 not CIL as per the Cranbrook Plan Submission Draft and Cranbrook Infrastructure Delivery Plan, including the proposed equalised approach to s106 contributions identified in Policy CB6. Should this not be the case we will revise our comments relating to developer contributions. The s106 requirements identified in this letter may also be subject to review depending on the outcome of the other planning applications highlighted above in this response.

Local transport provision

In its capacity as Local Highway Authority, Devon County Council **objects** to this planning application on the grounds of inadequate information contained in the Transport Assessment (in particular model flow development, existing and proposed roundabouts, road capacity, existing junctions) and the Design and Access Statement (relating to public transport, cycling provision and the hierarchy of street types). Further details of this objection, along with the requested developer contributions for sustainable transport, are contained in Appendix 1 to this letter.

Local education provision (including early years)

Devon County Council is the Local Education Authority and therefore has a statutory duty to ensure that all children have a school place which they can attend. The manner in which the county council undertakes school place planning is set out in our Education Infrastructure Plan¹. In accordance with the above, the county council's general position is that new education facilities required to serve development should be funded by that development through fair and proportionate contributions.

Primary, early years and children's centre facilities

Devon County Council has identified that the proposed 930 dwellings will generate an additional 232.5 primary pupils, 3.5 of which will have Special Educational Needs (SEN).

In accordance with its published education s106 policy, the county council has reviewed the capacity available at the existing primary schools within the locality of the application site – this includes schools within an area of 1.5 miles from the site. For clarity, this assessment of capacity takes into account other permitted developments which are predicted to also generate pupils likely to use these schools and the mitigation that these have contributed towards. Whilst these developments may not physically be built yet, there is reasonable certainty to assume that they will be and this is why they have to be factored in.

The capacity assessment identifies that, taking into account approved but unimplemented development, there is no capacity at the local primary schools to accommodate pupils generated by this development.

Devon County Council considers that education provision needs to be assessed for the town of Cranbrook as a whole and therefore, what is provided in this development needs to relate to the provision made or needed elsewhere in the town. The planning application includes a flexible approach to primary school provision which is supported and is consistent with the discussions which have taken place regarding education provision across the wider Cranbrook expansion area. We envisage that if a primary school is required to be delivered on this site it is appropriate for it to be a 2-form entry primary school in order to maximise efficiencies and deliver the optimal form of education provision. This is consistent with the approach set out in part 4 of Policy CB2 of the Submission Draft of the Cranbrook Plan DPD, which indicates that a 420-place primary school should be provided in whichever of the Bluehayes or Treasbeare sites commences first, as early delivery is fundamental.

Therefore, as identified in this application, land for a two-form entry (420 place) primary school on a site of at least 2.0 ha should be safeguarded until the wider pattern of primary school provision is determined. The County Council acknowledges that this level of provision exceeds the requirement of this development alone, however this overprovision is taken into account in the equalisation of infrastructure costs in Policy CB6 of the Cranbrook Plan Submission Draft and the associated Cranbrook Infrastructure Delivery Plan; DCC supports this approach. If the equalised approach endorsed by the Plan is not followed, the overprovision of land at Bluehayes could be offset against other s106 contributions and this will require further discussion through the s106 process. Alternatively, if the school is to be delivered at Treasbeare without equalised infrastructure costs, proportionate financial contributions towards a site would be required from this development. Provision of a fully serviced school site should be at nil cost to DCC and the freehold interest of the site will need to be transferred to the county council.

DCC supports delivery of the primary school prior to first occupation of the 3,501st dwelling as set out in the Cranbrook Infrastructure Delivery Plan and we request a planning condition is attached to any permission granted to ensure this is achieved. The school should be located appropriately within the western expansion area site to achieve the required early delivery. It should be noted that DCC is unable to bring forward a new school without a fully serviced school site and capital funding to open the school.

In addition to site provision within the application development area, funding will be needed for the construction of primary school. We support the approach advocated in the Submission Draft Cranbrook Plan which requires direct provision in full of the site and school buildings as Category 2 infrastructure. To ensure appropriate provision, a specification will need to be agreed with the County Council. Direct provision of education infrastructure elsewhere within Cranbrook has been successful. However, we wish to retain flexibility over delivery and if a proportionate financial contribution is paid instead of direct provision, then it would need to be calculated in line with the county council's s106 policy. Currently the cost of 229 new primary school places is £16,019 per pupil, equating to £3,668,351 for this development. All education costs should be index linked from March 2015 as per the DCC Education Infrastructure Plan. This request takes into account the primary aged pupils which are likely to require a SEN place, and these have been deducted in calculating this total.

This school site will also need to include early years provision for 2, 3 and 4 year olds and incorporate provision to support children centre service delivery through a community room of 100m². The early years requirement at a two-form entry primary school is 57 early years

places. This equates to a net basic teaching space of 131.1m². The Council again supports direct provision of this space in line with Cranbrook Plan Submission Draft policies CB2 and CB6 and the Cranbrook Infrastructure Delivery Plan. Should it be necessary for a financial contribution to be paid instead, the requested contribution towards early years provision is £232,500 based on £250 per dwelling as set out in the County Council's s106 policy.

Secondary schools

Devon County Council has identified that it will be necessary to provide enhanced secondary education provision in Cranbrook to support the town's growth to 7,750 dwellings as set out in the DPD Submission Draft. This has been reflected in the Cranbrook

Infrastructure Delivery Plan which identifies a total cost of £4,275,000 to expand the Cranbrook Education Campus to provide 1,125 secondary places. This total cost comprises two elements. Firstly, a sum of £1,534,985 has been identified to expand the school to 1,000 places. This reflects the cost to fit out the remainder of the existing buildings which have already been constructed. Secondly, the remaining £2,740,000, which equates to 125 additional places, is identified as potential s106 contributions from the Cranbrook expansion area developments.

The County Council supports the provision of equalised contributions towards secondary education under Category 3 infrastructure identified in Cranbrook Plan Policy CB6 and the Cranbrook Infrastructure Delivery Plan. We note that the £1,534,985 fit out figure has not been identified under this approach, and therefore a proportionate approach to this element of the cost will be required.

Should equalised contributions not be provided for the remaining secondary education provision (£2,740,000), this development would need to make a proportionate contribution towards this cost. This application of 930 dwellings is equivalent to 22.3% of the total proposed 4,170 expansion area dwellings and therefore would be required to make s106 contributions of £611,020 ($£2,740,000 \times 22.3\%$), index linked from March 2015 as per the DCC Education Infrastructure Plan.

As outlined above, the sum of £1,534,985 to expand the existing school to 1,000 places is not identified within the Cranbrook DPD under the equalised approach. Therefore, we request this development pays a proportionate amount towards this regardless of which approach is followed for the additional 125 places (equalised or proportionate). This totals £342,302 index linked ($£1,534,985 \times 22.3\%$).

To be clear, 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.

Special education needs

The Submission version of the Cranbrook DPD identifies the need for a 50 place Special Educational Needs school to be provided on an area of land at least 1.2 hectares. This requirement is set out in part 4 of Policy CB4 (Cobdens Expansion Area). This facility will meet the needs of Cranbrook and the surrounding area. Under Policy CB6 and the Cranbrook IDP, an equalised approach is proposed for the delivery of SEN provision (land and build contributions); this approach is supported.

If this does not happen then we request a proportionate contribution to the required land and build costs. Approximately 1.5% of children require a specialist placement and therefore a development of 930 houses will generate the need for 5.58 special school places. This is calculated as $930 \times 0.4 \times 1.5\%$, 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 £40,000 per place, the proportionate contribution this development is required to make is £223,200 index linked. In addition to a contribution towards the construction of the special school, a land contribution would also

be required. As outlined above, a 1.2 ha site has been identified for a 50-place school. As such, proportionally 5.58 places would require 0.13 ha. A financial contribution equivalent to this land requirement would need to be provided, or alternatively this may be offset against the over provision of land provided for the primary school. These details would require further discussion through the s106 process.

Summary

Without the **s106 contributions** towards primary, secondary and SEN education provision identified above, Devon County Council **would object** to this planning application.

Extra Care Housing Provision

We note that section 7 of the submitted Planning Statement lists community facilities in the Generic Draft Heads of Terms for s106 Obligations. 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. 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 Strategy² 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 be required.

The principal s106 agreement for Cranbrook sets aside 0.5 hectares of land within the town centre for extra care provision. Therefore an additional 0.1 ha of land is requested as a contribution from the combined expansion area developments. In addition, a s106 contribution of £3,500,000 is requested towards the building costs from the expansion area developments through the equalised approach proposed in Policy CB6 of the Cranbrook Plan Submission Draft and the Cranbrook Infrastructure Delivery Plan. Should equalised contributions not be provided, the council requests a proportionate contribution of £780,500 ($£3,500,000 \times 22.3\%$) from this development. The council thinks it would be appropriate for the number of extra care units to count towards the number of affordable housing units required for Cranbrook in accordance with the Local Plan policy.

Summary

Subject to such **contributions** the county council has no objection to the application on the matter of extra care housing provision.

Library services

In accordance with the adopted East Devon Local Plan, Cranbrook needs to be delivered with all appropriate infrastructure. The 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 council wishes the library to be co-located with at least one other facility within the town centre, preferably the town council offices.

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

cost of this is anticipated to be approximately £480,000 and should be funded through equalised s106 contributions as proposed in Policy CB6 of the Cranbrook Plan Submission Draft and the Cranbrook Infrastructure Delivery Plan. If equalised contributions are not provided, the proportionate contribution of £107,040 ($£480,000 \times 22.3\%$) is required.

Summary

The county council has no objection to the application subject to such **contributions** towards library services.

Children's services

The 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 this is estimated to be £30,000 and should be provided through equalised s106 contributions as proposed in Policy CB6 of the Cranbrook Plan Submission Draft and the Cranbrook Infrastructure Delivery Plan. Should equalised contributions not be paid, the council requests proportionate contributions of £6,690 ($£30,000 \times 22.3\%$) should be provided. The options for the location and delivery of the children's centre will need to be explored through further discussion and in line with the requirements of the existing s106 agreement.

This 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 discussed in the education provision section above.

Summary

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

Waste Planning

The submitted waste assessment is generally acceptable and appropriate to an outline application. Should planning permission be granted, we recommend that a **planning condition** is imposed requiring submission as part of the reserved matters of a detailed site waste management plan to include measures for management of waste during site enabling and construction works (as proposed in the submitted waste assessment).

We note that paragraph 5.4 of the waste assessment states that EDDC does not offer a garden waste collection service. This is incorrect, as a kerbside green waste collection was introduced within the district in 2018. Space for green waste bins should be included in the storage provision for the 'various bins and recycling boxes' identified in paragraph 5.6.

Historic environment

The submitted report setting out the results of the archaeological investigations undertaken here show that there are some localised Bronze Age and prehistoric archaeological deposits (heritage assets) present within the application area and the development of the site will have an impact upon these heritage assets. However, the County Historic Environment Team does not consider that the significance of these heritage assets is such that it warrants preservation in situ and the impact of the development upon these heritage assets can be mitigated by a programme of archaeological work undertaken in advance of any development commencing.

The County 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 199 of the National Planning Policy Framework (2018) 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 199 of the National Planning Policy Framework (2018), 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 expect that the suitable programme should take 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 earlier evaluative investigations. Based on the results of this work the scope of the any further archaeological mitigation can be determined and implemented in advance of construction works. The 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.

The County 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.

Summary

Subject to submission and implementation of an approved Written Scheme of Investigation, required by an appropriate **planning condition**, the council has no objection on this matter.

Flood risk management

At this stage, Devon County Council **objects** to the above planning application on matters of flood risk management because the applicant has not submitted sufficient information to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined below in Appendix 2.

Health and wellbeing

Overall, Devon County Council supports the applicant's approach to promoting health and wellbeing as detailed in the submitted Health Impact Assessment and Design and Access Statement, including the focus on active sustainable travel. Section 3 of the Health Impact Assessment (HIA) about Community Inclusion references delivering infrastructure that has been influenced by community events, with a strong emphasis on delivering walkable and cycling networks, which we support.

HIA Section 4 Healthy Neighbourhoods specifies the expansion area will incorporate scope for a new primary school, children's play facilities and green space, providing positive health impacts. Provision of these facilities should be made in accordance with Policy CB2 of the Cranbrook Plan Submission Draft. It is considered that the health benefits would be maximised by restricting hot food takeaway units within neighbourhood centres and not permitting within them within 400 metres of a school, as detailed in our recent consultation response on the Cranbrook Plan Submission Draft. We have recommended this could be achieved through changes to the proposed Cranbrook Plan policies supported by adoption of a Healthy Weight Supplementary Planning Document. Currently there is a local convenience foodstore that the community can purchase foods from within Cranbrook and the nearest low-cost supermarket is 3.9 miles away. Given the very limited access to a choice of food provision we would recommend consideration be given to the improving the access to healthier foods by the community.

A good active transport network requires sufficient and safe storage facilities for bikes at each home to encourage active travel and reduce car dependency. This should be provided within this expansion area in accordance with Policy 21 of the Cranbrook Plan Submission Draft, with the details addressed at reserved matters stage.

Additionally, consideration needs to be given to green space and the role it plays in combatting climate change. This includes provision of shade to protect from sunlight and design of any sports provision of pitches to specifications that are mindful of extreme

weather conditions caused by climate change. We support the reference made in the Active Lifestyles section of the HIA to the provision of allotments that provide access to healthy foods and contribute to the health and wellbeing of the community. There is also a continued mention that supporting active travel infrastructure connecting communities to these key facilities is a priority. Whilst supporting this general approach, the council makes specific comments on this application's provision for walking and cycling in the detailed transport comments in Appendix 1 to this letter. We support provision that promotes physical activity across the life course and for those with specialist needs/limitations.

The section New and Converted Housing Provision suggests that there will be a proportion of affordable housing without defining the exact volume. Provision of affordable housing should be made in accordance with CB11 of the Cranbrook Plan Submission Draft. Additionally, we would encourage consideration of the volumes of adaptable housing to fully consider the future needs of the population.

There appears to be no mention of health care provision within this development. The County Council supports provision of a Town Centre Health and Wellbeing Hub which serves the whole town including the western area population. Alongside this, there should be suitable space within neighbourhood areas or mixed use areas for the provision of local health care provision. The western expansion area development should make appropriate s106 contributions to the Health and Wellbeing Hub through the equalised approach set out in Policy CB6 of the Cranbrook Plan Submission Draft and the Cranbrook Infrastructure Delivery Plan (totalling £8,769,400 for the expansion areas combined). Should equalised contributions not be provided, proportionate contributions should be paid instead totalling £1,955,576 ($£8,769,400 \times 22.3\%$).

Summary

The council broadly supports this application on matters relating to health and wellbeing subject to provision of **s106 contributions** and further details being resolved at reserved matters stage.

Gypsy and Travellers provision

We note that this application does not make any provision for Gypsies and Travellers. However, we expect that sufficient pitches will be provided elsewhere at Cranbrook as identified in Strategy 12 of the adopted Local Plan and as proposed in the Cranbrook Plan Submission Draft.

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.

Devon County Council's consultation response to planning application: 19/0620/MOUT - Cranbrook Western Expansion Area (Bluehayes)

Appendix 1: Local Transport Provision comments

Transport Assessment and Access

Discussion on access arrangements/principles of the transport assessment have been ongoing for a number of months. Some of the access proposals have been agreed in principle, however disappointingly, the submitted access plans/transport assessment do not reflect these previous discussions. The LPA should note that the submitted Transport Assessment (TA) differs from the technical notes sent to DCC separately for consideration. In terms of the submitted proposals, there are a number of areas that need further consideration. In particular:

1.) Model Flow development

The applicant has submitted a Transport Assessment with the purpose of:

- To demonstrate that the proposed junctions can accommodate the proposed development at the Western Expansion Area (WEA) and
- To demonstrate that the proposals for the WEA do not preclude highway schemes coming forward that can accommodate the full proposals for Cranbrook in the future

DCC has raised concerns regarding the model flow development and its evolution from the latest 2017 application (17/1482/MOUT) for the full Cranbrook allocation. It appears that the applicant has adapted the 2017 TA, despite the applicant supplying differing model flows to DCC after the 2017 submission.

The applicant has completed sensitivity testing with the inclusion of “June’s Land”, which is likely to come forward for development however the total number of houses modelled still does not reflect what has been submitted in the DPD. Whilst the model flows for the WEA are not an immediate concern for DCC (when considered in isolation), in the interests of draft policy CB7 which states: “Each phasing strategy must ensure that an overall co-ordinated approach to delivery is achieved across the Cranbrook Plan Area as a whole”, the applicant needs to provide DCC clear evidence on trip generation for the full Cranbrook buildout.

Linked to the above comments, is the diversion of trips from Station Road. DCC has previously raised concerns over the intensification of traffic using Station Road if an application for the WEA came forward. Station Road currently experiences queuing in the peak hour and any further traffic on London Road (which the WEA would generate) would make it more difficult to exit Station Road in terms of both capacity and safety. Therefore, in discussions with the applicant, Station Road is proposed to be diverted through the WEA, ultimately having an access through the development. This is acceptable in principle, however there is some ambiguity of how Station Road traffic has been distributed; it is accepted that flows on Station Road will reduce, however there is disparity in how these flows are represented within the Appendices of the Transport Assessment.

Further clarification on trip generation in combination with the diversion of Station Road is required. The number of trips generated will have a direct impact on the performance not only of the junctions proposed, but the link capacity on London Road itself.

2.) Western Expansion Area (WEA) Roundabout

The applicant proposes a new 3-arm roundabout serving the WEA (west of the existing Younghayes roundabout). The WEA (standalone) will require some capacity; however, the

applicant should be modelling the worst-case scenario. Given the proposed roundabout is located to the very west of the town, the applicant should be modelling the full build out of Cranbrook as per draft Policy CB7. With the concerns raised with the flows being proposed (as outlined in point 1), there is a doubt as to whether enough capacity has been designed within the roundabout itself. It is noted that the submitted plans show a two-lane entry on the western arm, whereas the applicant has indicated to DCC that there will be a three-lane entry instead. Hence, more details on the layout and capacity are required. DCC would want to be provided electronic versions of the junction models to check suitability.

Any proposals would also need to reinforce sustainable provision – including suitable pedestrian and cycle crossings points.

The submitted plans indicate that the northern arm will have a two-lane approach. Discussions with the applicant made it clear that a one-lane approach should be investigated due to provide better West-East crossing facilities for pedestrians and cyclists.

Notwithstanding the comments regarding capacity of the roundabout, the applicants current modelling outputs (text format only) show that the Northern arm has reserved capacity and therefore there may be scope to provide a single lane entry instead. It appears that the applicant has designed the junction on the basis that there may be a handful of cranes that will have to negotiate the junction (*Note: there is an approved “Heaver brothers” site on Station Road that will have to negotiate the WEA roundabout). However DCC is of the opinion that the numbers of pedestrians and cyclists will far outweigh the number of HGV’s and therefore every effort (as advocated by the NPPF paragraphs 108 and 110, Cranbrook being promoted as a healthy new town and draft policies CB1, CB19) should be made to make this crossing easier for such users to cross the road; something that a single lane entry would help to achieve. Hence, at this moment in time, DCC cannot support the basis of a two-lane entry on the Northern arm of this proposed roundabout.

In addition to this, the crossing point should be set back from the give way line by an appropriate distance to allow pedestrians and cyclists to cross easily (as per Sustrans design guidance). With no up to date plans provided (i.e. the submission plans show a different roundabout to what the applicant has provided to DCC as highway authority), more clarity on this crossing point is required.

For the WEA, there is no need to cater for North-South movements. However, there is likely to be development to the south of London Road (also known as Treasbeare). An at level crossing cannot be provided due to there being a levels difference and to overcome this issue the applicant has proposed a bridge. In principle this is acceptable; it is a requirement that land is safeguarded within the WEA to enable this piece of infrastructure to be delivered. It is expected that direct sustainable routes to the bridge shall be made in forthcoming applications/when details of the bridge comes forward to maximise sustainability. An Approval in Principle (AIP) will need to be submitted to DCC for any structure that overhangs the highway.

Of most concern is that the submitted application does not include a Stage 1 Road Safety audit, something that is essential for any new highway scheme (and of significant importance given the roundabout will serve a considerable number of dwellings in the future). The applicant, in consultation with DCC will also have to submit a drawing to our

engineering design team for a preliminary technical check (in accordance to DMRB and Manual for streets).

London Road has a speed limit of 40mph, and it is noted that the roundabout proposed has been designed to a 30mph specification (the visibility splays only show 43m). The applicant is reminded that if a reduction of speed limit is to be considered, which would be a departure from DCC's policy, then substantial evidence needs to be submitted to DCC to progress any Traffic Regulation Order (TRO). No evidence has been submitted to DCC in order for a change in speed limit to be considered. All costs associated with the TRO must be met by the applicant.

In summary, there is a lack of information; DCC wishes to see revised modelling including the electronic ARCADY, Road Safety Audit (Stage 1), evidence to implement a 30mph TRO and a drawing (.dwg) for a technical check. It is recommended that the applicant resolves issues with the modelling before the RSA or .dwg is submitted.

3.) London Road Capacity

Despite the concerns over the model flow development (as described earlier), page 186 of the technical note states that in the PM peak, there will be 1810 PCUs heading towards Cranbrook from Exeter (i.e. in the eastbound direction) and on page 188 of the technical note states there will be 1991 PCUs in the full build out scenario. The flows provided indicate that this is at link capacity, which is known to be around 1800 PCUs (a two second headway). At present there is a merge from two lanes into one on London Road opposite the South Western Ambulance Service Trust; it is well known that there will be a decrease in capacity where there is a merge in place and therefore such forecast trips are a concern. Ultimately with the data presented to date within the applicant's technical note will mean that in the future there will be a queue, something that will be detrimental to the highway network.

Similarly, there are concerns over AM peak flows in the Westbound direction. Once again flows are approaching link capacity where there is a merge in place (note the merge is where two traffic lanes form an "all vehicle lane" and a bus lane only).

It is noted that DCC modelled the impacts of up to 6500 dwellings and therefore any additional dwellings were added by the applicant/transport consultant. DCC has worked on schemes in the past where there has been a merge in place to resolve such issues (most notably the Exeter Bridge Road scheme) and therefore more information is required from the applicant to prove that flows produced to date (or indeed revised flows in response to point 1), can work in a merge situation or any suggested mitigation.

4.) Younghayes Roundabout

It is recognised that there will be some addition demand at this junction as a result of the WEA, but as described beforehand, DCC is still concerned over the flows being used to model the junction in the full build out scenario.

In the WEA only scenario, this junction will remain as a 3-arm roundabout; the submitted modelling suggests within the TA that this junction should be able to operate within capacity. In the full build out scenario, an additional southern arm is proposed and similarly

the submitted modelling suggests it should operate within capacity. However, DCC has not been provided any plans of the 4-arm roundabout and is therefore unable to provide any detailed comments.

Electronic versions of the junction models to check suitability are needed for both scenarios (especially if a 4-arm junction option is to be progressed). Once again, providing suitable crossing facilities on all arms is necessary to ensure safe and suitable access is achieved.

5.) Station Road and Station Road/London Road junction

As pointed in section 1 of this response, DCC has raised concerns over the intensification of Station Road. The submitted plans show an “indicative traffic calming and traffic reduction scheme” which aims to deter drivers to use Station Road and use the development access instead.

DCC has concerns with the proposed design, with only a few minor buildouts, signage and narrowing of Station Road (to the north, close to Shercroft Close). DCC has had discussions with County Councillors who share the same opinion as officers that a much more robust scheme should be put in place to further minimise the traffic flow on Station Road. It has been suggested that a scheme akin to Anning Drive should be implemented and therefore it is disappointing that such changes have not been included in the submission. However, it is pleasing to see that refuse tracking has been undertaken at Shercroft Close.

Where Station Road is diverted into the development, there will be a tight corner to which HGVs will need to undertake. The application has not included forward visibility splays which are required to prove that safe and suitable access can be achieved at this bend. Such works (diversion of Station Road) would come under a S278 agreement (which will include a Road Safety Audit).

A critical element to the Station Road junction arrangements, is its junction with London Road. For the WEA application, the applicant intends to keep an all movement junction in operation with a raised crossing to accommodate for pedestrians and cyclists. Pedestrians and cyclists should be given priority at this junction given London Road is promoted as a shared use path and should be designed in a such a way that it is suitable for all users. No detail has been provided as to how this can be achieved neither has a Road Safety Audit been submitted to assess the principle of a raised crossing at this location.

Again, notwithstanding that work is still required to develop a suitable design, DCC is yet to see any detailed junction modelling of this proposal (taking into consideration the flows being used). If this option is to be progressed, we would want to be provided electronic versions of the junction models to check suitability.

For the full Cranbrook buildout, the applicant proposes to signalise Station Road due to the access into Treasbeare which will form a crossroads. DCC is yet to see any justification that the proposed signalised corridor is workable (given the flows used to date). Furthermore, it is a concern that a signalised corridor would most likely result in worse air quality and higher accident rates than alternative forms of control.

If this option is to be progressed, DCC would want to be provided with electronic versions of the junction models to check suitability. The proximity of this junction to the western gateway will be a key consideration in the acceptability of this and the potential for queuing back through the western gateway. The plans for a signalised crossing also need to be accompanied by appropriate swept paths. It is recommended that these proposals are further progressed with DCC in liaison with the DCC signals team.

6.) Bluehayes Lane/London Road Junction

The current junction forms a bellmouth junction with tactile crossing which is a poor facility for those who wish to cross Bluehayes Lane. London Road is a shared use path and with the addition of the WEA there will be an increased demand of persons who wish to cross this junction. The route along London Road would be the only one of two cycle routes to the local centre/schools (with the other route being via the station on the new MLR serving the WEA) and therefore walking/cycling infrastructure at this location should be maximised. This was brought to the attention of the applicant during preapplication discussions.

DCC has suggested alternative junction arrangements at this junction that gives pedestrians and cyclists priority over motor vehicles. Note the volume of traffic egressing Bluehayes Lane is minimal and DCC is of the opinion that there will be more demand for pedestrians and cyclists crossing this junction. The submitted plans show no improvements to enhance sustainability and go against paragraphs 108 and 110 of the NPPF.

Design and access Statement

The submitted statement provides a section on access – Section 8.0 “Access and Movement”. The public transport section states: “The Main Local Route will serve as the public transport corridor, with regular bus stops provided to encourage modal shift.”...”As part of the proposal, a service would extend into the WEA along the Main Local Route”. The feasibility of this should be explored further with DCC and the service operator and subject to confirmation of feasibility and long-term commercial viability, contributions to achieve an enhanced frequency could be proportioned appropriately.

The footpaths and cycling section puts emphases that direct pedestrian and cycle routes are proposed to key nodes, integrate into the existing network, encouraging a healthier lifestyle in accordance with the key priorities of the NHS Healthy New Towns initiative. However, these comments do not reflect the junction designs that have been commented on above nor can any direct links can be seen in Figure 8.1: Cranbrook Movement Strategy. Figure 8.1 only provides a red line outlining the WEA with two Main Local Routes, providing no detail as to what sustainable links will be provided.

The statement also provides a basis for the Hierarchy of Street Types. The plans indicate the MLR is to have a 6.4m carriageway, 2.1m verge (which is consistent to the existing layout), however only 3.0m shared footway/cycleway on either side are provided. The provision of walking and cycling infrastructure is key to any development and a 3.0m shared use path is substandard. Previous discussions have made this clear and contrary to the street hierarchy, the submitted “MLR Alignment through site” plan indicates a footway and a 2-way cycle route on both sides of the MLR to the existing train station and the Station Road spur. Note, a two-way cycle route has already been implemented as part of the

Cranbrook Phase 4 design principles document and such principles should be carried through into any expansion area.

The 2-way cycle route is vital in promoting modal change allowing residents in the WEA to easily access the proposed school, mixed use areas, the existing railway station and other potential future expansion parcels (especially the southern parcel via the ped/cycle bridge). In addition to this, the 2-way cycle route on the MLR/Station Road spur would connect into the DCC cycle route that is located to the west of Station Road. The cycle route forms part of the s106 request: "Westbound from Cranbrook To Blackhorse", where links to employments areas will be made.

The applicant has provided some swept path analysis for the MLR junction, however, there are no specific details as to how pedestrians and cyclists will cross the Station Road Spur – as such further details are required.

The Hierarchy of Street Types continues to the next tiers, namely Connector Streets, Tertiary Streets, Green Lanes and Mews, Courts and Drives. DCC is unable to comment on such proposals as these are not annotated on any plan (Figure 8.1) and it is unknown as to the quantum of development that will be accessed off each street type. However, it is expected that appropriate walking and cycling facilities are provided to integrate into the MLR. For example, once direct routes to key nodes are established/provided, walking and cycling infrastructure should prioritise over motor vehicles.

Finally, there is a section within the design and access statement that covers parking. It is expected that car parking standards are to reflect draft policy CB21 (notwithstanding DCC's comments to the draft DPD).

Developer 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). 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.

They can be summarised as:

- £8,380,000 towards enhancing public transport infrastructure to be used flexibly to help deliver a package of measures including enhanced bus services, enhanced rail frequency and a 2nd station at Cranbrook.
- £2,985,000 towards offsite walking and cycling infrastructure to connect residents of Cranbrook to nearby amenities and employment sites.
- £300,00 towards shared mobility vehicles (shared cars and e-bikes)
- £19,00 per annum for 15 years for travel planning.

The county council supports provision of these contributions on an equalised basis across the expansion areas as set out in Cranbrook Plan Submission Draft Policy CB6 and the Cranbrook Infrastructure Delivery Plan. Should contributions not be paid on an equalised basis, then proportionate contributions would be required. For this application they would be based on 22.3% of the overall contribution (930 out of the total proposed 4170 expansion area dwellings).

As specified in our s106 transport request on 14 June 2018, the contributions towards public transport and offsite walking and cycling infrastructure will need to be revised to include indexation to a 2013 base and the shared mobility and travel planning contributions to include indexation to a 2014 base.

Summary

The submitted TA (to DCC) for this WEA begins to outline the proposals and impacts. However, significantly more detail is needed to confirm that a safe and suitable access can be achieved for all users, particularly with regards the arrangements for pedestrian/cycle facilities. These need to be considered alongside concerns regarding traffic forecasts, associated link and junction modelling, Road Safety Audits, design checks (of the WEA roundabout) and any progression of a 30mph TRO.

Further clarification is needed on the movement and access strategy within the Design and Access Statement, making it clear what direct sustainable routes will be provided. The street hierarchy for parcels off the MLR also need to be clarified – but these could be progressed through a separate design principals guide for example.

In summary, DCC objects to this application as it currently stands due to inadequate information. The council's position may be altered following the submission of additional material, so long as this suitably resolves our concerns, and by securing the appropriate developer contributions, as set out in the submitted s106 request.

Devon County Council's consultation response to planning application: 19/0620/MOUT - Cranbrook Western Expansion Area (Bluehayes)

Appendix 2: Flood Risk Management comments

The applicant has submitted details of the surface water drainage management plan within the Flood Risk Assessment (Ref. 10292 FRA02 Rv4; Rev. 4; dated 9th April 2019). The plan outlines how surface water will be managed within the Bluehayes area. However, further details are required to ensure that the proposed plan is robust.

The applicant has submitted a plan of the surface water drainage strategy in appendix A of the Flood Risk Assessment. However, further details are required on this plan to demonstrate its viability. Outfalls from the basins to the watercourse should be depicted. Dimensions of the 'SuDS Channels' should also be noted on the plan.

The applicant should clarify the proposed formation of the 'SuDS Channels'. The applicant should also confirm whether more of these channels can be implemented.

Source Control features, such as tree pits and permeable paving, have been proposed within the Flood Risk Assessment. Section 4.9 of the Flood Risk Assessment notes that appropriate source control measures will be added at the detailed design stage. If planning permission is granted for this application, then source control features will need to be fully assessed within any subsequent reserved matters applications in order to demonstrate their potential. The ground investigation report, submitted within appendix C of the Flood Risk Assessment, determined that infiltration is not viable at this site (although infiltration may be

viable within the vicinity of trial pit IT13). However, source control components which require infiltration could still reduce the volume of surface water runoff and provide a form of treatment.

Although only two tests were completed within Trial Pit IT13, the infiltration rate appeared to be viable. Therefore, if this planning application is approved, further infiltration tests should be completed within the vicinity of this trial pit to clarify whether this area can manage surface water via infiltration.

Section 4.19 of the Flood Risk Assessment notes that there is little need for underground pipes or gullies within the permeable paving. However, we are not sure how permeable paving will function if infiltration is not viable.

It is understood that a Landscape, Biodiversity and Drainage Strategy is required at this stage. A Landscape, Biodiversity and Drainage Strategy needs to detail how sustainable drainage features shall be constructed (including appearance, side slopes, vegetation types, lining) as well as how they shall be maintained. Some maintenance details have been submitted with section 4.37 of the Flood Risk Assessment. However, specific maintenance schedules for each sustainable drainage feature are required.

The applicant has accounted for surface water drainage from the school within basin C. However, it is not understood whether the area accounted for is an estimate or whether it is known. The applicant should clarify the area accounted for and the accuracy of it.

The proposed discharge rate from Basin C appears to be much higher than the equivalent Qbar rate. The applicant should clarify this discharge rate.

It is noted within section 3.35 of the submitted Flood Risk Assessment (Ref. 10292 FRA02 Rv4; Rev. 4; dated 9th April 2019) that there shall be no increase in surface water resulting from the development. However, due to the reduction in permeable areas, there will be an increase in surface water volume. It is noted that additional surface water volume will be managed by discharging at the Qbar rate for each catchment.

The applicant should clarify whether any surface water drainage exists at this site, such as land drains, ponds or ditches.

Summary

Devon County Council objects to this planning application on flood risk management matters because the applicant has not submitted sufficient information to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined above.

Devon County Council - 15 December 2020

Thank you for the opportunity to comment on the additional information supplied in relation to this planning application. For a couple of points, our comments remain unaltered from

our previous response dated 10th June 2019. These relate to the sections covering waste planning and historic environment. These are reiterated in Appendix 1.

In response to the additional information provided and amended proposal (including the implication of a change in house numbers) this response is separated into sections relating to the subject areas:

- Local transport provision
- Flood risk management
- Local education provision (including early years)
- Extra care housing provision
- Library services
- Children's services
- Youth services
- Health and wellbeing
- Gypsy and Travellers provision

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

1. Subject to the imposition of suitable planning conditions, the council raises **no objection on matters** relating to **waste planning** or **historic environment**.
2. The council **objects** to this planning application in relation to local transport provision and **flood risk management due to the submission of inadequate information**.
3. **Subject to the provision of appropriate s106 contributions, DCC does not object relating to the provision of education, extra care housing, library services, children's services, youth service 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, 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. While taking this approach, we have used the proposed total of 4,170 dwellings from the emerging Cranbrook Plan to calculate contributions. We have used this figure to maintain consistency with calculations included in our evidence work to date. This results in a proportionate contribution rate from this development of $850/4170 = 20.4\%$. If the proposed total of dwellings within Cranbrook's expansion areas was to change, the ratio and requirements would need to be updated.

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

Local transport provision

In its capacity as Local Highway Authority, Devon County Council objects to this planning application on the grounds of inadequate information. Further details of this objection, along with the requested developer contributions for sustainable transport, are contained in Appendix 2 to this letter.

Flood risk management

At this stage Devon County Council, as Lead Local Flood Authority, are unable to withdraw our objection, but would be happy to provide a further substantive response when the applicant has formally submitted the additional information requested in Appendix 3.

Local education provision (including early years)

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 Plan¹ and the Education Section 106 Infrastructure Approach (February 2020)². In accordance with the above, the Department for Education³ and County Council position is that new education facilities required to serve development should be funded by that development through fair and proportionate contributions.

Primary education and early years

An assessment of education capacity for Cranbrook, which includes nearby primary schools at Rockbeare and Whimple, 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 Bluehayes 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 identifies a centrally located 2 ha site for a 420 place primary school (within the revised Parameters Plan July 2020), providing for the new homes associated with this planning application and adjacent proposed housing development. The school site is planned to include early years provision for 2, 3- and 4-year olds and incorporate a community room of 100m². The early years requirement at a two-form entry primary school is 57 early years places.

If this application is determined in advance of adoption of the Cranbrook Plan and its associated Cranbrook Infrastructure Delivery Plan, the Education Authority would require S106 contributions for primary and early years based on Devon County Council's Education Infrastructure Section 106 Approach (February 2020) set out below:

- Based on 850 dwellings it is calculated that the development would generate 212.5 primary pupils of which 1.5% (3.18 pupils) will require Special Education provision. This therefore only seeks a contribution towards the remaining 209.32 pupils.
- The primary contribution based on the 209.32 additional places required is £4,064,366.44 (based on a new build rate of £19,417 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 £212,500 (850 x £250).

The freehold interest of the fully serviced and fully accessible site must be transferred to the Local Education Authority or, on the direction of the Local Education Authority, the school provider at nil cost 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.

We recognise that the identified school site has a capacity larger than needed to mitigate the impact of the housing growth included in this planning application. The cost of the land provided over that required to mitigate the impact of this development will be deducted from S106 contributions detailed above, or the additional land will be purchased by the Education Authority at an agreed value, again details to be included with the section 106 agreement.

The County Council will require financial contributions towards education provision to be paid in the following instalments (as per DCC's Education Infrastructure Section 106 Approach, February 2020):

- **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 March 2019. 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.

Secondary education

Devon County Council has agreed with EDDC to request a £2,598,992 (indexed to Q2, 2019) S106 contribution towards secondary education provision for Cranbrook's expansion areas. The Education Authority requires this proposed development to make a proportionate contribution towards this cost. This application of 850 dwellings is equivalent to 20.4% of the total proposed 4,170 expansion area dwellings (based on emerging Cranbrook Plan) and therefore would be required to make s106 contributions of £530,194 ($£2,598,992 \times 20.4\%$) with indexation to the point of payment.

Any further housing growth beyond 7,670 dwellings would require further secondary education infrastructure S106 contributions in accordance with Devon County Council's

Education Infrastructure S106 Approach (February 2020). The cost of secondary (extension) pupil places is £22,513 per place. 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 March 2019.

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).

Special education needs

If this application is determined in advance of adoption of the Cranbrook Plan, the Education Authority would require S106 contributions for Special Education Needs provision based on Devon County Council's Education Infrastructure Section 106 Approach (February 2020) set out below:

- Approximately 1.5% of children require a specialist placement and therefore a development of 850 houses will generate the need for 5.1 special school places. This is calculated as $850 \times 0.4 \times 1.5\%$, 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 £86,284 per place, the proportionate contribution this development is required to make is £440,048.

- 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 March 2019. 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.

In addition to a contribution towards the construction of the special school, a land contribution would also be required. A 1.2 ha site has been identified for a 50-place school in the emerging Cranbrook Plan. As such, proportionally 5.1 places would require 0.12 ha. A financial contribution equivalent to this land requirement would need to be provided. These details would require further discussion through the s106 process.

Summary

Devon County Council, as the Local Education Authority, requires certainty that the development will contribute to education infrastructure to fully mitigate the impact of the housing growth proposed. The contributions requested above are fair, based on established education formulae and reasonably related in scale to the development proposed.

We have provided this response while the Cranbrook Plan is being examined. The Local Education Authority recognises that if the Cranbrook Plan is adopted prior to this application being determined, then the emerging framework for education infrastructure provision will have a policy basis. At this point, we would need to have the opportunity to update our response to accord with the approach identified in the Cranbrook Plan and its associated Cranbrook Infrastructure Delivery Plan.

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 Strategy 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 Q2 2019) is requested towards the building costs from the expansion area developments. If this application is determined in advance of adoption of the Cranbrook Plan, the county council requests a proportionate contribution of £714,000 ($£3,500,000 \times 20.4\%$) index linked from this development. If the application is determined following adoption of the Cranbrook Plan, the county council requests provision of contributions through the equalised approach proposed in Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan. We think it would be appropriate for the number of extra care units to count towards the number of affordable housing units required for Cranbrook in accordance with the Local Plan policy.

Summary

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

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 cost of this is anticipated to be approximately £480,000 (base date Q1 2016). If this application is determined in advance of adoption of the Cranbrook Plan, the county council requests a proportionate contribution of £97,920 ($£480,000 \times 20.4\%$) index linked from this development. If the application is determined following adoption of the Cranbrook Plan, the county council requests provision of contributions through the equalised approach proposed in Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan.

Summary

The county council has no objection to the application subject to such contributions towards library services.

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 this is estimated to be £36,218 (base date Q1 2020). If this application is determined in advance of adoption of the Cranbrook Plan, the county council requests a proportionate contribution of £7,388 (£36,218*20.4%) index linked from this development. If the application is determined following adoption of the Cranbrook Plan, the county council requests provision of contributions through the equalised approach proposed in Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan.

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 service

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 this is estimated to be £36,218 (base date Q1 2020). If this application is determined in advance of adoption of the Cranbrook Plan, the county council requests a proportionate contribution of £7,388 (£36,218*20.4%) index linked from this development. If the application is determined following adoption of the Cranbrook Plan, the county council requests provision of contributions through the equalised approach proposed in Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan.

Summary

Subject to such contributions towards youth service facilities, the county council has no objection to this application.

Health and wellbeing

Overall, Devon County Council supports the applicant's approach to promoting health and wellbeing as detailed in the submitted Health Impact Assessment and Design and Access Statement, including the focus on active sustainable travel. Section 3 of the Health Impact Assessment (HIA) about Community Inclusion references delivering infrastructure that has been influenced by community events, with a strong emphasis on delivering walkable and cycling networks, which we support.

HIA Section 4 Healthy Neighbourhoods specifies the expansion area will incorporate scope for a new primary school, children's play facilities and green space, providing positive health impacts. Provision of these facilities should be made in accordance with Policy CB2 of the Cranbrook Plan Submission Draft. It is considered that the health benefits would be maximised by restricting hot food takeaway units within neighbourhood centres and not permitting within them within 400 metres of a school, as detailed in our recent submissions on the Cranbrook Plan Submission Draft. We have recommended this could be achieved through changes to the proposed Cranbrook Plan policies supported by adoption of a Healthy Weight Supplementary Planning Document. Currently there is a local convenience foodstore that the community can purchase foods from within Cranbrook and the nearest low-cost supermarket is 3.9 miles away. Given the very limited access to a choice of food provision we would recommend consideration be given to the improving the access to healthier foods by the community.

A good active transport network requires sufficient and safe storage facilities for bikes at each home to encourage active travel and reduce car dependency. This should be provided within this expansion area in accordance with Policy 21 of the Cranbrook Plan Submission Draft, with the details addressed at reserved matters stage.

Additionally, consideration needs to be given to green space and the role it plays in combatting climate change. This includes provision of shade to protect from sunlight and design of any sports provision of pitches to specifications that are mindful of extreme weather conditions caused by climate change. We support the reference made in the Active Lifestyles section of the HIA to the provision of allotments that provide access to healthy foods and contribute to the health and wellbeing of the community. There is also a continued mention that supporting active travel infrastructure connecting communities to these key facilities is a priority. Whilst supporting this general approach, the council makes specific comments on this application's provision for walking and cycling in the detailed transport comments in Appendix 1 to this letter. We support provision that promotes physical activity across the life course and for those with specialist needs/limitations.

The section New and Converted Housing Provision suggests that there will be a proportion of affordable housing without defining the exact volume. Provision of affordable housing should be made in accordance with CB11 of the Cranbrook Plan Submission Draft. Additionally, we would encourage consideration of the volumes of adaptable housing to fully consider the future needs of the population.

There appears to be no mention of health care provision within this development. The County Council supports provision of a Town Centre Health and Wellbeing Hub which serves the whole town including the western area population. Alongside this, there should be suitable space within neighbourhood areas or mixed use areas for the provision of local health care provision. The western expansion area development should make appropriate s106 contributions to the Health and Wellbeing Hub. If this application is determined in advance of adoption of the Cranbrook Plan, the county council requests a proportionate contribution of £1,788,958 (total expansion areas contribution of £8,769,400*20.4%) index linked from Q1 2020 from this development is paid to the body who delivers the hub. If the application is determined following adoption of the Cranbrook Plan, the county council requests provision of contributions through the equalised approach proposed in Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan.

Summary

The council broadly supports this application on matters relating to health and wellbeing subject to provision of s106 contributions and further details being resolved at reserved matters stage.

Gypsy and Travellers provision

We note that this application does not make any provision for Gypsies and Travellers. However, we expect that sufficient pitches will be provided elsewhere at Cranbrook as identified in Strategy 12 of the adopted Local Plan and as proposed in the Cranbrook Plan Submission Draft.

At the latest hearing sessions for the Cranbrook Local Plan (November 2020) equalisation of cost associated to gypsy and traveller provision was discussed. With such an approach, it would be appropriate for this site to financially contribute to enable the delivery of this provision.

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 on these matters going forward.

Appendix 1: Waste planning and Historic Environment comments, unaltered from June 2019 consultation

Waste planning

The submitted waste assessment is generally acceptable and appropriate to an outline application. Should planning permission be granted, we recommend that a planning condition is imposed requiring submission as part of the reserved matters of a detailed site waste management plan to include measures for management of waste during site enabling and construction works (as proposed in the submitted waste assessment).

We note that paragraph 5.4 of the waste assessment states that EDDC does not offer a garden waste collection service. This is incorrect, as a kerbside green waste collection was introduced within the district in 2018. Space for green waste bins should be included in the storage provision for the 'various bins and recycling boxes' identified in paragraph 5.6.

Historic environment

The submitted report setting out the results of the archaeological investigations undertaken here show that there are some localised Bronze Age and prehistoric archaeological deposits (heritage assets) present within the application area and the development of the site will have an impact upon these heritage assets. However, the County Historic Environment Team does not consider that the significance of these heritage assets is such that it warrants preservation in situ and the impact of the development upon these heritage assets can be mitigated by a programme of archaeological work undertaken in advance of any development commencing.

The County 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 199 of the National Planning Policy Framework (2018) 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 199 of the National Planning Policy Framework (2019), 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 expect that the suitable programme should take 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 earlier evaluative investigations. Based on the results of this work the scope of the any further archaeological mitigation can be determined and implemented in advance of construction works. The 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.

The County 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.

Summary

Subject to submission and implementation of an approved Written Scheme of Investigation, required by an appropriate planning condition, the council has no objection on this matter.

Appendix 2: Local Transport Provision comments

Transport and Access

The applicant has submitted a Technical Note (TN) following the DCC comments dated 10th June 2019. The response below takes into account the previous submission and how the revised technical note looks at the concerns raised by the local highway authority. It is noted that the TN is dated May 2020 and therefore some of the elements of the report will not have considered the Department for Transport Cycle Infrastructure Design guide (LTN 1/20) which was released at the end of July 2020. It is expected that any submission should look at this guidance and some of the principles of the junction layouts may need to be revisited.

The LPA is reminded that the submitted Transport Assessment (TA) in the original submission differs from the technical notes sent to DCC separately for consideration. In terms of the submitted proposals, there are a number of areas that need further consideration. In particular:

1.) Model Flow development

The applicant has submitted a TN and still has the common purpose of:

- To demonstrate that the proposed junctions can accommodate the proposed development at the Western Expansion Area (WEA) and
- To demonstrate that the proposals for the WEA do not preclude highway schemes coming forward that can accommodate the full proposals for Cranbrook in the future

DCC had previously raised concerns regarding the model flow development and its evolution from the applicant's 2017 Transport Assessment addressing the full build out of Cranbrook. Whilst the applicant has made amendments to the dwelling numbers in the WEA it is still not clear how the model flows have changed from the 2017 TA submission. Whilst the model flows for the WEA are not an immediate concern for DCC (when considered in isolation), in the interests of draft policy CB7, the applicant needs to provide DCC clear evidence on trip generation for the full Cranbrook buildout.

DCC explicitly raised concerns over the intensification of traffic using Station Road if an application for the WEA came forward. As per the previous submission existing Station Road trips are diverted through the WEA, ultimately having an access through the development. This could be acceptable in principle and as shown in Appendix G of the TN; the applicant has provided more clarity on the diversion of trips. However, the applicant is reminded that the design of the southern section of Station Road is key to trips being diverted (which is discussed later in the response).

Further clarification on trip generation is required. This point is of further concern as the applicant has stated: *"The traffic flows as determined in this assessment as part of this application must have the flexibility to be amended... The resultant trip generation of the full allocation may change either directly or indirectly as a result of this"*.

The number of trips generated will have a direct impact on the performance not only of the junctions proposed, but the link capacity on London Road itself. Although the trip generation for this standalone application is not a reason for refusal, the statement in the TN does flag

uncertainty to the applicant's proposals and ultimately enabling the full buildout of Cranbrook to come forward. This is contrary to draft Cranbrook Policy CB7.

2.) Western Expansion Area (WEA) Roundabout/ Road Safety Audit

The applicant still proposes a new 3-arm roundabout serving the WEA. As previously stated, the applicant should be modelling the full build out of Cranbrook. With the concerns raised about the flows being proposed (as outlined in point 1), there is a doubt as to whether enough capacity has been designed within the roundabout itself. Hence, more details on the capacity are required; this could have an implication on the layout. DCC would want to be provided with electronic versions of the junction models to check suitability.

Any proposals would also need to reinforce sustainable provision – including suitable pedestrian and cycle crossings points.

DCC's previous response (dated 10 June 2019) had explicitly raised concerns over the northern arm and the two-lane approach. The plans for the northern arm have not changed and therefore the previous comments still apply. Equally, the Local Highway Authority (LHA) had made it clear that there is need to provide for North-South movements (catering for trips to Treasbeare). The TN makes no reference in order to cater for this movement. The previous response recommended it is a requirement that land is safeguarded within the WEA to enable a bridge of London Road to be delivered. No plans have been submitted showing at grade crossing and without such dedication of land for a bridge, the LHA questions the safety and suitability for pedestrians/cyclists to cross London Road. The difference in levels should be considered in combination of providing direct linkages; desirable links are essential in discouraging the use of the private vehicle. This is in line with paragraphs 108/110 of the NPPF and draft Cranbrook Policy CB3.

As stated before, the TN is dated May 2020. There are changes to walking/cycling guidance accompanied with a statement from the DfT for a bold vision for walking and cycling to which the applicant may not have considered. Cranbrook is being promoted as a healthy new town and draft policies (CB1, CB19) and therefore any junction design (including its approaches) should look at the guidance in order to cater for pedestrians and cyclists.

Nonetheless, the submitted application now includes a Stage 1 Road Safety audit. The audit was undertaken prior to LTN 1/20 and therefore the audit team has not had the opportunity to comment based on the new guidance. Nevertheless, 15 problems were identified as a result of the RSA 1 and the LHA have responded to them as per below (P stands for Problem):

- P1: Disagree with the designer's response. The exit should be designed to allow vehicles to merge appropriately. There is a lack of information in the justification of the 30mph limit. It is noted that Appendix B shows a full two-lane exit is possible.
- P2: Disagree with the designer's response. There is a lack of information in the justification of the 30mph limit. Sufficient merge distances should be achieved for safe access. It is noted that that the merge itself could cause capacity problems on the westbound exit, which may have implications for the full buildout to come forward. If the merge was to be extended, then the design of Station Road will need to be revisited.

- P3: Designers response accepted in part. Detailed drawings of swept paths and road narrowing to Shercroft Close should be provided for detailed design stage
- P4: Disagree with the designer's response. The applicant should be proposing a scheme that is safe and suitable in principle - this will need more thought about the speed calming measures on Station Road sought or indeed the change of design of the road. This section of Station Road should not be used as a "short cut". There is still a danger that users will use this as a cut through and by that very nature, users will driver faster to prove to themselves it was worth the short cut.
- P5: The applicant may wish to revisit design standards as set out in LTN1/20
- P6: Disagree with the designer's response. There is a lack of information in the justification of the 30mph limit. These areas need to be designed appropriately as there is a risk of collision between vehicles at the point of merge. In the westbound direction where vehicles are unimpeded the roundabout, speeds could be high leading to danger when vehicles merge. Appropriate design should be thought through in combination with Problem 2.
- P7: Designers response accepted in part – speed calming measures prior to the junction should be thought about (as well as signage) in any design. The old section of Station road need to be made very unattractive for people using this as a short cut as per comments in P4.
- P8: Designers response accepted
- P9: The swept path analysis is not included in the RSA.
- P10: The applicant may wish to revisit design standards as set out in LTN1/20. This will need to be looked at as part of P4.
- P11: Disagree with the designer's response. Albeit Bluehayes Lane has limited vehicle movements, there is concern for how right turners are to be accommodated.
- P12: The applicant may wish to revisit design standards as set out in LTN1/20
- P13: The applicant may wish to revisit design standards as set out in LTN1/20. It is pointed out that the removal of vegetation overhanging the highway is the responsibility of the landowner and should be conducted at implementation stage.
- P14: Designers response accepted in part. Detailed drawings of swept paths should be provided to prove that widening at the bend is achievable. It is noted that there is an existing haulage business located to the north which would have to negotiate this 90-degree bend.
- P15: Designers response accepted but should reflect comments made by the auditor in P1.

The Road Safety Audit response has been agreed by the DCC's Road Safety Audit team.

The applicant should consider the comments from the RSA and where necessary make changes to the design. Any changes should then tie in with any Reserved matters application – i.e. walking and cycling infrastructure. A common theme to the RSA was the speed limit on London Road; previous comments from the last response still apply - evidence needs to be submitted to DCC in order for a change in speed limit to be considered. No evidence has been submitted to the traffic policy team to consider a departure or indeed to ensure a 30mph limit is self-enforcing.

In addition, the applicant has not submitted a drawing to our engineering design team for a preliminary technical check (in accordance to DMRB and Manual for streets).

In summary, there is a lack of information; DCC wishes to see revised modelling including the electronic ARCADY (flows are now in ambiguity), a response to the concerns raised by the LHA regarding the Stage 1 Road Safety Audit, evidence to implement a 30mph TRO and a drawing (.dwg) for a technical check. It is recommended that the applicant resolves issues with the modelling and RSA before the .dwg is submitted.

3.) London Road

DCC's previous response raised concerns over the capacity of London Road itself. The model flow development section does not respond to DCC's concerns over the merge. Nonetheless, the revised TN has stated that "the resultant trip generation for the full allocation may change". More information is required.

The applicant is providing a shared use path on London Road, which is not LTN 1/20 compliant. The applicant will need to provide facilities that are appropriate for pedestrians and cyclists. This is emphasised in draft Cranbrook policy CB25.

4.) Younghayes Roundabout

Similarly, to the Transport Statement for the previous submission, it is shown that in the WEA only scenario, the existing roundabout should continue to perform within capacity.

The TN suggests that in the full build out scenario, a possible additional southern arm could be provided and similarly the submitted modelling suggests it should operate within capacity. However, the TN suggests that other parties could provide an alternative solution and that the WEA does not preclude a further development coming forward. DCC has not been provided any detailed plans of the 4-arm roundabout and is therefore unable to provide any detailed comments. If a 4-arm junction option is to be progressed, electronic versions of the junction models to check suitability are needed for both scenarios.

However, the applicant should be providing information with regards to the walking/cycling facilities on London Road between the WEA Roundabout and the existing Younghayes Roundabout. The proposals are not LTN 1/20 compliant and the applicant should be providing appropriate facilities along this corridor. Once again, providing suitable crossing facilities on all arms is necessary to ensure safe and suitable access is achieved.

5.) Station Road and Station Road/London Road junction

The revised plans almost replicate the plans shown on the previous submission; an "*indicative traffic calming and traffic reduction scheme*" which aims to deter drivers to use Station Road and use the development access instead.

DCC raised concerns with the proposed design (as detailed in the previous response). A Stage 1 Road Safety Audit has subsequently flagged concerns with the design and it is recommended that the applicant considers these. This is crucial to provide safe and suitable access for Station Road. It is again reminded that the design of this section of Station Road is critical in providing enough discouragement for vehicles to divert through the development itself. It is therefore thought that more detail is required over the overall design and to reflect on the RSA comments.

A critical element to the Station Road junction arrangements is its junction with London Road. The submitted analysis shows that in the AM peak there will be queuing on Station Road, which emphasises the needs to divert traffic through the development parcel itself; it is noted that the applicant has not indicated any trigger point to when the diversion route may occur. Station Road should not be used as a rat run.

Again, notwithstanding the submitted diagrams and comments on the RSA, the applicant will need to look at LTN 1/20 design guidance and how this will fit into the wider scheme. If options are to be progressed, DCC would want to be provided electronic versions of the junction models to check suitability.

For the full Cranbrook buildout, the applicant proposes to signalise Station Road due to the access into Treasbeare which will form a crossroads. These plans have not changed significantly to the previous submission; DCC is yet to see any justification that the proposed signalised corridor is workable (given the flows used to date and the mention that flows in the future may change). The applicant has not progressed any scheme with DCC in liaison with the DCC signals team and therefore the same concerns apply. Whilst not necessary for the WEA as a standalone application, this signalised junction does not provide confidence that future parcels can come forward.

6.) Bluehayes Lane/London Road Junction

The current junction forms a bellmouth junction with tactile crossing which is a poor facility for those who wish to cross Bluehayes Lane. DCC had previously suggested alternative junction arrangements at this junction (prior to the new guidance being published). Similarly, to London Road, the applicant will need to ensure that proposals are LTN 1/20 compliant and comments regarding the RSA need to be considered.

Design and Access Statement/Planning Statement

The revised D+A statement provides very little information on access. Namely details connecting the WEA to the train station and phase 1 (as shown on page 8) and a lack of detail of sustainable links to parcels. It is noted that under point 9 on the illustrative masterplan, that a potential bridge over the old A30 is promoted, but no details are provided. Therefore, previous comments still apply, with the exception that any street hierarchy that is to be proposed should meet the criteria set out in LTN 1/20.

The planning statement also eludes to a connection to Phase 1 (for an MLR type road) together with further detail on the movement network, but no plans indicating how this is achieved have been provided.

Developer 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).

Following the 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 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.

If this application is determined in advance of adoption of the Cranbrook Plan, the county council requests proportionate contributions of the above amounts of 20.4% index linked from this development for public transport. We also require walking and cycling, shared mobility and travel planning contributions of the same proportion, from our existing June 2018 section 106 transport request. If the application is determined following adoption of the Cranbrook Plan, the county council requests provision of contributions through the equalised approach proposed in Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan.

Summary

The submitted Technical Note attempts to overcome the issues raised by the Local Highway Authority on the 10th June 2019. However, significantly more detail is needed to confirm that a safe and suitable access can be achieved for all users, particularly with regards the arrangements for pedestrian/cycle facilities; the TN does not take into account the change in cycle infrastructure guidance and adds uncertainty to the traffic flows that are being proposed.

An RSA stage 1 has been completed highlighting 15 problems and the applicant will need to address these alongside concerns expressed above. Limited information has been provided within the Design and Access Statement; the applicant will need to think about direct, sustainable routes including suitability of access to adjacent parcels.

In summary, DCC objects to this application as it currently stands due to inadequate information. The council's position may be altered following the submission of additional material, so long as this suitably resolves our concerns, and by securing the appropriate developer contributions, as set out in the revised S106 request.

Appendix 3: Flood risk management comments

Following previous consultation response (FRM/ED/0620/2019; dated 15th May 2019), the applicant has submitted additional information in relation to the surface water drainage

aspects of the above planning application, for which I am grateful. However, the additional information does not address all of our concerns.

The applicant has not provided any further details of the proposed SuDS channels. There is only one SuDS channel depicted on the Western Expansion Drainage Strategy plans. The applicant has also noted that swales shall be constructed, but these have not been depicted on the Western Expansion Drainage Strategy plans.

The applicant has noted raising of land within most of the site. The applicant should confirm that this land raising shall be achievable and should also confirm where the soil for raising land could come from. The applicant has not noted any land raising within the catchment just north of the school, however, the example cover levels for the proposed pipework here are above ground level. The applicant must confirm whether the land shall be raised here.

The applicant must confirm when a Landscape, Biodiversity and Drainage Strategy shall be submitted for this expansion area. This strategy should include the source control options for each catchment, or land parcel, and should also confirm the likely amount and size of these source control features. The LBDS should also detail how exceedance routes will be safely managed within each land parcel (such as creating open space which can act as 'channels').

The applicant has referred to three stages of treatment within section 5.63 of the revised Flood Risk Assessment (Ref. 10292 FRA04 Rv1; Rev. 2; dated 13th October 2020). However, these three stages should be further discussed and defined.

Catchment C/C1 has a discharge rate above the Q_{bar} rate for both options. Therefore, this catchment will need to manage long-term storage.

The applicant must confirm the accuracy of the schools positively drained area. If the school has less impermeable area than envisaged, then the flow control within Basin C/C1 will need changing.

The applicant must submit a plan to demonstrate the locations of the surveyed sewer network. The sewers must be annotated with pipe numbers/references.

The applicant must provide further details of the ownership of the sewer networks which the site will discharge into.

Devon County Council – 1 February 2023

Thank you for providing the opportunity to comment on this revised planning application. This response provides the formal views of Devon County Council and is separated into sections covering the following topics. Whilst some of our comments on the following topics remain unchanged from our previous response of the 15th December 2020, revisions have been made to many of our comments and also to reflect recent adoption of the Cranbrook Plan:

- Highways and transport
- Local education provision (including early years)

- ☐ Children's services
- ☐ Youth services
- ☐ Library services
- ☐ Extra care housing provision
- ☐ Gypsy and traveller provision
- ☐ Health and wellbeing
- ☐ Flood risk management
- ☐ Historic environment impacts
- ☐ Waste and minerals planning

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

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

1. The Council maintains a holding objection with regards to flood risk until the additional information requested is submitted to and agreed in writing by the Lead Local Flood Authority.
2. Subject to the imposition of suitable planning conditions, the council raises no objection on matters relating to 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 842 allocated dwellings and 28 over-allocation dwellings (842 + 28 = 870).

Following adoption of the Cranbrook Plan, we are therefore requesting planning contributions made up of two elements as follows:

- a. A basic contribution for the allocated dwellings comprising the equalised contribution in line with Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan; plus
- b. Where it is necessary to mitigate additional impacts from over-allocation dwellings and/or the total infrastructure project cost is not fully funded by the CEA contribution, an additional contribution for the over-allocation dwellings within this development based on a per dwelling cost for each additional over-allocation dwelling, calculated at the same per dwelling rate as the basic contribution (1/4170th). For the current number of 28 over-allocation dwellings, this equates to an additional contribution of 0.7% (28/4170 = 0.7%) of the relevant CEA (Cranbrook Expansion Area) contribution.

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

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

HIGHWAYS AND TRANSPORT

Further to previous correspondence with the LPA, the Local Highway Authority is in continued dialogue in ascertaining all elements of the outline proposals put forward by the applicant for this allocated expansion area set out in the Cranbrook Plan. A recommendation will be submitted to the LPA once all the necessary information has been understood to the satisfaction of the Local Highway Authority.

This updates the position as stated in the previous highways comments in our letter dated 15th December 2020 and subsequent comments via email on the 12th February 2021.

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).

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 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.

In particular, the public transport s106 contribution is required as part of the plan to increase bus service Number 4 to operate every 15 minutes. This increase in frequency would allow a bifurcation of the service with 2 journeys per hour operating the existing route via London Road and Younghayes Road and two via the Bluehayes development. Those serving the Bluehayes development would also serve Cranbrook Railway Station before both services combine at the junction of Burrough Fields and Younghayes Road and continue via Tillhouse Road and Yonder Acre Way.

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

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

- a. a basic contribution for the allocated dwellings through the equalised approach proposed in Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan; plus
- 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 s106 contributions for sustainable transport as detailed above.

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 Whimple, 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 including early years (age 2 – 11) within the Cranbrook expansion areas in order for the county council as the Local Education Authority to fulfil its statutory responsibility to provide sufficient pupil places.

Policy CB2 of the Cranbrook Plan requires the provision of a 420 place primary school with 57 early years places and a 100m² community room. DCC welcomes this revised planning application for the Bluehayes expansion area which identifies a centrally located 2.0 ha site for a 420 place primary school (within the revised Parameters Plan WCN055/LUB/001/F 25.11.22.) The school site is planned to include early years provision for 2, 3 and 4-year-olds and incorporate a community room of 100m². The early years requirement at a two-form entry primary school is 57 early years places. 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. Notwithstanding this, DCC would prefer the 420 place primary school to be provided in the Treasbeare expansion area rather than the Bluehayes expansion area. DCC supports the flexibility over delivery and phasing of the two new primary schools at Cranbrook contained within Policy CB7 of the Cranbrook Plan and the approach for equalising s106 contributions in Policy CB6. These two new primary schools would provide for the 4170 dwellings allocated in the Cranbrook Plan.

DCC notes that this planning application currently comprises of 842 allocated dwellings and 28 overallocation dwellings. Any over-allocation housing growth (currently 28 dwellings within this Bluehayes development) would require a proportionate contribution towards primary school provision for any houses over the plan allocation in accordance with DCC's Education Approach for Developer Contributions (December 2021). This additional contribution is requested as it is necessary to mitigate additional impacts from over-allocation dwellings relating to primary and early years education.

Should DCC deliver the primary school, the freehold interest of the fully serviced and accessible site must be transferred to the LEA before construction commences on any dwelling if this is the first new school (or by the 750th expansion area dwelling if this is the second school). Details of access to the site including permission to access for surveys and construction would be detailed in the section 106 agreement.

Should the applicant wish to build the 420 place primary school, DCC would need to discuss details of this with the applicant. The s106 agreement would specify the mechanism for agreeing the specification for the school design and the trigger of when the completed school must be delivered. DCC would wish for the school design to allow for potential future expansion should it be required. For the LEA to meet its statutory duty to provide school places for this development, it is expected that the school is delivered before the first occupation of the 30th expansion area dwelling in accordance with Cranbrook Plan Policy CB7 (unless this 420 primary school is the second new primary school to be delivered by the 2500th expansion area dwelling, or it is provided in the Treasbeare expansion area instead).

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

Secondary education

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

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

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

No additional land beyond that which already has planning permission for the education campus will be required to serve the secondary age pupils from the expansion area planning applications (up to 4,170 dwellings).

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

Special Education Needs

The provision of a Special Education Needs (SEN) school within the Cobdens development would be subject to the approach for equalising s106 contributions set out in Policy CB6, which is supported by DCC. This s106 contribution towards SEN provision identified in the Cranbrook Infrastructure Delivery Plan provides for the 4170 dwellings in the Cranbrook Plan, including the 842 allocated Bluehayes dwellings contained in this application.

In addition, DCC would require contributions for any over-allocation housing growth (currently 28 dwellings within this Bluehayes development) towards SEN provision in accordance with DCC's Education Approach for Developer Contributions (December 2021). This additional contribution is requested as the total infrastructure project cost is not fully funded by the CEA contribution and it is necessary to mitigate additional impacts from over-allocation dwellings relating to SEN education.

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

Payment method (if not included above)

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

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

It should be noted that in accordance with Devon 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 primary school site

DCC is happy in principle with the proposed location of this 2ha primary school site. It is centrally located within the Bluehayes expansion area, surrounded on most sides by green space including the formal play space, SANG and green lane. It is essential that the school site is well connected for active travel by pedestrians and cyclists to both the rest of Bluehayes and Cranbrook, providing safe routes from home to school.

Summary

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

CHILDREN'S SERVICES

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

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

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

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

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

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

Summary

Subject to such contributions towards children's services, the county council has no objection to this application.

YOUTH SERVICES

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

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

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

The additional contribution is requested as the total infrastructure project cost is not fully funded by the CEA contribution and it is considered necessary to mitigate additional impacts from overallocation 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. DCC wishes the library to be co-located with at least one other facility within the town centre, preferably the children's centre and youth service. The county council is content a library of this size will be sufficient to meet the needs of the expansion areas so long as funding is made available to fit the library facility out. The full fit out cost is anticipated to be approximately £480,000 (base date Q1 2020) as identified in the Cranbrook Infrastructure Delivery Plan. In addition, there will be a shortfall in the funding to deliver the library floorspace within the proposed DCC community building.

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

- a 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
- 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 overallocation 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 Strategy 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.

The county council requests provision of s106 contributions comprising:

- 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
- 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 overallocation dwellings.

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

In line with the Cranbrook Plan, we note that this application does not make any provision for Gypsies and Travellers. However, we expect that sufficient pitches will be provided elsewhere in Cranbrook as required by the relevant Cranbrook Plan policies.

HEALTH AND WELLBEING

The Health Impact Assessment has not been updated in the addendums and therefore our comments from December 2020 still stand.

Section 4 of the HIA recommends the scope for a potential new primary school. We welcome that this application includes provision of the new school and children's play facilities.

The inclusion of a community room at the primary school as required by Policy CB2 is important for the delivery of health and wellbeing sessions and as a community meeting space. There is still no mention of health care provision within this development. The expanding population of Cranbrook is increasing the demand for all health services including, dentist and opticians as well as additional GP capacity, care homes and social services. Therefore, the completion of the town centre Health and Wellbeing Hub is essential to meet the growing needs of Cranbrook.

The sports facilities appear to be within the school boundary, but it would be of positive benefit to the community for these facilities to be available out of school hours for community use. Due to climate change and increasing temperatures the sports facilities would be enhanced by the natural shading of tree planting and hedges. The additional 7.33 and 1.60 hectares of land for the SANGS as an extension to the country park is positive to support the green infrastructure for of the whole of Cranbrook.

Although the supermarket is under construction in Cranbrook, provision of more local healthier food options within Bluehayes should remain a priority to reduce the need to travel for food. We would expect that the restrictions on hot food takeaways outlets as required in Policy CB2 are adhered to. The allotment provision is welcomed, and we would like this to be prioritised within the phasing of the development.

Section 106 Contributions

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

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

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

- a 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
- 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 overallocation 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/0620/2019)

Following our previous consultation response (FRM/ED/0620/2019; dated 20th November 2020), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which we are grateful.

The drainage layouts/plans have still not been updated to depict the multiple swales which the drainage strategy refers to.

The applicant has confirmed that site levels will be raised in the north of the site due to excess material from other areas of the site. However, there are not any areas of land reduction within the site. The applicant should confirm where the soil will be excavated to provide soil for raising levels within the north.

A Landscape, Biodiversity and Drainage Strategy is required for this site. This document should refer to the various source control features which could be constructed within each parcel/phase. The document should also confirm the likely size and amount of these features within each parcel/phase (e.g. 10 rain gardens within phase 1 of varying sizes between Xm2 and Xm2).

The applicant has noted that the overall discharge rate from the site will be less than the existing greenfield runoff rate for rainfall events above the Qbar event. However, the site

will drain to different catchments. The applicant must clarify the proposed discharge rate for catchment C.

Correspondence from South West Water is required to confirm that they will accept connections into their system at the proposed discharge rates.

Clarification of the proposed school impermeable area is required.

The applicant should discuss how exceedance flows shall be managed for each phase.

Summary

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

HISTORIC ENVIRONMENT IMPACTS

The County Historic Environment Team has no additional comments to make to those previously made other than to advise that should consent be granted the previously recommended archaeological condition is revised to reflect changes in the National Planning Policy Framework (2021) and that an additional condition is applied to ensure the timely completion of the post-excavation analysis, reporting and archive creation and deposition. The County Historic Environment Team's revised comments are set out below:

The submitted report setting out the results of the archaeological investigations undertaken here show that there are some localised Bronze Age and prehistoric archaeological deposits (heritage assets) present within the application area and the development of the site will have an impact upon these heritage assets. However, the County Historic Environment Team does not consider that the significance of these heritage assets is such that it warrants preservation in situ and the impact of the development upon these heritage assets can be mitigated by a programme of archaeological work undertaken in advance of any development commencing.

The County 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.'

The County Historic Environment Team would expect that the suitable programme should take 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 earlier evaluative investigations. Based on the results of this work the scope of any further archaeological mitigation can be determined and implemented in advance of construction works. The 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.

The County 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.

Summary

Subject to submission and implementation of an approved Written Scheme of Investigation, required and implemented by the above 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.

Further to our previous comments, we note that Chapter 14 of the submitted Environmental Statement relates to waste. Within this chapter, we are content that the applicant has identified the type of waste likely to be produced during the operational and construction phase as well as the methods to avoid waste occurring.

However, in order to meet the requirements of Policy W4 of the Devon Waste Plan, we request that the following information is provided:

☐ We note that the document states that very little waste is likely to be produced during the demolition stage and site clearance stage. However, we would request that the amount of this is provided in tonnes.

☐ Provide the amount of construction waste likely to be produced, in tonnes.

☐ It is noted that section 14.6.1 states that the development will be designed to minimise the production of waste during the construction phase. We request that further information is provided regarding how this will be done.

☐ The method for auditing the waste produce including a monitoring scheme and corrective measures if failure to meet targets occurs.

☐ The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied.

☐ It is noted that details of the disposal site have been provided for the waste generated during the operational phase, however we would request that this is also done for the waste likely to be produced during the construction phase.

We note that paragraph 5.4 of the waste assessment states that EDDC does not offer a garden waste collection service. This is incorrect, as a kerbside green waste collection was introduced within the district in 2018. Space for green waste bins should be included in the storage provision for the 'various bins and recycling boxes' identified in paragraph 5.6.

Although it is noted that a waste management plan will be submitted ahead of construction which will address some of the above points, we recommend that a condition is attached to any consent to require the submission of this additional information within Chapter 14 of the Environmental Statement at the reserved matters stage.

It is noted that Chapter 14 refers to outdated policies. The current documents are the Waste Management Plan for England 2021, the National Planning Policy Framework (July 2021) and the Cranbrook Plan (adopted October 2022).

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 Early Years And Child Care

See combined report from DCC above

DCC Historic Environment Officer

See combined report from DCC above

DCC Planning

See combined report from DCC above

DCC Travel Plan Officer

See combined report from DCC above

DCC Flood Risk SUDS – 24 March 2023

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:

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Flood Risk Assessment.
- (b) Detailed proposals for the management of surface water and silt run-off 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.
- (e) Evidence there is agreement in principle from the landowner and/or South West Water.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) 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/0620/2019; dated 24th January 2023), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, via email, for which I am grateful. The applicant should submit the following information to the Local Planning Authority for their review:

- Technical Note 6 Rv3: Outline of Drainage Strategy (dated 23rd February 2023)
- Surface Water Drainage Strategy (drawing No. 10292-DR-4; Rev. A; dated 23rd Feb 2023)

The applicant has provided correspondence from South West Water to confirm that they will accept a connection into their surface water drainage system. The applicant will need to discuss the surface water drainage system and discharge rate further with South West Water.

Above-ground features will be further explored at the Reserved Matters stages for each phase. The applicant should assess features such as swales, tree pits, rain gardens and basins/wetlands.

The potential school impermeable area has been confirmed by the applicant. If the school is brought forward and goes above this impermeable area, then the school will need to discuss their surface water management with Brookbanks.

Green corridors should be incorporated to manage exceedance flows.

Devon County Highway Authority (Strategic) - 12 February 2021

I have now reviewed the WSP document.

In my view the proposals for the provision for cyclists set out in the application, in particular on drawing 51805-GA-003 included in the Technical Addendum, are broadly acceptable but in detail will need to accord with the routes in the Local Plan submission draft and associated documents. A section drawing will be required to clarify exactly what is proposed in terms of cycle lane width, delineation from ped lane and/or carriageway. Further detail is also required at the transitions to the existing network. Whilst fine detail can be resolved at S278/38 stage, these access points will achieve full planning permission at this outline stage and hence clarity over the arrangement is necessary. Whilst the aims of LTN 1/20 are laudable and supported, they do in many respects have quite an 'urban' aspect to them. It is therefore important that we consider its aspirations in the context of Cranbrook. I am in particular mindful of the approach of attempting to minimise the use of signs and lines at Cranbrook.

In respect of the Transport Assessment documentation, it is accepted that this and the subsequent technical notes demonstrate that the junctions can accommodate the Western Expansion Area and do not prejudice and junctions coming forward for the full Cranbrook proposals, but that Bluehayes is not delivering them.

It is also agreed that trip rates and traffic distribution cannot, and should not be fixed now, it will need to be revisited as each application comes forward in due course.

Consequently, the remaining WSP points regarding flows, details and Road Safety Audits not forming part of the current application, but also not prejudicing their delivery, are accepted.

The matter of 30mph speed limit on London Road is one that will need to be resolved. It is important that we have a consistency of approach to this, noting that increasing frontage development will take place and that we want to provide a safe and welcoming environment for pedestrians, cyclists etc across the development.

I note that the WSP document and latest submission accepts that a trigger for redirection of traffic through the site needs to be determined. I would suggest that as this will involve a number of factors, some empirical traffic numbers, but some more subjective environmental and amenity reasons, these should be agreed through negotiations on this application.

Some of the off-site works indicated in the documents are not actually proposed to be brought forward by this development, such as the bridge and traffic signals on Station Road (noting the Inspectors interim comments on the bridge). The funding of these elements of the IDP will need to be supported by this development and should feature in the s106 negotiations.

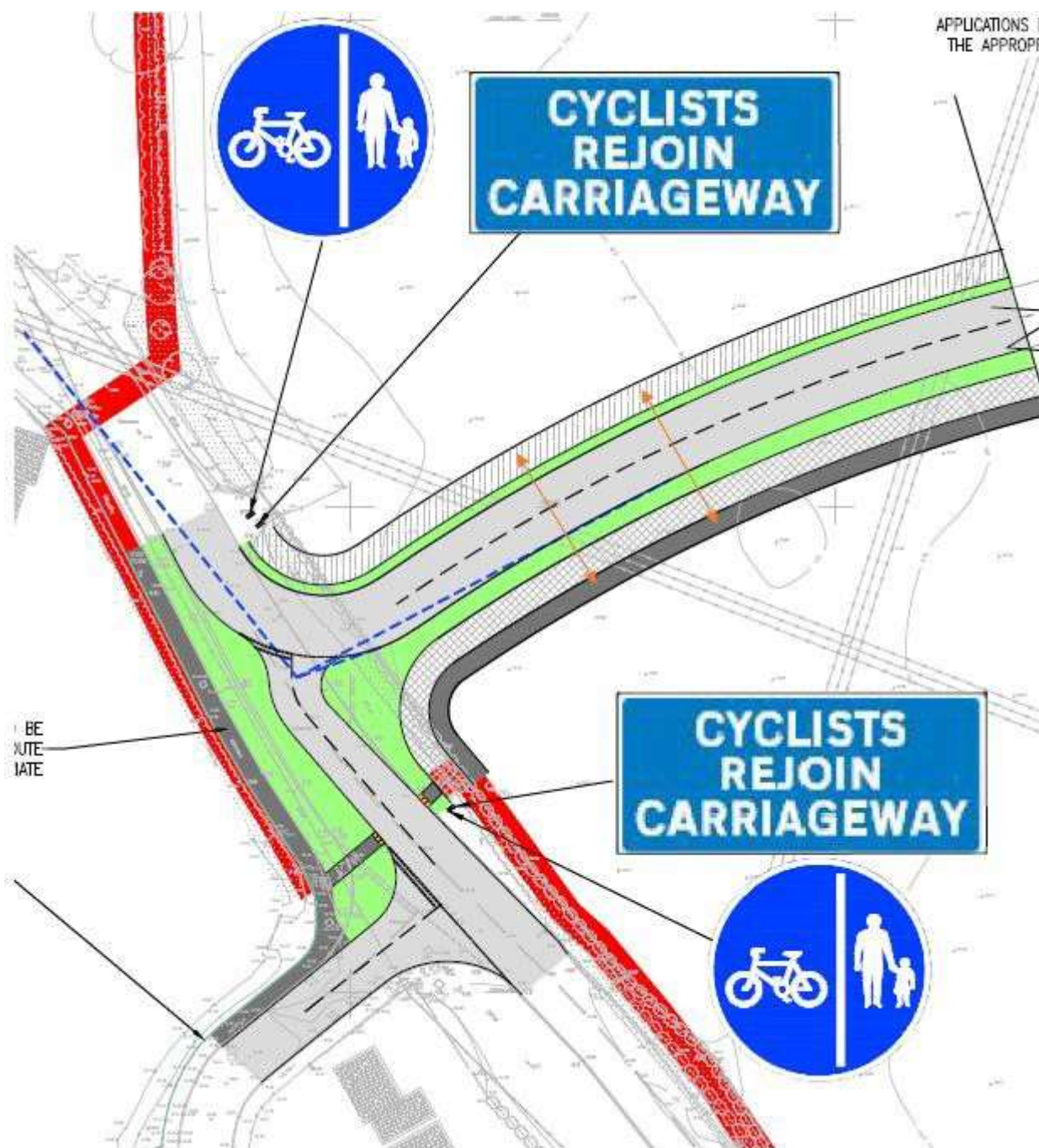
The WSP submission addresses the remainder of the DCC queries to the extent that I am happy that the highway authority objection to the proposals can now be withdrawn.

Devon County Highway Authority (Strategic) – 14 February 2023

Further to the additional supporting information attached and your email below dated 3 February 2023 please note the following comments by the Highway Authority:

Station Road / SLR

With reference to the latest revised drawing (51805-WSP-STN-00-DR-CH-0001 P050, the Highway Authority generally accept the proposed arrangements and detail however a controlled crossing point needs to be secured as part of any Outline obligations/works and be positioned, in an appropriate location (to be agreed with the Highway Authority) within the coloured road section as denoted in the aforementioned supporting drawing. This crossing needs to be annexed into a revised drawing that will then be generally suitable to enter into a legal agreement with, with further detail to be agreed at detailed design stage. For the applicants benefit, a crossing within the area in the drawing below, highlighted between the double headed arrow drawings in orange is likely to be acceptable to the Highway Authority, subject to its detailed design.



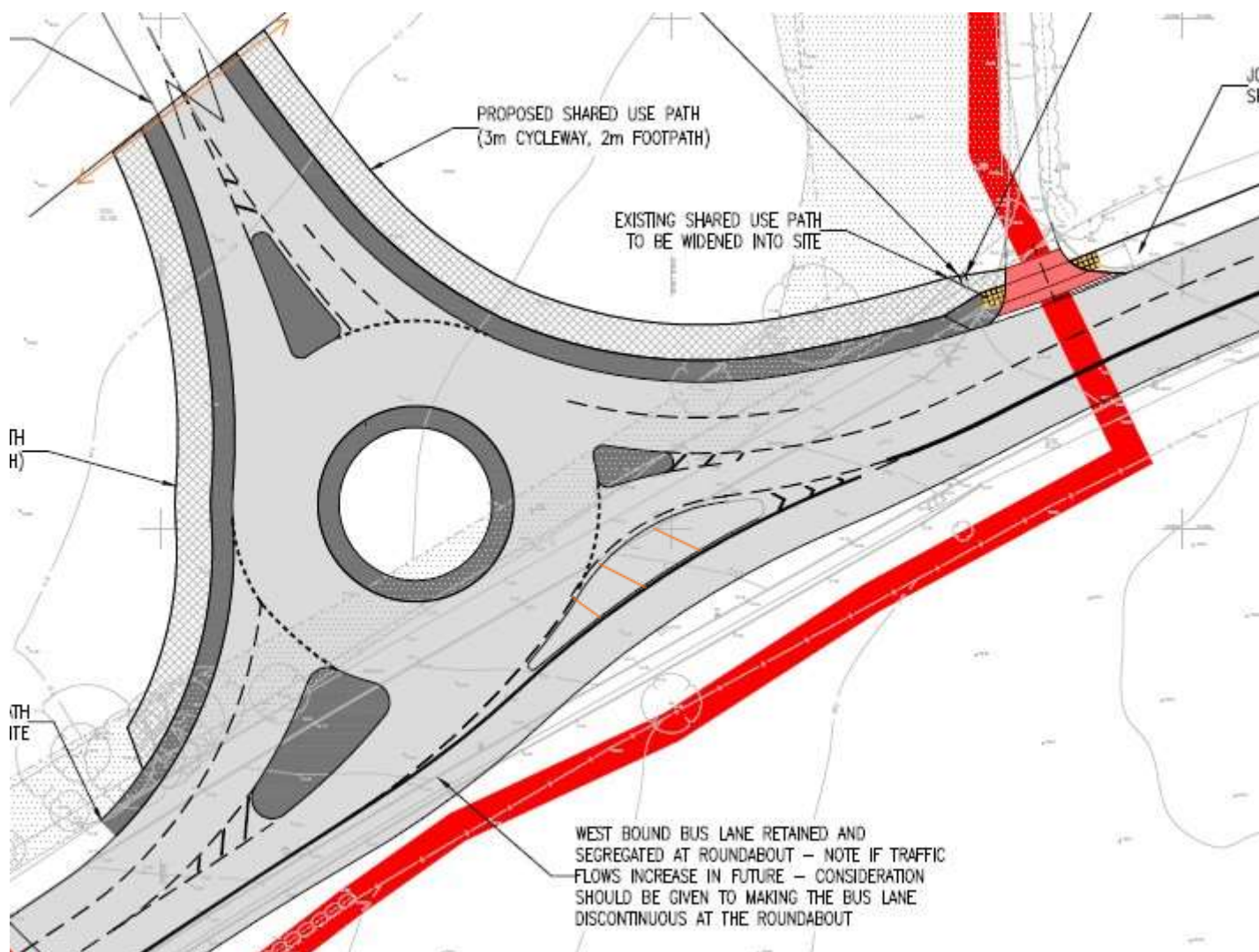
London Road / MLR Roundabout

The NMU crossing off the northern spur/new road link proposed, as indicated in supporting Drg No:51805-WSP-RBT-00-DR-CH-0 P07 also needs to be secured as part of any favourable Outline consent. The current indicative location will not accommodate desire

lines for footfall travelling along London Road and likely encourage NMUs informally crossing on the new spur. Therefore, a controlled crossing arrangement, (detailed design of which can be agreed at the latter stages), needs to be located further south around the northern extremities of the coloured layout (as recommended in a previous email).

For avoidance of doubt going forward, the Highway Authority would also like clarity on the proposed island arrangement at the south-eastern edge of the roundabout proposed that separates the bus lane and vehicle lane. This would need to be designed in a way that will ensure vehicle activity over this area will not occur and that all vehicles navigating around/across the roundabout will not deviate from the driving lanes.

A drawing below has been provided to highlight the areas in question to help avoid confusion.



Station Access

To reiterate, whilst not our preferred approach, currently an appropriately worded Grampian condition will be required to ensure suitable NMU access(es) are also delivered as part of this obligation. Taking into account prior discussion and comments provided to the LPA, vehicular visibility in its current format from the reconfigured railway station access as highlighted in the RSA1 report remains an area that needs to be addressed. Mitigation measures will need to be agreed in writing with the Highway Authority as part of any future discussions that will be necessary in fulfilling the Grampian condition at this location.

Movement plan

With reference to Drg No: WCN055/026WCN055/026 Rev E the Movement Plan indicates a commitment for a pedestrian/NMU access onto the public highway. The Highway Authority can assess any future drawings submitted as part of this scheme, however, should this not be achieved to RSA1 standards prior to determination, a Grampian condition would need to be secured to ensure a commitment to its delivery. The timings, detail, and design to be agreed in writing with the Highway Authority.

With the above in mind, and with particular regard to the aforementioned NMU crossing points required the Highway Authority anticipate revised plans to clearly show commitment to their delivery at Outline stage. If these are not clearly provided in the next package of supporting information, the Highway Authority will make a recommendation to the LPA as seen fit. The revised plans will also need to clarify/address other points raised as above.

Devon County Highway Authority (Strategic) – 24 March 2023

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, with all matters reserved except for access seeks consent for a range of proposals as detailed in the above heading.

Access

Our previous comments to the LPA dated 2 February 2021 established, in part that the proposal, (considering mitigation obligations through policy requirements) would not impact the network to an extent that would make the proposal non-compliant with local and national policies.

In the interim since, discussions on the development proposed have progressed, where the Highway Authority are now in a position to be satisfied that the London Road and Station access proposals, as denoted in the latest submission of supporting drawings are acceptable to RSA1 Standard, where any remaining detail can be amended and altered as seen fit by the Highway Authority at a later stage.

The indicative mitigation for traffic calming and reduction on Station Road put forward by the applicant to also promote Non-Motorised User (NMU) accessibility along this point and

contribute towards creating a permeable route between the Bluehayes and the nearby Treasbeare expansion area will need to be designed and delivered in full by the applicant.

The applicant has also committed to providing the delivery of a separate NMU access off Station Road at the north-western corner of the site. It is envisaged that this parcel will form part of the later build out phase, however the completion of this NMU access in its entirety needs to be timely to allow associated residents and the existing footfall on Station Road the capacity to exercise this route to and from local destination points. Its timing will also need to be secured through a S106.

The proposed access and tie into Burrough Fields, however, is not currently considered acceptable and in this instance will require condition through a Grampian arrangement should an acceptable proposal not be put forward in advance of the determination of this application. This is to ensure an appropriate NMU access and tie in at this location, along with acceptable alterations to the railway station relationship with Burrough Fields is captured as part of the works and accompanied with an acceptable trigger point for its delivery.

London Road Improvements

This Policy obligation in the adopted Cranbrook Plan details any development intending to front London Road as part of this development proposed will need to ensure it contributes and plays its part in the delivery of a harmonious interaction between of future occupiers and highway users, that include cyclists and pedestrians. The Highway Authority are satisfied with the principle of the applicants proposals as denoted in the supporting access drawing (London Road and MLR Junction) where they obligated to also contribute a sum towards offsite works in support of this evolving scheme.

Phasing

Should the application be approved, the Highway Authority would need to understand how the applicant/developer will ensure all occupants during the construction phase will have safe and suitable access to local transportation and amenities at all times. Bus services, in time will travel through the site, not only providing a service for local residents but also enabling accessibility to the local train station. The timing of the delivery of the spine road between London Road and Burrough Fields in its entirety, including NMU accessibility is essential to allow such services and parties the option to exercise sustainable modes of travel as early as possible. The phasing plan for the build out of the site must ensure that a genuine approach to achieving the primary links connecting all access points are delivered as early as possible. To help ensure this, a S106 will need to detail appropriate trigger points for the delivery of all access points, including their internal connections, to be agreed in writing and in conjunction with the Highway Authority.

Transport Assessment and S106 Contributions for Sustainable Transport

The essential obligations set out within the Cranbrook Infrastructure Delivery Plan (Cranbrook IDP) will act towards a package of measures to help mitigate the impact on the local highway network, detail of which is outlined below:
Devon County Council has previously requested s106 contributions towards sustainable transport from all the expansion area applications (dated 14 June 2018)[1].

Following consideration of the 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.

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.

Travel Plan

The applicant has not appeared to have provided a supporting Travel Plan as part of the application submission. If consented this development is required to deliver a robust and appropriate Travel Plan, secured in writing through a S106 in conjunction with the Highway Authority.

Summary

Considering the obligations set out in the relevant policy documents for the applicant to fulfil, and with the above in mind, if members are minded approving the development proposed then the Highway Authority would recommend that the following are also to be secured (as well as the requirements under the heading 'Transport Assessment and S106 Contributions' as above) though a S106 agreement and planning conditions:

- The timing of the delivery of all vehicular access points (including their internal connections), any associated alterations to the public highway, any signalised/controlled crossing points, NMU access points and full and appropriate NMU access thereto on London Road, Station Road and Burrough Fields are to be secured through a S106 and agreed in writing with the Highway Authority.
- To produce an appropriate Travel Plan. Its detail to be agreed S106 stage.
- To submit and secure a TRO for the required posted speed limit and any other signage on London Road, the extents and locations, to be agreed in writing with the Highway Authority. The TRO(s) shall then be advertised and, if successful implemented at the developer's expense prior to first occupation to the satisfaction of the Local Planning Authority prior to commencement of works.
- Where required, to submit and secure a TRO application to the Highway Authority for any signage and necessary mitigation measures on Station Road. The TRO(s) shall then be advertised and, if successful implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to the consented Station Road access first being brought into use.
- To pay a commuted sum for the maintenance of any signalised 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 detailed plans have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority) relating to lines, levels, layouts and any necessary visibility splays, as generally shown on the following drawings, to also include full and appropriate pedestrian access:
 - London Road & MLR Junction 51805-WSP-RBT-00-DR-CH-001 P10
 - Station Road & SLR Junction 51805-WSP-STN-00-DR-CH-0001 P08
- No development shall take place until detailed plans for the access (including the full pedestrian and cycle access), tie in and all associated alterations to the railway station layout at Burrough Field 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. The approved drawing shall be laid out and constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980.

- No development shall take place on the development site until detailed plans for a separate Pedestrian and Cycle access on to Station Road have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority). The approved drawing shall be laid out and constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980.
- No development shall take place on the development site for the Station Road access until detailed plans for an appropriate traffic calming and traffic reduction scheme on Station Road have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority). The approved drawings shall be laid out and constructed in its entirety in advance of the consented Station Road access first being brought into use and in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be provided, surfaced, and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area.
- 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; 22/1532/MOUT (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases; (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority; (h) hours during which no construction traffic will be present at the site; (i) the means of enclosure of the site during construction works; and (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff

vehicles parking off-site (k) details of wheel washing facilities and obligations (l) The proposed route of all construction traffic exceeding 7.5 tonnes. (m) Details of the amount and location of construction worker parking. (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work

Note

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

EDDC Conservation Officer - 30 May 2019

This application relates to the new development within the expansion of Cranbrook to the west, Bluehayes. The application includes the submission of an Archaeology & Heritage Assessment which details the heritage assets, potential archaeology etc within the area and that adjoining known as Southbrook. The principle of development has already been accepted on the site, but the impact on any heritage asset and its setting needs to be clearly identified.

There are no designated heritage assets including listed buildings within the Cranbrook Western Expansion Area (Bluehayes). However, there are a number of listed buildings and structures in the wider landscape, including the closest, a Grade II milestone on the A30. All other heritage assets are some distance from the actual site and are listed and mapped within the above document, but only in relation to this site and Southbrook. However, it is noted that no reference is made to the area of land known as Treasbeare, including Treasbeare Farm, listed Grade II, nor any listed buildings to the north or west of the site, for example, Heathfield Farm, Broadclyst.

Historic England has already commented on this aspect and the much wider concept of the setting at Killerton and the surrounding Killerton Estate which lies to the north of the site. A far wider area than the development site and its immediate environs needs to be undertaken to fully assess the impact of this large development on the surrounding countryside and those heritage assets and landscapes within it.

A much more detailed assessment is therefore required to support the application in relation to the heritage assets and their significance. The aspect of their significance that needs to be assessed and measured is that of setting, and to what extent that setting contributes to the overall significance.

PROVISIONAL RECOMMENDATION - PROPOSAL

ACCEPTABLE in principle, but a more detailed analysis of the heritage assets, and the impact of the development on their significance in relation to their setting is required.

EDDC Conservation Officer - 23 April 2021

Additional information received 27th October 2020:

This included the Planning Statement Addendum, at Appendix D a response to the consultation comments on cultural heritage (Technical Note: Response to Consultees by BSA Heritage). This is the same information as contained in the Environmental Statement Addendum Chapter 10 Cultural Heritage Appendix 10.4 Technical Note - Response to Consultees.

This provides further consideration of the heritage issues and the previously submitted assessment as well as Winter Photographs to support the landscape assessment (Fig 8.13 - 8.42).

It is acknowledged that from Killerton House and the hill top behind that there are far reaching views of the surrounding landscape including towards the application site. However, there is already evidence of existing development within the vicinity and the proposed extension to Cranbrook would be difficult to differentiate from this distance. In addition, other designated heritage assets to the north and west of the site are likely to remain unaffected due to their location, the topography and the existing built form, mature vegetation and landscaping

It is considered that based on the submitted additional information/justification that the level of inter-visibility is sufficiently distant to result in minimal harm to the setting or significance of Killerton and the wider Estate.

However, any forthcoming approval should ensure that even any minimal impact should be minimised at the reserved matters stage, for example, overall design details, including height, appropriate materials and landscaping.

EDDC Contaminated Land Officer- 19 July 2019

I have considered the information submitted and the previous use of this whole area is essentially agricultural with minor areas of previously occupied land. The comprehensive Stage 1 assessment in the Environmental Statement does not identify any specific areas of concern. I therefore consider that a precautionary contaminated land condition is all that is required in this instance:

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.

EDDC Ecology – 7 October 2022

Age and validity of survey information

The ES chapter for this application is from 2019. No updated ecological survey work appears to have been carried out since 2018. The majority of survey work is from before this date (extending from 2011 to 2018). The application site was subject to a walkover by the EDDC District Ecologist on 07/10/2022.

- BS 42020:2013 Code of Practice for planning and development states that “ecological information should be sufficiently up to date (e.g., not normally more than two/three years old, or as stipulated in best practice guidance)”.
- CIEEM Advice Note On The Lifespan Of Ecological Reports And Surveys states that when the survey data is over 3 years old, that “The report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated”.

Ecology is not a static receptor. Site conditions, habitat types and presence of protected species are all subject to change, sometimes rapidly so. Up to date ecological survey information is therefore essential in order to make an accurate assessment of likely ecological impacts, and assess the suitability of proposed avoidance, mitigation and compensation measures at the time of decision making.

The presence/absence and abundance of certain receptors is likely to have an impact on the proposed layout of compensatory habitats, and may therefore impact site design. All of these factors have an impact on the BNG calculations and habitats required within SANGS land. It is therefore essential to accurately consider them within the outline application, to ensure that impacts are properly assessed and that avoidance, mitigation and compensation measures are suitable and achievable within the site design.

1. One receptor of particular note is dormice. The most up to date dormouse survey of the site was concluded in 2016, and concluded that dormice were likely to be absent from the site. Dormice have been confirmed to be present within all major Cranbrook expansions. Suitable dormouse habitats are present through the site, and are impacted by the proposals. A DBRC search shows a dormouse record from 2020 at the western boundary of the application site, in a residential garden. Dormice were confirmed to be present during 2022 surveys in the Treasbeare expansion zone, with the nearest dormouse being found approximately 300 m south of the Bluehayes Expansion site. Many dormouse tubes seen on the site were present at very short intervals (~10m or so) partially bringing into question the validity of the results, although it is not clear which survey periods these were from (multiple surveys have been carried out on the site). If dormice have now colonised the site (or the initial assessment was a false negative), then the proposals would result in the destruction

of dormouse nesting and foraging habitat, and the possible disturbance, killing or injury of dormice. Given the value of the hedgerows within the site for dormice and proximity to recent local records, it is considered likely that dormice could be present on the application site. The current assessment, that dormice are absent from the site, is therefore considered to be based on out of date information and is considered to potentially be invalid. Can the applicant please advise why no updated dormouse survey has been carried out, and how they intend to address the potential presence of dormice within this application.

2. Can the applicant please confirm when the latest updated habitat surveys and condition assessments were undertaken to inform BNG calculations, and carry out updated habitat surveys/condition assessments if not carried out recently. Based on the EDDC walkover results, the baseline habitats proposed within the BNG calculations and figures produced appear to be inaccurate in certain areas. For example, the Bluehayes Meadow SANGS area was confirmed during the walkover to contain large amounts of naturally regenerating bramble scrub, ruderal/rank grassland habitats and young trees, alongside areas of well established young willow carr/marshy grassland at the central/northern edge. This entire area is described as “Marshy grassland” in “Figure 9.2.West Eco Features 2018, and “Retained other neutral grassland” in “3150W.WESTERN.BNG3”, both of which are inaccurate. The southern third of the Bluehayes SANGS area is currently rank grassland, naturally regenerating broadleaf woodland and dense bramble scrub. This is not shown in the plan “7764-FPCR-ZZ-XX-DR-L-BlueHaynes SANGS Plans 03”, which could indicate removal of these habitats, which is not accounted for within BNG calculations, as far as can be made out (see comments on BNG detail, below). Please can these inconsistencies be addressed before submission, so that habitat baseline, habitat loss and proposed habitats are consistent between documents. Habitat prescriptions and BNG assessment needs to be based on the current habitats and conditions present, and not generalised across large land parcels
3. Slow worms and grass snake were confirmed to be present within narrows field margins during surveys carried out in 2012 and 2014, as shown in Figure 9.3 of the Ecology ES Chapter. No account of where reptile survey was carried out is given, and the number of mats used was very low given the large size of the habitats present which have potential to support reptile populations. The latest survey was from 8 years ago, and is out of date. No recent assessment of reptile use has been made. Field F11W and the Bluehayes Meadow SANGS area consist almost entirely of suitable reptile habitat. This is not accounted for in the ES chapter.
4. The consultant may also consider updating any other relevant areas of protected species survey work, as well as updating the ES chapter.

Layout

Proposals should follow the mitigation hierarchy. Provision of biodiversity net gain (BNG) does not negate the necessity to apply the mitigation hierarchy.

Whereas it is understood that some hedgerow loss is unavoidable in order to deliver the quantum of development required, it is considered that there are several areas where small revisions to layout could be adopted to facilitate retention of large areas of hedgerows.

1. No ecological justification has been received as to why the entire north-south hedgerow (H7W and H9W) is proposed for removal. These hedgerows consist of 170 m of potentially “important hedgerows” under the Hedgerow Regulations 1997s, and 220 m of species-rich hedgerow (as per Figure 9.2 of the ES chapter). The layout of the road in this area coincides exactly with the line of the hedgerow, and EDDC see no immediate reason why the road could not be positioned ~5 m to the west, to facilitate the retention and enhancement of the majority of this ~400 m section of hedgerow in the landscape.
2. Similarly to the above point, no justification is given to the proposed removal of H10W, which is shown as entirely removed despite the proposed road only requiring partial removal of this hedgerow. H5W also fits broadly within the parameters of the proposed streets/backroads, and is shown as being entirely removed with no explanation.
3. Landscape and tree officer comments are likely to draw similar conclusions.

BNG Calculations

General

1. Please update and revise layout as a result of above points.
2. Please provide full condition assessment sheets or details within the reporting as to how conditions of existing and proposed habitats have been assessed. This information has not been provided to date as far as EDDC is aware, and it is impossible to make an accurate assessment of the proposal without these.
3. Please consider updating the BNG Metric sheets with explanations of where habitat creation/enhancement is proposed in the “assessor comments” column – this helps with assessment.
4. Two calculators have been produced, in order to account for the creation of habitats required for core functioning of the SANGS (0.46 ha of bramble scrub), which are not counted towards BNG. The use of two separate calculators could have been avoided by entering the 0.46 ha of bramble scrub within the on site baseline, instead of providing a separate sheet and manually deducting the units later. This would be easier to assess and present.
5. Have habitat losses associated with SANGS path creation been accounted for? This is unclear without a summary document or clear labelling in the metric calculator tool, with associated mapping. It appears that they haven't but this is unknown do the lack of explanation as to which habitat is where in the calculator. This application has a very small error for margin within the BNG. Generalisations such as not including path areas could result in the proposal not achieving 10% BNG. This therefore needs to be accounted for.
6. Consider addressing the BNG comments made here and presenting all BNG information in a clearly laid out single BNG assessment document.

7. No updated information on when habitat survey and condition assessments has been provided. Conclusions drawn on out of date survey data may be invalid. The application should be supported by up to date field habitat field survey and condition assessments, with evidence provided.

Initial comments on Bluehayes Parkland SANGS:

1. How do you intend to improve parkland BNG condition to “good?”. This condition requires all 6 conditions to be classified as “good”. Condition 3 requires large deadwood in >80% of trees. Based on the walkover survey, large deadwood features were only present in approximately 6 trees out of 14.

Initial comments on Bluehayes Meadow SANGS:

1. 3150W.WESTERN.BNG3 shows the majority of Bluehayes meadow as “Retained Other Neutral Grassland”. 7764-FPCR-ZZ-XX-DR-L-BlueHaynes SANGS Plans 01” and “7764-FPCR-ZZ-XX-DR-L-BlueHaynes SANGS Plans 03” show Bluehayes meadows as a mix of wet meadow (which is assumed to mean proposed) and existing established tussock grassland. The site currently consists of a mixture of dense bramble scrub, rank grassland, marshy grassland, willow car and naturally regen in the form of young ash, sycamore and oak trees. Please address inconsistencies between current habitat condition, proposed changes for BNG calculations, and the SANGS proposals produced by FPCR.
2. There is potential for allowing the existing natural regeneration and tree planting to compliment habitat enhancement proposals in this area. This would compliment the area and should be investigated.

Initial comments on Elsbury Meadow SANGS:

1. Enhancing Modified Grassland to scrub changes the broad habitat type – see paragraph 4.64 of the metric 3.1 user guide. EDDC would expect this to be entered as “creation” (as per the user guide), as it changes the broad habitat type, rather than making a change of habitat type within the same broad habitat type.
2. This area is floodplain – There is good potential here to create high value wetland habitats to compliment other similar features in the surrounding area.

EDDC Ecology – 6 January 2023

Thank you for taking my comments on board. Its excellent to see this area of habitat retained, at least in part. It appears that yes, the proposal is capable of achieving 10% BNG, whilst considering the retention of the habitats currently present on the site.

The only outstanding comment from my original response is the following:

The ES Addendum (paragraph 9.66) states that habitats within 300m of a nest will be subject to a licence. This is not standard practice. Dormice are difficult to survey and often produce false negatives. Dormice also forage over large distances in hedgerows. Absence

of a positive result in a certain area of the site does not mean that dormice are not present in that area. Standard practice is to consider dormice to be present in all suitable habitats on the site (all hedgerows, woodland and scrub). This should be taken into account when establishing the quantum of dormouse habitat lost to development, and stating the suitable amount of compensatory habitat, as above.

Please consider amending the proposed licensing proposals for dormice on the site, to cover all suitable habitats. Natural England will require this at a later stage, regardless. It is important to get the principle of licensing and compensation required nailed down here in the outline stage. Please update documents accordingly with this information (and the updates to the Bluehayes Meadow SANGS as above).

Going forward, please ensure that the BNG principles above are applied to future applications/phases (use of current, detailed baseline habitats, and evidenced application of the mitigation hierarchy).

EDDC Ecology – 24 May 2023

In terms of the survey information submitted, as we have stated previously: “BS 42020:2013 Code of Practice for planning and development states that “ecological information should be sufficiently up to date (e.g., not normally more than two/three years old, or as stipulated in best practice guidance)”. Given that the updated bat, dormouse and reptile surveys are within three years, and an updated walkover survey was undertaken in February 2022 I would be satisfied with the age of the survey data.

I would also reiterated comments from January 2023 in terms of licencing (also refer to .GOV standing advise below). Once dormice presence has been confirmed they should be assumed to be within all connecting and suitable habitat. Therefore, a dormouse mitigation licence should be obtained from Natural England prior to any hedgerow and/or woody habitat removal or severance and a revised mitigation strategy be provided to demonstrate how the favourable conservation of dormice will be maintained throughout the development.

Hazel dormice: advice for making planning decisions - GOV.UK (www.gov.uk)

This could be detailed within a Landscape and Ecological Management Plan (LEMP) and may require habitat planting in advance of works. Any habitat provided for biodiversity net gain (BNG) should be in addition to any compensatory habitat provided for protected species and this should also be made clear within any LEMP, i.e., how it is in addition to protected species compensatory habitat.

I would also suggest a pre-commencement condition in addition to the requirement of a LEMP e.g.

No works shall commence unless the Local Planning Authority has been provided with a copy of the dormouse mitigation licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead. Any mitigation and compensation measures should be in accordance within an agreed Landscape and Ecological Management Plan (LEMP), unless otherwise amended by Natural England.

EDDC Contaminated Land Officer - 25 November 2020

I have considered the application 19/0620/MOUT and do not anticipate any concerns in relation to contaminated land.

EDDC Contaminated Land Officer – 17 January 2023

I have considered the application and do not anticipate any concerns in relation to contaminated land.

EDDC Environmental Health - 19 July 2019

I have considered the submitted Environmental Statement dated March 2019 in detail and the writers, David Lock Associates, have now comprehensively covered any of the concerns we raised during the previous application process in 2015. We recommend that in any approval a condition should be applied which refers to this Statement and requires the recommendations contained within it are implemented in full throughout the life of the development. A condition requiring a CEMP is also needed, specifically restricting working hours to those agreed by the council in the Construction Sites Code of Practice. This condition should be along the following lines and a commitment to this is essential to ensure that existing residents are not impacted upon any more than is inevitable:

A Construction and Environment Management Plan 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. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

The applicant has also submitted a Health Impact Assessment and, although this is not presented in the format of the EDDC HIA, it does cover the 6 main areas of concern and indicate how the overall site design, layout and amenities is intended to meet the commitment of EDDC to create healthy communities. We would like to see a commitment to encourage a "work where you live" approach but I am sure this principle will develop over time.

EDDC Environmental Health

Consulted 27/10/2020. No comments received.

EDDC Environmental Health - 17 January 2023

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

EDDC Recycling & Waste Contract Manager - 27 October 2020

Please provide the developer with a copy of the R & W developer guide with a request that the guidance is followed for the provision of recycling and waste facilities.

In particular we would like to see a layout plan showing the individual recycling and waste collection points for each unit and the location of any communal recycling facilities.

EDDC Housing Strategy/Enabling Officer- 24 May 2019

This application covers the western expansion area also known as Bluehayes which is allocated in the draft Cranbrook Development Plan Document under policy CB2 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 (232.5 units) 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 (139.5 units). Once the Cranbrook plan is adopted this policy will supersede Strategy 34 of the East Devon Local Plan.

The Cranbrook DPD is in draft form and is due to be submitted for independent examination later in the year. Therefore 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 not provided information of the amount and type of affordable housing to be provided but have said that this will be a matter for negotiation and will reflect development costs, wider planning obligations and other issues such as the overall balance.

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.

EDDC Housing Strategy/Enabling Officer - 26 November 2020

Previous comments still apply although the reduction in overall housing numbers to 'up to 850' will reduce the number of affordable units required.

The outcome of the Cranbrook DPD examination and its subsequent adoption will determine whether it is 15% rather than 25% affordable housing.

Green Infrastructure Project Manager - East Of Exeter Projects - 17 June 2019

The key outcomes for green infrastructure that this development should deliver are:

1. Ancient, veteran and notable trees protected and their future secured through appropriate management
2. Bluehayes parkland enhanced through high quality parkland tree planting and sympathetic infrastructure such as benches and informal paths
3. Delivering a minimum 17.5 ha of SANGS which meet all of the criteria
4. Public Open Space which meets the quality and quantity standards required by Strategy 43.
5. Biodiversity net gain and use of the emerging mandatory Defra net gain calculation, secured through a planning condition.
6. Primacy given to walking and cycling for journeys from all homes to school, shops, Bluehayes Park, Cranbrook County Park and rail station, therefore high quality, safe, legible walking/cycling routes, including crossing Station Road (for onward alternative cycle route into Exeter via rear of Lidl) and London Road (for access to southern expansion).
7. SUDS which deliver net gain for biodiversity and informal play.

Trees

The layout presently results in an unacceptable loss of mature trees and hedges from the western corner of the site - Area 04, Fig 4.2 from Cranbrook Masterplan Feb 2019. Two English oak (trees TG9) are given category B (i) though I note on page 19 of the arb report that there are "no obvious defects" which suggests they should be given category A status. They should be retained.

Bluehayes parkland

The archaeology report is disappointing. No attempt has been made to interpret the development of the parkland e.g. from OS first edition maps or the protection of certain trees within the parkland with iron guards, which suggest they were planted. The green corridor and terminal GI south of the park has the potential to create a vista to/from Bluehayes House.

SANGS

There is some confusion over whether Bluehayes is to be designed for formal or informal open space. SANGS criteria require the latter. The linkages between the different SANGS areas are critical; they need to be designed to enable off-lead dog-walking without conflict between other users. The flood compensation area is developing high biodiversity interest in the wetland, including breeding and wintering birds. If possible access should avoid destroying this biodiversity value.

Biodiversity net gain

The design and access statement has a loose reference to mitigating the loss of hedges and trees but there is no quantification.

Walking & cycling

The design of the junction with Station Road needs to give cyclists primacy, allowing for a major commuter cycle route linking Cranbrook to Exeter, as a more pleasant alternative to the present London Road route. An indicative route has been explored across land owned by Mr Hoskins and is likely to be accessed just north of Shercroft Close. Fig 8.1 of the design & access statement shows the link from the MLR to Station Road as a connector street and 8.15 proposes on-street cycling for connector streets - not appropriate here. The position of the T-junction between this connector street and the primary route needs careful design because the green corridor immediately north is a key pedestrian/cycle link with the school and Bluehayes Park.

There should be a high quality segregated cycleway as part of the primary route - shown as 3m wide shared cycle/footway both side of the MLR BUT with the caveat at 8.14 that "cross section may have to be reduced". The design of major cycle links should be conditioned so that they cannot be sacrificed at reserved matters.

The design of the link with the southern expansion site is critical.

Bluehayes is a major destination for the whole of Cranbrook and a direct link for pedestrians at the very least is needed across Bluehayes Lane to phase 1 of Cranbrook.

SUDS

I can only find a single drawing 10292 which is apparently a 'drainage strategy' but which is clearly inadequate on its own. What is the rationale for several attenuation basins all confined to the edge of development? Cranbrook masterplan calls for a single large attenuation basin which can be designed to maximise biodiversity. The example below is from the nearby Saxon Brook development by Redrow and shows the sort of outcome that can and should be achieved.

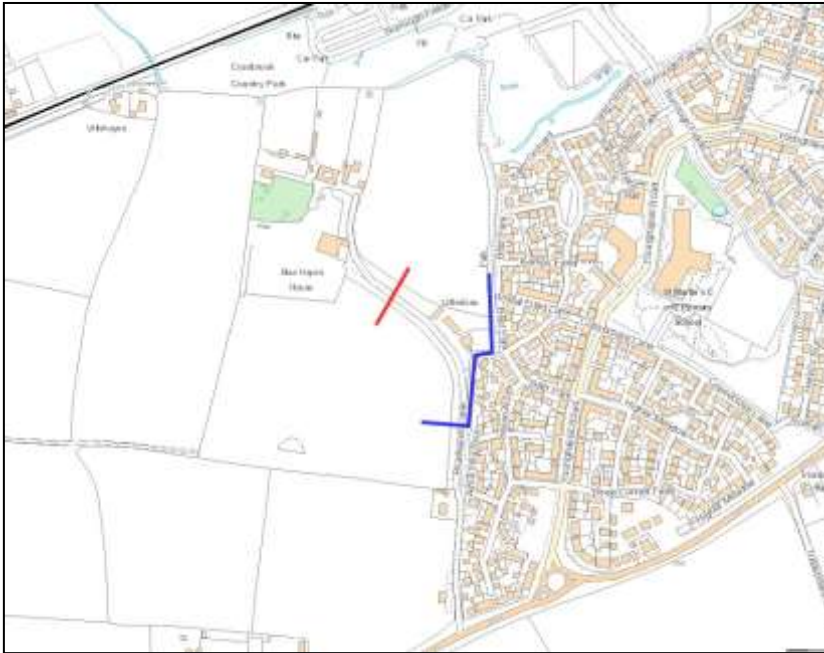


Green Infrastructure Project Manager - East Of Exeter Projects – 16 February 2023

Parameters Plan

Education or residential cuts right into the root protection zone of the veteran oak and this needs rectifying. In fact, the informal green infrastructure should extend down the east edge of the proposed allocation, providing a visual link between the two veteran trees which will then become a strong landscape and SANGS feature.

No footpath link between the country park SANGS and parkland SANG but highly likely that users will create one anyway. Ideally, this should be a straight link across Bluehayes Lane (red line below). Failing that, it should use the existing path (blue line) which in any case needs to be integrated into this SANGS scheme.



SANGS Planting Plans dwgs. FPCR L-0002, 0003 and 0004 (sheets 1-3), rev. PO5

The plans need to be re-submitted – the key does not match up, for example, a dashed line is shown, presumably a path, but not shown on the key. Ditto 'timber span bridge'. The black/white scheme makes it impossible to discern what a compacted gravel path is and what a grass path is.

The layout and submitted information should demonstrate how the positioning of trees, paths, art, benches etc have been thought through to create interest and impact for visitors. This is very important on a SANGS that is essentially flat.

Sheet 1 of 3

Between the access road and the railway line, it would be preferential to create woodland with alder, willow etc. This would screen off the railway and complement the more open habitat proposed for the rest of the SANGS. In addition, the proposed 'flowering lawn mix' will fail in the nutrient-rich floodplain soils, unless sub-soils are exposed.

The proposed *F. sylvatica* to the south of the veteran oak should be omitted.

Sheet 2 of 3

Generally speaking, nature is doing a fine job on its own here, with willows and other tree species having established very quickly from seed. The tree planting around the 'wet meadow grassland' could be omitted. *Acer campestre* is not appropriate in this location.

Open water should be re-established in the area proposed for 'wet meadow grassland' by cutting down some of the developing scrub and re-exposing bare soil to benefit dragonflies, wading birds and create landscape diversity, to meet the SANGS criteria.

Sheet 3 of 3

No permanent water feature is shown, only the indicative location of a SUDS. A pond that retains water should be included in order to meet the SANGS criteria. There is no conflict

with airport safety – a pond of this size will not attract large numbers of ‘problem’ species such as starlings, thrushes and gulls.

No tree planting should occur within the crown area of existing trees. Larger canopy species should be included, such as oak, sweet chestnut and Wellingtonia. The latter is a classic choice for designed parklands in the area.

The sowing of the various Emorsgate meadow mixes will fail unless measures to reduce soil fertility are taken e.g. by exposing sub-soils. A comprehensive plan needs to be presented based on soil analysis.

Proposals for including public art are welcome and could enhance the landscape impact of the scheme **provided an artist is engaged now as part of the delivery team**. There doesn't appear to be any public art feature on this plan.

Station Road & SLR Junction – dwg. 51805 – WSP etc REV 02

This needs to be redesigned to give cyclists and pedestrians' primacy when crossing Station Road. It is to be a major new link between Cranbrook and Exeter and the design needs to reflect that priority.

London Road & MLR Junction – dwg. 51805 – WSP etc REV 05

Welcome proposals to provide raised table for cyclists and reduce the width of the road to improve visibility. Design needs also to provide waiting space for traffic before the raised table as traffic enters Station Road, and ensure the priority to cyclists/peds is properly signalled (signed) to drivers. This could for example be through warning signage in advance of the junction. The 30 mph limit needs to start before the junction when travelling from Exeter.

The ‘potential’ crossing point at the roundabout needs to be re-worded. There needs to be an actual high quality ped/cycle crossing but the exact location is to be determined. It needs to be of the quality provided on Tithebarn Way intersection with Blackhorse Lane.

Burroughs Fields (Cranbrook Rail Station) – dwg. 51805 – WSP etc REV 06

There is no provision for cyclists at all. The drawings needs to show how cyclists will safely access the station from the MLR

EDDC Landscape Architect - 28 June 2019

INTRODUCTION

This report forms the EDDC's landscape response to the Outline application for the Cranbrook Western Expansion reference 19/0620/MOUT and the change of use application for SANGS land to the west of the Cranbrook Education campus, application ref. 19/0554/MFUL.

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.

Reference is made in particular to the following guidance documents:

- The Cranbrook Masterplan EDDC, February 2019

- Cranbrook New Town – Green Infrastructure & SANG strategy (consultation draft), HDA 2019

2 REVIEW OF SUBMITTED DOCUMENTS

2.1 Landscape and Visual Impact Assessment

The LVIA includes both the Western Expansion Area (WEA) and the SANGS area to the northeast. In respect of the latter the landscape and visual effects are negligible. While the conclusions relating to landscape and visual impact of the Western Expansion Area are broadly acceptable the following points are noted which should be addressed as they may give rise to the need for further mitigation measures.

Baseline

In its consideration of Devon landscape character areas (LCAs), sections 4.18-4.23, there appears to be confusion between LCTs and LCAs. Devon CC LCAs are descriptions of discrete geographic areas. East Devon Landscape character types (LCTs) are generic landscape types that can occur in different locations.

Visual assessment

The anticipated geographic area from where the proposed development could be visible has been mapped manually from desk study and field observation to create a Visual Envelope (figure 8.12) with no indication of the assumptions on which this is based. As noted in GLVIA 3rd edition para. 6.7, this method is suitable for initial scoping or smaller schemes outside of EIA. For a scheme such as this, a digitally prepared zone of theoretical visibility (ZTV) should be provided that can accurately factor in maximum height of development and include multi-point analysis accounting for differences in level across the site which range from 15 to 27m AOD.

It is noted that all photographs are taken when trees and hedgerow are in full leaf. It is likely that views into the site will be more extensive during winter and it is unclear to what extent this has been allowed for in the assessment.

There is no information provided relating to the technical aspects of photography included in the Assessment which should include details of camera focal length, field of view etc. in accordance with recommended Landscape Institute guidance.

Consideration of landscape effects

The consideration of landscape effects is rather generalised and further quantification of physical losses should be provided such as linear metres of hedgerow and number of trees removed. Consideration should also have been given to the impact of the creation of new site entrances which will include loss of trees/ hedgerow due to installation of the junction and associated visibility splays and the creation of new views into the site.

The magnitude of landscape change within the western expansion area is judged in the LVIA to be high-medium. I consider this to be an underestimate and the change within the site should be considered high.

Visual effects

Although it is stated at para. 8.1 that seasonal effects have been taken into account there is no attempt to quantify/ describe what the differences in visibility arising from winter loss of tree and hedgerow leaf cover compared to summer would be.

In consideration of the visual impact for rail users the assessment considers that passengers will be travelling at speed and therefore the long term visual effects on them would be negligible. However, as most trains will be stopping at Cranbrook station trains passing the site will be traveling at low speed and the effect on passengers is more likely to be moderate adverse during construction and at year 0, reducing to minor adverse at year 15.

Visual effects table, Appendix 8c

- Representative view point references should be added in the second column.
- In the first column references range from A to J. However, it appears that references E, F and G have been missed out. Please confirm if this is a numbering error or if information is missing.

2.2 Western Expansion Area -Design and Access Statement/ Parameter plan

Existing trees and hedgerow

The proposals will entail loss of hedgerows H1, H5 (including two category B trees), H6 and H7. The southern end of hedgerow H5 is identified as important and the northern half as species rich in the HDA Green Infrastructure & SANG strategy and H6 as species rich. Both H5 and H6 are shown as retained within the Cranbrook Masterplan 2019 and the proposed layout should be adjusted accordingly to ensure their retention.

The loss of H1 is an inevitable consequence of the proposed roundabout junction on to the London Road. Although the hedgerow, which has a predominantly elm understorey, is graded as category C in the tree survey it does contain some good oaks and ash which could be considered category B trees – see photo below. The loss of this hedgerow would have a high visual impact for users of the London Road and nearby residents



Hedgerow H1, London Road frontage to be removed to accommodate proposed roundabout junction into application site

The Cranbrook Masterplan (February 2019) shows the main site access from London Road approximately 200m to the south of the proposed location which would avoid the loss of existing trees and hedgerow and have a much lower visual and landscape impact.
GI provision

Both the Cranbrook Masterplan, 2019 and the Cranbrook New Town Green Infrastructure & SANG Strategy indicate a large area of green infrastructure comprising a large drainage basin, public open space and allotments area in the northwest corner of the site abutting Shermoor Farm and existing housing to Station Road. As well as softening the impact of development in views from the northwest and the Clyst Valley Regional Park and buffering existing housing, this also allows a direct green pedestrian/ cycle access into the proposed site from the adjacent housing. By comparison the parameters plan accompanying the application provides for three small GI areas with more limited recreational value around the western perimeter of the site and proposed new housing directly abutting the northwest boundary. This should be revised to reflect the Cranbrook Masterplan 2019.

In terms of pedestrian and cycle movement through the site the DAS provides little detail. The principal green lane/ cyclepaths identified in the Cranbrook Masterplan 2019 should be accommodated together with a further link from the western edge of the parkland through to the country park to the north.

It is noted that the potential school site and associated sports pitch provision immediately to the west of the parkland is just one option for this area and further options for residential/

sports provision and all residential are also under consideration. In the latter cases a minimum 10m width green corridor/ cycle route should be maintained to the western boundary of the parkland connecting through to the Country Park to the north

Design considerations

The proposed finish to buildings fronting the parkland is white render. This would greatly increase the prominence of surrounding housing when viewed from the parkland and suitable dark render stone or brick frontages under plain grey roof tiles would reduce the visual impact of surrounding buildings in views from the parkland.

The proposed boundary treatment to parkland frontages is stated as open or low walls/ railings with views of parkland retained. However it is noted that hedgerow H4 which forms the southern boundary to the parkland is a high hedge categorised as important and which should be managed accordingly for wildlife and amenity value.

Sustainability and drainage

The sustainability proposals outlined in the DAS lack ambition. In respect of heating, connection to the district heating system is stated as an option to be explored. There is no mention of alternatives in the event that this is found to be impracticable.

As a minimum all buildings with suitable roof aspects should be fitted with solar pv panels. To help storm attenuation and conservation of water all homes should be provided with a water-butt to collect roof run-off.

In relation to drainage, the DAS includes three photos of attenuation ponds as a means of controlling storm water discharge while providing amenity and biodiversity benefits. However, the drainage strategy included in the Flood Risk Assessment states that attenuation basins will be designed to be primarily dry. The provision of pond(s) with permanent standing water is desirable for both amenity and bio-diversity value and should be incorporated into the drainage proposals.

2.3 Comments on SANGS

Site description

The site comprises a linear strip of improved grassland approximately 1km long and varying in width between 10 and 150m. It is bounded by the railway to the north and meandering watercourse of Cranny Brook to the south. The landform is generally level with steep earth banks dropping down to the watercourse. The railway runs along an embankment immediately adjacent to the northern boundary which comprises a 1.5m post and wire netting fence.

The river frontage is lined with mature trees including oak, willow and ash with occasional gaps between.

Views to the north are limited by the railway embankment and associated trees and hedgerow but a large agricultural shed, part of Elbury Farm, is visible to the northwest and a few scattered dwellings are also visible on higher ground and a communications mast is situated on the edge of the railway towards the eastern end. Cranbrook education campus is visible at the eastern end of the site and there are glimpse views through the trees along the watercourse tree to completed phases of Cranbrook.

Summary of proposals

The proposals provide for a surfaced footpath following close to the water course with pockets of proposed wet woodland planting within headlands between the path and water course and along the railway boundary and a small orchard area across the middle of the site.

Comment on submitted drawings

Generally

The accuracy of the plotting of the watercourse and tree locations on the base topographic survey information is doubtful. The alignment of banks is unclear and in a number of instances the plotted tree locations appear incorrect and some large trees are not included. Tree retention plan - drawings nos 7764-T-W1- rev A, W11 rev A

The tree retention plan does not identify any veteran trees within the site although it seems from site inspection that several could be classified as such due to their size, form, the presence of dead wood, cavities and epiphytes.

Landscape proposals, drawing no. 7764-L-27 rev G

While there is some historic justification for inclusion of a new orchard in the centre of the site it is not a natural landscape feature and recent orchards have been established within the existing country park to the south where they are more accessible to communities for ease of cultivation/ management.

- It is considered that the application area should provide a more natural landscape type. It is suggested that the creation of a natural regeneration woodland by suitable fencing to create a woodland with open glades in the wider parts of the site would be a more appropriate treatment.
- Justifications for this would be that:
- there is no accessible woodland within easy walking distance of Cranbrook.
- woodland is capable of absorbing high levels of access
- more extensive woodland areas with managed thicket near to the stream banks would help to limit public access to the stream banks to a few selected points reducing disturbance of stream wildlife.
- trees and vegetation within railway land may be cut back by Network Rail at any time and the boundary fence replaced with high security palisade fencing which could have an adverse impact on the use of the SNAG. While this would be out of control of the applicant, providing a continuous tree belt with understorey to the site side of the railway boundary would considerably reduce the visual impact of any such Network Rail works.
- creation of a woodland would screen views of surrounding development including the railway and Emmets farm sheds to the north, Cranbrook school to the east and Cranbrook housing to the south.

The proposed surfaced path generally follows existing informal path/ desire lines that have been established through the site.

The location of proposed bridges needs further consideration in relation to existing riparian tree locations and how connections work with existing paths to the south of the watercourse, which is not clearly shown on the drawing. The middle bridge appears to be appropriately sited but the western most one would seem to be better sited further to the

northwest. A suitable point seems to be approximately 50m west of tree 67. This would maximise usage of the narrow western end of the site.

The alignment of the secondary mown path which is reinforced by linear tree planting would be best left to form naturally by site users.

The drawing indicates a 7m riparian easement to the north side of the watercourse. Details of any restrictions this entails should be confirmed

2.4 Conclusion and Recommendations

The proposals for the Western Expansion Area raise a number of concerns as noted above which should be addressed prior to determination of the application.

While the details provided for the SANGS require further consideration at detail level, the general principle of the change of use is acceptable in terms of landscape and visual impact. Should the application be approved further tree and topographic survey information should be provided and the proposals amended accounting for comments above.

The proposals should also be subject to a 25 year detailed Landscape and Ecology Management Plan which should amalgamate the provisions for management of public open space to the south of Cranny Brook into a single document covering the whole of the SANGS/ country park area to the north of the new town.

EDDC Landscape Architect - 07 December 2020 (Following Meeting)

The proposals illustrated in fig. 3 of the Movement strategy for the MLR show the strip to the east side of the carriageway comprising a row of bollards 1m off the kerb line then a 3m wide cyclepath separated from 2m wide footway by a 1m verge with trees. I do not think the narrow separating verge will work well and in this busy location where there are likely to be frequent movements across the MLR it is likely to become worn and muddy. It would be better to omit the verge and place the trees in line with the bollards where they will continue in the same offset line as trees to adjacent sections and provide better visual separation between vehicles and cyclepath users.

The table summarising the characteristics of the road types notes there will be parallel on-street parking along the MLR inset into the verge. The extent and location of these need to be considered in relation to tree planting to ensure that adequate street trees are provided.

The proposals should plan and accommodate the planting of good sized full canopy trees along the MLR.

EDDC Landscape Architect - 28 April 2021

My comments in response to the FPCR technical note dated 21.5.2020.

Bluehayes site

London Road junction

The Cranbrook masterplan proposes two junctions onto London Road the main one being to the west of Station Road with the junction west of Bluehayes Lane shown as a secondary access. Under the current application proposals this would be the main site access requiring a new roundabout junction. Either arrangement would entail tree and hedgerow loss to the London Road frontage but this is likely to be much more extensive in the creation of the roundabout.

It would be helpful to understand the reasons for discounting the alternative junction location west of Station Road prior to acceptance of the currently proposed main access.

Given level differences between London Road and the field to the north it does not seem possible to achieve a frontage building line to London Road as suggested in the technical response, rather one set back from and above it.

Sustainability and drainage

In relation to my comments regarding permanent standing water as part of the SuDS proposals I note that further detail will be provided in the Design Principles, however, a commitment to providing permanent water areas as indicated in the DAS should be given now to counter the statement in the FRA that SuDS basins will be primarily dry.

SANGS area

Noted that orchards have been replaced with regenerative woodland.

I still consider that more extensive woodland would be beneficial to help screen existing infrastructure and development. Given the relative remoteness and lack of natural surveillance opportunities on this site, those who feel vulnerable to attack are likely to avoid it whether or not it is woodland. In any case, there is scope to provide an open access route along the southern (riverside) edge with woodland area to the north, as well as accommodating the 3m maintenance margin Network Rail have requested along their boundary. Generally accessible local woodlands in East Devon are very well used for recreation. Increased woodland cover is also needed to meet the climate emergency agenda targets and there is an opportunity here to contribute to that without adverse effect on local landscape character. As previously noted the existing boundary to the railway is a 1.5m post and wire fence. That is fine for agricultural land but as public access increases I suspect that Network Rail will want to put up a 2m palisade fence to prevent trespass onto railway land. The impact of this on the SANGS would be considerably less if there was more extensive woodland cover.

EDDC Landscape Architect – 2 February 2023

1 REVIEW OF AMENDED LANDSCAPE/ GI RELATED INFORMATION

1.1 Indicative landscape principles plan rev. L

The plan (or the Parameters Plan) should clearly indicate existing trees and hedgerow proposed to be removed.

Not all tree and hedgerow losses proposed seem necessary, particularly at this outline design stage. In particular TG9 (two B category oaks) have potential to be retained through

appropriate detail design, as do parts of their associated hedgerow H6 and their retention should be provided for at this stage. Similarly for tree group G10 C category oaks and associated hedgerow H7. Part of H5 south of the MLR could also be retained. The annotations for footways in the drawing key are incorrect and confusing. The key should identify the following path categories:

- ☐ Existing surfaced paths
- ☐ Proposed surfaced footpaths
- ☐ Proposed unsurfaced (mown) footpaths
- ☐ Proposed surfaced off-road cycle paths

The proposed path ending at the attenuation basin at the western end of the site should be extended to join the road serving Railway Cottages. A further link is required to connect with the recently consented development to the northwest of the site.

An off road cycle way link should be shown over the existing concrete track running along the southwest boundary to the junction on Station Road.

The extent of paths currently shown within the existing parkland seems excessive if these are all proposed to be surfaced. A perimeter surfaced path would suffice with mown grass paths in the centre.

1.2 SANGS Planting Plans dwgs. FPCR L-0002, 0003 and 0004 (sheets 1-3), rev. PO5

Generally

The drawing scale is stated as 1:1000 at A1 but this appears to be incorrect. Please check and correct.

The references to compacted gravel and mown grass footways in the key do not reflect the plan annotations and should be omitted or amended as appropriate.

The planting schedule or drawing annotations should indicate proposed planting densities. The drawings indicate locations for proposed benches. Details of suitably rustic benches should be provided.

The plant schedule in the bottom left hand corner of the drawing obscures some of the proposed planting annotations. Please adjust so all information is visible.

The proposed *F. sylvatica* to the south of the veteran oak is likely to outcompete and overshadow the oak as it develops and should be omitted.

The proposed group of *Carpinus*, *Sorbus* and *A. campestre* seems an odd mix. Consider replacing with a group of three *Carpinus*. They would benefit also from moving slightly northwards.

Similarly the proposed group of *Carpinus*, *Tilia* and *Fagus* to the north of this would be better as single species. The inclusion of *Alnus* in the proposed hedge to the northwest of this group is also questioned as this species is wet-loving and more usually associated with watercourses.

In the following instances the choice of proposed new tree species does not reflect site conditions and alternative species should be considered:

- ▢ Fagus, Sorbus, Betula pendula and Carpinus to the west side of the wetland area.
- ▢ Alnus glutinosa on the eastern site boundary west of plot 24 Kemps Field.

There appear to be too many new trees proposed within the existing parkland and a number of these are likely to compete with the existing mature/ veteran trees to their detriment. The overall number of new trees should be reduced especially where large growing species are proposed close to existing mature/ veteran trees.

The proposed tree planting mix and groupings also seem somewhat random and introduces eight new species where there are presently only two. Some of the proposed new species such as birch, sorbus and alder are not typical parkland trees and lack stature.

Additional tree planting should be included in the southern boundary hedge.

Allowance should be made for clearance of bramble and gapping up within the existing southern boundary hedge, particularly at its southern end.

The need for new hedge planting to the eastern boundary and adjacent new woodland planting is questioned particularly as the woodland planting will make it difficult to manage the hedge behind. It is recommended that the proposed hedge is omitted where woodland planting is proposed in front.

The woodland edge planting mix includes species such as Ionicera and rosa, which are more suited to hedgerows and should be omitted in favour of additional tree species including oak.

The strip of proposed woodland edge mix adjacent to the western boundary is missing an annotation to show proposed species and numbers.

Only one bench appears to be proposed within the existing parkland in a rather shady location with limited view. More benches are required which should be appropriately sited with south facing aspect and offering potential to facilitate social interaction.

1.3 Traffic calming/ reduction scheme for Station Road – dwg. WSP 001

The design of the site junction at the northwestern end should make provision for priority cycle crossing between the site and future DCC cycle scheme.

Could consideration be given to making this section of Station road 20mph?

Rather than a vehicular priority system which requires intrusive signage and is confusing for users, could speed humps/ cushions be provided instead to reduce vehicle speeds?

1.4 19/0554/MFUL – Elbury Meadow

Change of Use to SANG Application Proposals dwg. FPCR L-27 rev M

Details and locations for at least two rustic benches should be indicated.

The two natural woodland regeneration areas proposed to the north of the westernmost bridge crossing would be more effective as a single area. A subsequent route through could be formed once the woodland is established.

Proposed woodland areas should be fenced with post and wire mesh rabbit proof fencing until adequately established.

The specification for tree pit depth in Planting note 1 should be amended to be no greater than necessary to accommodate the depth of root-ball.

Conditions

Should the application be approved the following conditions should be imposed:

1) No development work shall commence on site until the following information has been submitted and approved:

- a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.
- b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 – Guidance notes for the reduction of obtrusive light and GN 08/18 – Bats and Artificial Lighting in the UK.

c) A site levels plan at 1:500 scale or greater 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 swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

e) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009, which should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
- identification of person responsible for supervising soil management.

f) A full set of soft landscape details including:

- i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
- ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
- iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
- iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
- g) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and 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 30 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 to ensure good maintenance standards and verification of BNG targets.
- ▢ 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 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.)

EDDC Trees

Consulted 27/10/2020. No comments received.

EDDC Trees – 9 March 2023

Background

There appears to be no previous arboricultural consultee comments on this application. I note the observations provided by the EDDC Landscape and GI officers. I have had not been previous involvement in this scheme, or received specific instructions with regards to the current consultation request. These comments may inadvertently cover matters already addressed.

FPCR Arboricultural Assessment May 2020

The methodology set out in this document accord with the principles embodied in BS5837:2012. It makes appropriate allowances for hedgerow and assessment and recording constraints associated with Veteran trees.

Of note on the commentary of the survey results:

Para. 3.18 Should the Crack willow (T72) be identified as a Veteran tree given its obvious age and associated features?

As above but reference to the Crack willow (T74).

Hedgerows

My initial observation of this application is the loss of hedgerows. Hedgerows are identified as a habitat of principle importance within the Natural Environment and Rural Communities (NERC) Act 2006. The EDDC local plan Policy D2 states 'existing features of landscape or nature conservation value should be incorporated into the landscape proposals and where there removal is unavoidable provision should be made for suitable replacement should be made elsewhere on site'. Policy D3 also states that 'the council will seek to ensure, subject to detailed design considerations, that there is no net loss in quality of trees or hedgerows resulting from an approved development'. Whilst breaches in hedgerows to secure access to the site, or into individual field compartments can reasonably be considered unavoidable, the indicated level of hedgerow removal appears to go substantially beyond this and results in an erosion of hedgerow quality across the site as a whole.

The indicative scheme shows the substantial loss of hedgerows (and some associated trees) including hedgerows: H5, H6 (including the loss of tree group TG9), H7 (including the

loss of tree group TG10), H12 and H13. This in principle seems excessive and contrary to our local planning policy D2. The loss is stated to be close to approximately 1km of hedgerow. I appreciate there must have been some degree of discussion on this matter to date.

Highway connections

As stated above the principle of breaching hedgerows to securing a connection to the existing highways network raises no objection, subject to suitable compensation planting. Comments on the proposed highways connection:

Burrough Field (Cranbrook Rail Station) – No objection in principle to the connection. Would strongly request the alignment of highway to the south is adjusted, to retain the hedgerow H12 and that more of H13 is retained, along with compensatory planting for the section removed.

Station Road – No objection in principle, subject to compensation planting.

London Road – This will result in the loss of the reasonable quality maturing Oak, on the south western edge of the tree group TG17 (Image 1). This tree is boarder line in terms of BS5837 Categorisation, it could be argued as either a Cat. B or C tree. Notwithstanding the above from the scale of the junction it is difficult to see how this tree could be retained if the scheme is approved. Any approval of this road junction should be subject to a condition requiring replacement planting to include specimen trees on this boundary, to compensate for the loss of current and future amenity provided by this tree/tree group.



Image 1 Google Street View image showing Oak tree on south western edge of TG17 (outlined in red).

Green and blue Infrastructure Framework Plan drawing 7764-L-20-S / Illustrative Masterplan WCN055/012 – Impact on veteran trees

The proposed plans shows two footways within the Root Protection Area (RPA) of the veteran tree T23, and a loop of footway around the RPA of veteran tree T22. These plans

also shows a footways looping around the veteran trees T24, T27 and T34, it is not clear from the provided plans if this is within the RPA of these trees (Image 2).

Veteran trees are considered of special biodiversity, cultural and heritage value, their importance recognised in the NPPF 2021 and broadly speaking they should be considered irreplaceable. Any develop should avoid and reduce impact on trees identified as a veteran. The proposed footpaths, associated landscaping and increased footfall is likely to result in a short and long-term deterioration of the environment around these trees. The identified veteran trees should be retained within buffer zones free from any detrimental impacts of footways or urban intensification of land use.

The illustrative masterplan appears to show what appears to be a sports field, close to the RPA of the veteran oak tree (T23). The root protection area / buffer zone around this tree should ideally excluded the land allocation from the school grounds, to avoid future pressure on the tree and any possible conflict with educational needs such as sport pitch creation etc.



Image 2. Location of veteran trees in relation to proposed footways.

General comments of spatial allocation for site and level of development:

Whilst the submitted indicative site layout shows the zones of development, as an arboriculturalist it is by no means clear, that the stated density of development is achievable, whilst retaining sufficient space around not only the existing trees and hedgerow features, but also any new tree and hedgerow planting. Will there be space around retained hedgerows to continue their cyclical management?

Conclusions:

No objection to the principle of development at this on arboricultural grounds.

No objection to the three stated highways connection points, subject to a condition to secure compensation tree and hedgerow planting for those removed.

It is unclear from the information available if the stated level of development is achievable in relation to existing and proposed tree and hedgerow features.

Any future reserved matters application should seek to retain more of the existing hedgerows.

Buffer zones around the veteran trees should form part of the proposed plans and any development or urbanisation in these areas should be avoided.

Any reserved matters application should be supported by a detailed arboricultural impact assessment, tree constraints plan overlaid on the proposed site plan. The reserved matters application should also be supported by detailed arboricultural method statement and tree protection plan. Provision should also be made for the ongoing monitoring of tree protection measures during the construction phase of the development.

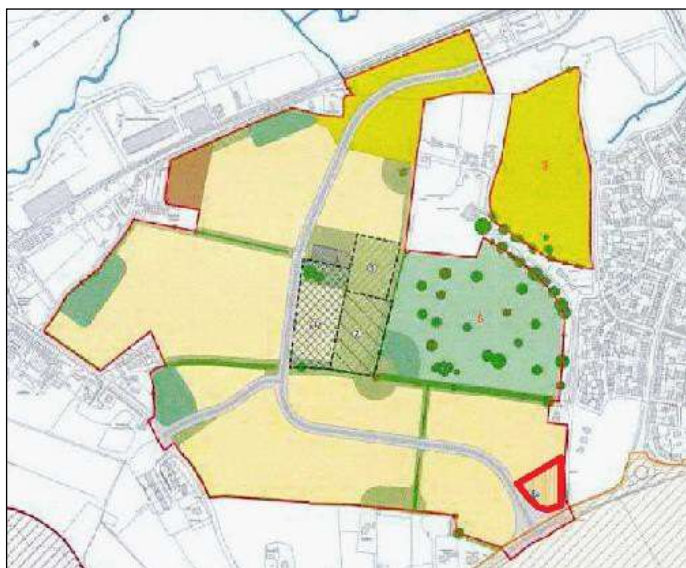
EDDC Economic Development Officer - 19 August 2019

We have considered the application documents and offer the following observations:

Environmental Statement:

The submitted Environmental Statement includes a section on employment (pg. 4), section 2.2.6 of which notes that the application includes:

“approximately 0.5 hectares of land proposed for mixed use including residential development. This could include up to 1,500 sq m of retail and service uses within Classes A1, A2, A3, A4 and A5 together with Class, B1 business uses and this has been tested in this Statement albeit that the scale of such uses proposed may well be significantly less.”



The small parcel of land proposed for mixed uses (including employment and 50% residential) is located in the southern part of the Western Expansion Area, at London Road and adjacent to the proposed primary road (indicated here in red).

Section 2.3.8 states that the mixed use area has been refined in terms of size [minimised], citing a general aspiration to focus commercial and other town centre uses in Cranbrook Town Centre, and outside the current planning application.

From an Economic Development perspective, this reduced economic and employment offer is not consistent with sustainable community development or acceptable in Policy terms.

Local Plan:

Adopted Local Plan Strategy 31 (Future Job and Employment Land Provision) holds that:

“Appropriate, sustainable, mixed use schemes of all scales incorporating housing and employment will be encouraged across the district. All large scale major housing developments (or parts/phases of any large scale major development) should be accompanied by employment provision to provide around:

1. One job for each new home built.
2. Around 1 hectare of employment land for each 250 homes proposed.”

For us, the most immediate and obvious shortfall of this application is that it fails to adequately address this clear Local Plan requirement to provide for 1 job per new dwelling.

Similarly, Strategy 31 also requires that this large scale 930 house development to provide around 3.72 hectares of employment land within this 40Ha site, not the 0.5 ha (to include 50% residential development) being proposed by the developer.

The proposals on this site are not exempt from these clear policy requirements and yet the submitted Planning Statement (March, 2019) has not included Strategy 31 in the proposed list of relevant Local Plan policies.

No compelling explanation is provided as to how the proposed scheme will deliver employment space sufficient for up to 930 new jobs.

It is argued that this employment requirement is more urgently required of major residential development in Cranbrook than any other town in the district given the existing unsustainable imbalance between new housing and constrained local employment provision, leading to the lowest level of self-containment observed anywhere in the district with the (higher than average) working age population having no option but to commute out of the town to their place of work.

Development had commenced at Cranbrook by the time the Local Plan was adopted. Para 16.11 of the Local Plan highlights that “too much residential development has occurred without thought being given to where people will work. A consequence has been that often people will need to commute longer distances to jobs and few people can walk or cycle to jobs unless close to their homes”. Referred to as ‘self-sufficient’, a far higher degree of local job provision in Cranbrook had been envisaged in the Local Plan than has been delivered to date.

With a strong and worsening imbalance between new housing (c.1,900 now occupied by c.4,500 residents) and local employment provision (c.100FTE), Cranbrook urgently requires an improved provision of local employment.

It is not felt that the current application has sought to minimise this longer commuting pattern as a direct consequence of delivering much more additional housing than local job provision.

Design and Access Statement

Very little is mentioned of the mixed (inc. employment) uses within this document beyond it being small scale, including retail and 50% residential. Section 6.4 confirms the 0.5 Ha

mixed use site is located adjacent to London Rd, forming part of the gateway to the overall site.

No clarity is provided on the number of jobs to be accommodated by this mixed use element. We would argue that the proposed 1,500 sqm of A1-A5 and B1 could provide only a fraction of what Strategy 31 requires in terms of jobs and the employment land provision is not being met.

What we appear to be presented with is a residential scheme with what appears to be the smallest possible employment element to meet the definition of 'mixed use'.

Environmental Statement Chapter 4: Socio-Economic Impacts

The socio-economic assessment carried out by David Lock Associates covers an area far wider than the Western area application site. A baseline is established using available statistics and data. The likely changes in employment provision and effect on local retail are considered within the work alongside a number of measures of social change less relevant to this economic development review.

A weakness of the work is the broad categories magnitude offered in measuring the degree of change from the baseline: 'large, moderate, small and negligible'. Along with the wide geographical area of assessment and indirect consequential associations offered (both direct and assumed indirect consequential effects are grouped), it makes specific economic impacts of the vague employment element of the proposed scheme impossible difficult to isolate. Similarly, the sensitivity of identified receptors to differing aspects of the proposed development are broad.

The methodology holds that when measures of magnitude are plotted against sensitivity, the overall significance of the socio-economic effects of the proposed development is determined.

The authors heavily caveat their assessment of the significance of economic impact, citing that 'there are no generally accepted criteria for assessing the significance of socioeconomic impacts and, in some cases, it can be difficult to quantify or measure such impacts'.

Their assessment is based on the magnitude of the predicted change to the baseline position, as well as the sensitivity of the socio-economic receptors. Effects are almost exclusively based on the judgment of the author. Whereas mixed methodologies are valid, no clear qualitative appraisal of specific socioeconomic impacts is actually provided in the work.

Employment

The NPPF economic objective requires that the planning system help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

To a very limited degree the current application could claim to help ensure this economic objective, though not in comparison the scale of proposed housing. The reduced

employment provision detracts from the scheme's overall value to both local employment provision and the local economy.

4.3.10 of the Environmental Statement highlights Local Plan Strategy 12 (Cranbrook). Along with provision for 6,300 new homes (and a further 1,550 beyond 2031), 18.4 hectares of employment land is to be provided to ensure a balanced number of jobs. In considering the current application, we need to consider how much of this has been delivered to date.

Strategy 12 point 3 requires 4.5 Ha of serviced/available employment land to be delivered before 2,500 homes are occupied. It would be helpful if Planners were satisfied that delivery of this much needed employment land is on track before detracting further from Cranbrook's self-containment through permitting this application.

Strategy 12 also requires that a town centre is delivered, becoming the focal point for retail provision. Again, to the frustration of some Cranbrook residents, the delivery of this commercial centre has not been a priority for the development consortia to date. What is proposed within the current application is more akin to a smaller neighbourhood centre, as also described in Strategy 12, pledging to deliver some social/community and education facilities.

Reference is made in 4.4.17 of the Environmental Strategy to minimal retail development delivered to date in Phase 1 of Cranbrook's development and that these businesses would benefit from the additional housing.

4.5.1 makes clear that the socio-economic assessment only concerns the delivery of the proposed 930 dwellings. This is a shortcoming of the application since the A, B and D employment uses also proposed as part of the mixed use scheme (sadly, only 'up to 1,500 sq m') are particularly significant to address the proposed increased imbalance of additional housing outstripping local job provision (NB: the temporary construction related jobs and supply chain spend noted are not sustainable employment). We would not contest the summary finding in 4.5.7 but would stress that the limited employment generating elements of this proposed scheme warrant their own impact assessment.

Upon reading reference in 4.5.17 to 'scope for a limited amount of space suitable for retail, commercial and business units .. [to] accommodate a modest number of jobs' it is difficult not to be reminded again of the housing to jobs imbalance evident in Cranbrook to date.

The proposed major scheme seeks to deliver enough additional housing to increase the district population by up to 1.5% whilst offering some assurance (ill-advised in our view) that the associated employment element will be modest. Unfortunately, no projected new job numbers are provided for the A and B uses element.

We are experiencing market failure as a district (most notably in the West), with limited supply of modern, flexible B1 office accommodation unable to meet growing demand, It is disheartening to see this commercial space requirement not being more meaningfully met within this major scheme.

The supposition in 4.7.1 that 930 new houses and 'limited' employment "will not result in any adverse socio-economic effects. The residual impacts are all beneficial and so overall the additional 930 dwellings will be substantially beneficial in terms of socio-economic

conditions” is not reliably evidenced by the opinions offered in Chapter 4 of this work. In fact, no rigorous fact-based assessment has been provided.

The quantum of proposed employment; a description of the jobs and their associated levels of GVA should now be requested as part of a more robust Economic Impact Assessment. Without this, no support can be given to the conclusion offered here that the potential impact on economic development is ‘moderately beneficial, requiring no mitigation’ (Table 4.9).

The Cranbrook Plan – Development Plan Document (2013-2031)

<http://eastdevon.gov.uk/media/2810797/cranbrook-plan-dpd-submission-draft.pdf>

Policy CB2 Bluehayes Expansion Area concerns the Western Expansion Area application site and includes a mixed use area incorporating a range of business spaces or premises.

Para 3.8 holds that “Within the mixed-use area there is a requirement for business space to be provided. Although no minimum floor space for business use is set in this policy, the Cranbrook Economic Development Strategy looks to deliver 18.4ha of land across the Town and Neighbourhood Centres and the allocated employment land, which this Plan secures. **Applicants will be required to demonstrate how their proposals for development in the mixed use area delivers on the objectives of the Cranbrook Economic Development Strategy in relation to the provision of business floor space”**

It is unclear how the current outline application will ensure delivery of this business space and the objectives of the Cranbrook Economic Development Strategy. No minimum requirement is set out in the policy. The wording seeks to limit commercial development to a scale that serves the immediate neighbourhood and not undermine the viability of a town centre and employment allocation (which is yet to be delivered).

In the absence of specific levels of requirement in the DPD, the reference to planned A, B and D uses within the application appear to satisfy elements of Policy CB2 whilst failing to demonstrate how the business space will be delivered.

A more meaningful economic assessment is required prior to permission being given for this scheme. This should make clear how the requirements of Strategy 31 (jobs and employment land) are to be met and how the specific objectives of the Cranbrook Economic Development Strategy will be delivered.

One further aspect not covered by the submission is the CB2 requirement that “Any proposals for residential development within the mixed use area must demonstrate adaptability of the ground floor to allow conversion to units that could be used for business and retail activities”. This will be required at full application. It is noted that the Town Council do not support this element of CB2.

From an Economic Development perspective, we are less concerned about the provision of residential units with potential for employment conversion than we are about the delivery of meaningful amounts of employment generating development to balance housing delivery. We would be happy to see far more resi-friendly (primarily A and B1 office uses) within a minimal commuting distance.

Summary

It is worth noting that whilst the size of the mixed use area falls substantially short of what is required to accommodate the level of new jobs needed to satisfy Strategy 31, the proposed location is supported. It is particularly well suited for employment use, especially higher density B1 office provision. It is located on a main transport artery into the future town centre and will be well served by public transport. This allows good access to the site from its primary labour market (Exeter) and good connectivity to promote employee engagement with Cranbrook town centre.

Our preference would be that additional employment land is provided to meet the requirement of Strategy 31 and that this be proposed for B1 office use offering both higher value and employment density. We can provide evidence of high demand and constrained supply of well-located B1 workspace dating back more than 4 years. Sites east of Exeter can command higher rents than elsewhere in the district, enjoying many of the advantages of higher end employment sites within the Growth Point.

A higher concentration of B1 office use in this location would directly enhance the vitality and viability of the future town centre in Cranbrook. The site's proximity and sustainable transport provision facilitates town centre engagement and associated spend from an increased workforce.

We understand that trigger points for local community; health and town centre workspace delivery may not yet have been reached in terms of the number of homes occupied (as agreed in S106 agreements), but the local need, the requirement is so clearly evident.

The District Council were recently compelled to agree redirection of £150k away from the Enterprise Zone programme (designed to deliver valuable new jobs) to deliver a temporary GP surgery in order to meet demand from residents buying homes from the developers. We need to be asking more of developers at this scale. Effective stewardship of Cranbrook as a truly sustainable community development in the provision of jobs to balance housing is not apparent.

The Sustainable new community at Cranbrook: Health Impact Assessment (Main Report 2007) highlighted how important it would be to minimise the need for people to commute, either in to or out of, Cranbrook. Ten years on, the minimal amount of employment generating development delivered by the developers to date means just 12% of the 383 resident employment postcodes reported by Cranbrook residents currently work in or around the town (in postcodes beginning EX5: Broadclyst, Cranbrook, Woodbury) with 4% working from home (Cranbrook Community Questionnaire, Jan 2017).

Whilst appreciating that the SkyPark and Science Park developments mitigate the lack of employment provision in Cranbrook to some degree, there is no question that the town needs new, higher value employment provision which is sensitive to its residential setting.

We have an opportunity, through planning, to ensure provision for higher value jobs within the town through the provision of modern, affordable small B1 units which would make the most of the town's excellent superfast broadband, transport connectivity and locational advantage.

Regretfully, as it stands, the employment and economic benefits of the proposed scheme appear too insignificant to be meaningfully addressed in this application and the strong imbalance of new housing compared to jobs in Cranbrook will only be exacerbated by the current scheme.

Up to 1,500 sqm of A uses and B1 on approximately 0.5 Ha with 50% residential dilution will deliver too few new jobs to balance 930 new houses and more than 2,000 additional residents.

The current proposal provides no tangible basis for Economic Development support.

EDDC Economic Development Officer

Consulted 27/10/2020. No comments received.

Highways England/National Highways - 3 June 2019

Consultation Response - 19/0620/MOUT



Developments Affecting Trunk Roads and Special Roads
Highways England Planning Response (HEPR 16-01)
Formal Recommendation to an Application for Planning Permission

From. Divisional Director, South West Operations Division, Highways England
planningsw@highwaysengland.co.uk

To. East Devon District Council FAO Cranbrook
Team

cc. transportplanning@dft.gsi.gov.uk
growthandplanning@highwaysengland.co.uk

Council's Reference: 19/0620/MOUT

Referring to the notification of an outline planning application dated 30 April 2019 referenced above, in connection with the A30(T) and M5 and an outline application with all matters reserved except for access for the expansion of Cranbrook comprising up to 930 residential dwellings, primary school, community use, mixed use area including A1, A2, A3, A4, A5, B1 business use (up to 1,500 sqm), community uses, (including D1 non residential

institutions and D2 assembly and leisure), sport and recreation facilities and children's play area, green infrastructure (including open space and SANG), access, landscaping, allotments, engineering (including ground modelling and drainage) works, demolition, associated infrastructure and car parking for all uses, at land at Cranbrook Western Expansion Area (Bluehayes), Station Road Broadclyst, Devon, notice is hereby given that Highways England's formal recommendation is that we.

~~a) offer no objection;~~

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A — Highways England recommended Planning Conditions);

~~c) recommend that planning permission not be granted for a specified period (see Annex A — non determination);~~

~~d) recommend that the application be refused (see Annex A — Reasons for recommending Refusal).~~

Highways Act Section 175B is not relevant to this application. ¹

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gsi.gov.uk.

Signature: 	Date: 31 May 2019
Name: Sally Parish	Position: Planning Manager
Highways England: Level 1, Ash House, Falcon Road, Sowton Industrial Estate, Exeter EX2 7LB	
Email: sally.parish@highwaysengland.co.uk	

Annex A Highways England recommended planning conditions

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as 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 works 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. This response represents our formal recommendations with regard to planning application reference 19/0620/MOUT and has been prepared by the Planning Manager for the SRN in Devon.

We have undertaken a review of the submitted documents in line with the current requirements as detailed in DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the DCLG National Planning Policy Framework, and in consultation with our consultants, Jacobs.

Statement of Reasons

Proposed Development

This is an outline application (with all matters reserved except for access) for development comprising up to 930 residential dwellings, primary school, community use, mixed use area including A1, A2, A3, A4, A5, B1 business use (up to 1,500 sqm), community uses, (including D1 non residential institutions and D2 assembly and leisure), sport and recreation facilities and children's play area, green infrastructure (including open space and SANG), access, landscaping, allotments, engineering (including ground modelling and drainage) works, demolition, associated infrastructure and car parking for all uses, at land at Cranbrook Western Expansion Area (Bluehayes), Station Road, Broadclyst, Devon. This would form a western extension to the Cranbrook New Community (CNC).

A Transport Assessment (TA) dated March 2019 has been submitted in support of the application, prepared by WSP.

Policy Background

The proposal comprises an expansion of the currently consented 3847 dwellings in Cranbrook on land allocated for this purpose in the East Devon Local Plan (20132031, adopted 2016) referred to as the 'Western' Expansion Area'. The proposal is also referred to as the 'Bluehayes Expansion Area' and subject to a separate policy (CB2) in the Cranbrook Development Plan Document (DPD) Submission Draft (February 2019). The application appears consistent with the specific uses as set out in Policy CB2 which refers to up to 960 new dwellings and a mixed-use area capable of accommodating a range of community and business spaces and a 420-place primary school.

Site History

The 'Bluehayes' site comprises one of the four 'expansion' sites to the CNC as proposed within the Cranbrook DPD Submission Draft (February 2019). These four sites and their proposed allocations are tabulated below,

Location	Site	(Dwellings) 2019 Draft Cranbrook Plan Allocations
East	Cobdens	1495
West	Bluehayes	960
South	Treasbeare	915

South East	Grange	800
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4170

Table 1

Previously Highways England have been consulted on planning applications for development on the sites to the east, west and south. The previous application for the western (Bluehayes) site the (15/0045/MOUT) comprised a lower quantum of residential and employment development to that which is now sought in application 19/0620/MOUT. This previous application proposed 820 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. In respect of traffic impact, it is accepted that the trip generation associated with the inclusion of 1,500 sqm of employment within the development is unlikely to result in a severe impact upon the SRN. The uplift in housing quantum from the earlier application is now considered further by Highways England.

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

		2015 Applications		Subsequent Applications		2019 Plan Allocations
Location	Site	Application	Dwellings	Application	Dwellings	
East	Cobdens	15/0047/MOUT	1750	N/A	TBC	1495
West	Bluehayes	15/0045/MOUT	820	19/0620/MOUT	930	960
South	Treasbeare	15/0046/MOUT	1550	17/1482/MOUT	1200	915
South East	Grange	N/A		N/A	TBC	800

4120

4170

Table 2

Highways England has previously provided consultation advice on an application for an expansion area to the west, 15/0045/MOUT, which as above was submitted at the same time as two further applications for extending Cranbrook to the south and east (15/0046/MOUT and 15/0047/MOUT). One single TA was submitted in support of all three applications and considered the cumulative impact of all of these sites, as opposed to identifying the impact of each respective site. There has also been a subsequent application for development on the southern site at Treasbeare (17/1482/MOUT, on the site of 15/0046/MOUT), which utilised the same TA transport evidence. The advice we provided in respect of this cumulative TA on the SRN and the subsequent recommendations given on planning conditions, issued on 9 April 2015, remains relevant in the consideration of 19/0620/MOUT.

Highways England understands that at this time the three 2015 expansion applications are being held in abeyance under Regulation 22 and the 2017 Treasbeare application remains undetermined by the Local Planning Authority pending the submission of additional information.

Transport Assessment

A Transport Assessment (TA) has been supplied in support of the current application 19/0620/MOUT which as set out in sections 5.1 1 and 5.1.3 utilises the modelling methodology used for the previous 2015 applications, and consequently does not consider the expansion areas in isolation (so in this case the 'Bluehayes' or western Area), but the collective impact. The content and methodology employed in understanding the cumulative transport impact of the proposed expansions to Cranbrook has already been accepted and agreed by Highways England in the past. In short, the following matters have been agreed and accepted.

- the external vehicle trip rates;
- the expected distribution of external vehicle trips; the use of the Devon County Council (DCC) 'East of Exeter' SATURN model for trip assignment purposes (routing);
- the use of a 2030 assessment year;
- the specific developments identified as being 'committed' or 'consented' in the base-line case.

As the modelling methodology used in support of this new application for the western expansion area 19/0620/MOUT is the same as that undertaken for the previous 2015 and 2017 applications the conclusions arising from our review of the previous TA remain unchanged. In our consideration of the cumulative impact of the three 2015 applications the Moor Lane Roundabout was identified as a constraint on the network, and the provision of the Phase 3 works (Tithebarn Link Road) was proposed to address this limitation. A scheme of enhancement was also proposed for the Moor Lane Roundabout junction to provide a further capacity enhancement. In our formal responses to the 2015 applications we concluded that the improvement to the Moor Lane junction was "necessary before Cranbrook can exceed 6, 500 occupations unless alternative forms of mitigation in relation to trip rates were agreed".

At the time of submission of the 2015 expansion applications, circa 3500 dwellings were consented at Cranbrook and two further applications outside the Cranbrook Plan area for 250 dwellings each were under consideration. These sites were Rockbeare (15/0371/MOUT) and Farlands (15/2945/MOUT), and were considered as 'committed' as part of the modelling work undertaken for the TA. When subtracted from the total of 6,500 dwellings that could be accommodated prior to the delivery of the Moor Lane improvement this left a balance of 2,500 'remaining' dwellings that could be delivered across the three expansion areas at the east, west and south.

Following discussions and agreement with the applicants and the local highway authority at that time, Highways England proposed a limit of development permitted at each Cranbrook expansion site as outlined in Table 3 below;

Table 3

Location	Site	Application	Dwellings	Dwellings permitted prior to Moor Lane improvement	Application	Dwellings	Dwellings permitted prior to Moor Lane improvement
		15/0047/MOUT					
West	Bluehayes	15/0045/MOUT	820	820	19/0620/MOUT	930	930
South	Treasbeare	15/0046/MOUT	1550	840	17/1482/MOUT	1200	840
South East	Grange	N/A		N/A	N/A	TBC	TBC
			4120	2500			

As is reflected in Table 3, following our review of the 2017 Treasbeare expansion site application (17/1482/MOUT) which also used the same modelling methodology as TA submitted for the 2015 applications, we recommended the same 'trigger' be applied as for the earlier southern site application 15/0046/MOUT, permitting 840 dwellings prior to the delivery of the Moor Lane improvements.

Subsequent to our review of both the 2015 and 2017 applications Highways England now understands that the application for 250 dwellings at Rockbeare (15/0371 /MOUT) has been refused at planning appeal and the site for the same quantum at Farlands (15/2945/MOUT) is now being included as part of the allocation at the south east expansion site at Cobdens, as outlined in the Cranbrook DPD Submission Draft February 2019.

As a result, 500 dwellings previously assumed as committed with the TA assessment are no longer coming forward. In respect of the 6,500 dwellings that can be accommodated prior to the delivery of the Moor Lane Roundabout improvements, only the 3,500 already consented at Cranbrook should therefore now be considered as committed for the purposes of the TA. Based on previous modelling assessment this results in 3,000 (formerly 2,500) dwellings across the remainder of the Cranbrook Plan area being able to come forward ahead of the Moor Lane works.

In respect of the revised application for the western site currently under consideration. Highways England previously recommended no objections to previous application 15/0045/MOUT for 820 dwellings. The current application on the same site now proposes an uplift to 930 dwellings, which based on the previously agreed trip rates and would generate a total of an additional 46 two way trips in the AM peak and 42 two way trips in the PM peak. Whilst the potential impact of this additional traffic upon the SRN (A30 and M5 J29) has not been specifically assessed, Highways England considers that this uplift of 110 can be 'offset' by the previously assumed growth at Farlands and Rockbeare (500 dwellings) no longer coming forward

It should be noted that the land use mixes and allocations as proposed in both the 2017 and 2019 expansion applications and the Cranbrook DPD Submission Draft does not alter Highways England's view on the appropriate total 'trigger' point for delivery of the Moor Lane junction improvements as recommended for the 2015 applications. In the absence of any updated transport assessment work subsequent to our review of the original expansion site proposals we remain of the view that the limit of 6,500 should be imposed on overall housing occupations at Cranbrook until these works are in place. Based on the condition placed on Treasbeare of 840 and the proposed quantum at Bluehayes (930), this leaves a balance of 1,230 dwellings that could come forward across the remaining expansion allocation sites (at Cobdens and Grange) ahead of the delivery of the Moor Lane improvement works.

Travel Plan

It is noted that the applicant commits to undertake the requirements and actions as set out in the approved Cranbrook Travel Plan, which covers all sites within the Cranbrook Plan area. Highways England 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

Highways England 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.

An assessment of construction trips for the proposed development has been undertaken, which predicts that 278 daily trips (HGVs and construction workers) will be generated by the site. Whilst it is accepted that consented developments on site are already generating construction traffic, Highways England would expect that a Construction Management Plan be provided for all phases of development, to include access routes and travel times. We will therefore be recommending a planning condition to this effect.

Conclusions

In view of the above, our final response on the original western expansion application 15/0045/MOUT is considered relevant to this revised application on the same site. The reasoning for this view for this is that application 19/0620/MOUT is largely a revised or substitute layout for 15/0045/MOUT, and relies on the same transport evidence as submitted and accepted for the 2015 application. Whilst application 19/0620/MOUT represents an uplift of 110 dwellings to that previously accepted by Highways England on the western expansion site, it is accepted that 500 dwellings assumed as committed development within the original TA modelling are no longer coming forward in addition to the allocations proposed within the Cranbrook DPD Submission Draft, so the increased quantum at this site of 930 now sought can be accommodated in advance of the Moor Lane Roundabout improvement works.

Cranbrook DPD Submission Draft - February 2019

Highways England notes that as indicated in Table 2 the cumulative total of the current Bluehayes 19/0620/MOUT (930 dwellings) and Treasbeare 17/1482/MOUT (1200 dwellings) applications is 2,130, which exceeds the total of 1,875 dwellings as allocated across these two sites within the Draft Cranbrook DPD. Should the Local Planning

Authority be minded to approve these applications at this increased quantum (which would be inconsistent with the DPD thresholds) Highways England would need to understand what reductions would be made to the allocations proposed at Cobdens and Grange, to ensure the total quantum does not exceed the overall Plan allocation of 4, 170 dwellings. Should the overall Plan allocation increase beyond 4, 170 dwellings an updated transport assessment would need to be provided to enable Highways England to understand the impact upon the SRN, which was reiterated in our formal response to the Cranbrook Development Plan Document (DPL) Submission Draft consultation in April 2019. Highways England recognises that the original apportionment of the then 2,500 homes that could come forward in the Plan area prior to the completion of Moor Lane improvement works was based on the 2015 applications, and these site quantum do not align with the allocations now proposed within the Draft Cranbrook Plan. We are therefore happy to consider an alternative apportionment of these dwellings across the proposed allocation sites within the Cranbrook Plan area provided the (now revised) limit of 3,000 is not exceeded, up to a total Plan area limit of 7,750 homes.

Recommendation

Highways England has no objection in principle to the proposed development proposals as outlined in the Cranbrook western expansion site planning application 19/0620/MOUT at 'Bluehayes', 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 Construction Management Plan for the development at the western expansion site, 'Bluehayes', shall be submitted to and approved in writing by the local planning authority (in consultation with Highways England).
Reason: In the interests of the safe and efficient operation of the Strategic Road Network.

Highways England/National Highways - 27 November 2020

Thank you for consulting Highways England on proposed amendments to the above application. We were originally consulted on the application in May 2019 and recommended the submission of a Construction Management Plan by way of planning condition.

The Planning Statement Addendum dated October 2020 prepared by David Lock Associates sets out that the amendments relate to the provisions made for a primary school. The May 2019 application made provision for either an 2FE primary school, a 1FE smaller primary school and/or residential use on the land designated on the site layout plan for primary school use. The latter options have now been removed with the land now proposed for a larger 2FE primary school only. As such, the quantum of residential dwellings sought by the application has been reduced from 930 dwellings to 850 dwellings to accommodate this change. Section 1.3 of the planning statement confirms that should a 2 form entry school no longer be required however, the alternative options could be reintroduced.

This proposed reduction in residential development is likely to result in a reduction in the external traffic generated by the development during the peak hours as previously assessed by Highways England. As such, the amended application is likely to reduce the

impact on the safe and efficient operation of the strategic road network. However as noted in the Planning Statement should the larger school now proposed not be required, there is potential for the previous higher quantum of residential development to be reintroduced.

We therefore consider that our previous response to the application dated 31 May 2019 which assesses a quantum of 930 dwellings remains appropriate. As above this recommends the submission of a Construction Management Plan prior to commencement, and I have attached this response for your ease of reference.

I trust the above is clear, but please do not hesitate to contact me if you would like to discuss further,

Summary:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A - Highways England recommended Planning Conditions);

Annex A Highways England recommended planning conditions

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as 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 works 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.

This response represents our formal recommendations with regard to planning application reference 19/0620/MOUT and has been prepared by the Planning Manager for the SRN in Devon.

We have undertaken a review of the submitted documents in line with the current requirements as detailed in DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the DCLG National Planning Policy Framework, and in consultation with our consultants, Jacobs.

Statement of Reasons

Proposed Development

This is an outline application (with all matters reserved except for access) for development comprising up to 930 residential dwellings, primary school, community use, mixed use area including A1, A2, A3, A4, A5, B1 business use (up to 1,500 sqm), community uses, (including D1 non residential institutions and D2 assembly and leisure), sport and recreation facilities and children's play area, green infrastructure /(including open space and SANG), access, landscaping, allotments, engineering (including ground modelling and drainage) works, demolition, associated infrastructure and car parking for all uses, at land at Cranbrook Western Expansion Area (Bluehayes), Station Road, Broadclyst, Devon. This would form a western extension to the Cranbrook New Community (CNC).

A Transport Assessment (TA) dated March 2019 has been submitted in support of the application, prepared by WSP.

Policy Background

The proposal comprises an expansion of the currently consented 3847 dwellings in Cranbrook on land allocated for this purpose in the East Devon Local Plan (2013-2031, adopted 2016) referred to as the 'Western' Expansion Area'. The proposal is also referred to as the 'Bluehayes Expansion Area' and subject to a separate policy (CB2) in the Cranbrook Development Plan Document (DPD) Submission Draft (February 2019). The application appears consistent with the specific uses as set out in Policy CB2 which refers to up to 960 new dwellings and a mixed-use area capable of accommodating a range of community and business spaces and a 420-place primary school.

Site History

The 'Bluehayes' site comprises one of the four 'expansion' sites to the CNC as proposed within the Cranbrook DPD Submission Draft (February 2019). These four sites and their proposed allocations are tabulated below;

Location	Site	(Dwellings) 2019 Draft Cranbrook Plan Allocations
East	Cobdens	1495
West	Bluehayes	960
South	Treasbeare	915
South East	Grange	800
		4170

Table 1

Previously Highways England have been consulted on planning applications for development on the sites to the east, west and south. The previous application for the western (Bluehayes) site the (15/0045/MOUT) comprised a lower quantum of residential and employment development to that which is now sought in application 19/0620/MOUT. This previous application proposed 820 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. In respect of traffic impact, it is accepted that the trip generation associated with the inclusion of 1,500 sqm of employment within the development is unlikely to result in a severe impact upon the SRN. The uplift in housing quantum from the earlier application is now considered further by Highways England.

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

		2015 Applications		Subsequent Applications		
Location	Site	Application	Dwellings	Applications	Dwellings	2019 Plan Allocations
East	Cobdens	15/0047/MOUT	1750	N/A	TBC	1495
West	Bluehayes	15/0045/MOUT	820	19/0620/MOUT	930	960
South	Treasbeare	15/0046/MOUT	1550	17/1482/MOUT	1200	915
South East	Grange	N/A	0	N/A	TBC	800
			4120			4170

Table 2

Highways England has previously provided consultation advice on an application for an expansion area to the west, 15/0045/MOUT, which as above was submitted at the same time as two further applications for extending Cranbrook to the south and east (15/0046/MOUT and 15/0047/MOUT). One single TA was submitted in support of all three applications and considered the cumulative impact of all of these sites, as opposed to identifying the impact of each respective site. There has also been a subsequent application for development on the southern site at Treasbeare (17/1482/MOUT, on the site of 15/0046/MOUT), which utilised the same TA transport evidence. The advice we provided in respect of this cumulative TA on the SRN and the subsequent recommendations given on planning conditions, issued on 9 April 2015, remains relevant in the consideration of 19/0620/MOUT.

Highways England understands that at this time the three 2015 expansion applications are being held in abeyance under Regulation 22 and the 2017 Treasbeare application remains undetermined by the Local Planning Authority pending the submission of additional information.

Transport Assessment

A Transport Assessment (TA) has been supplied in support of the current application 19/0620/MOUT which as set out in sections 5.11 and 5.1.3 utilises the modelling methodology used for the previous 2015 applications, and consequently does not consider the expansion areas in isolation (so in this case the 'Bluehayes' or western Area), but the collective impact. The content and methodology employed in understanding the cumulative transport impact of the proposed expansions to Cranbrook has already been accepted and agreed by Highways England in the past. In short, the following matters have been agreed and accepted:

- the external vehicle trip rates;
- the expected distribution of external vehicle trips;
- the use of the Devon County Council (DCC) 'East of Exeter' SATURN model for trip assignment purposes (routing);

- the use of a 2030 assessment year;
- the specific developments identified as being ‘committed’ or ‘consented’ in the base-line case.

As the modelling methodology used in support of this new application for the western expansion area 19/0620/MOUT is the same as that undertaken for the previous 2015 and 2017 applications the conclusions arising from our review of the previous TA remain unchanged. In our consideration of the cumulative impact of the three 2015 applications the Moor Lane Roundabout was identified as a constraint on the network, and the provision of the Phase 3 works (Tithebarn Link Road) was proposed to address this limitation. A scheme of enhancement was also proposed for the Moor Lane Roundabout junction to provide a further capacity enhancement. In our formal responses to the 2015 applications we concluded that the improvement to the Moor Lane junction was “*necessary before Cranbrook can exceed 6,500 occupations unless alternative forms of mitigation in relation to trip rates were agreed*”.

At the time of submission of the 2015 expansion applications, circa 3500 dwellings were consented at Cranbrook and two further applications outside the Cranbrook Plan area for 250 dwellings each were under consideration. These sites were Rockbeare (15/0371/MOUT) and Farlands (15/2945/MOUT), and were considered as ‘committed’ as part of the modelling work undertaken for the TA. When subtracted from the total of 6,500 dwellings that could be accommodated prior to the delivery of the Moor Lane improvement this left a balance of 2,500 ‘remaining’ dwellings that could be delivered across the three expansion areas at the east, west and south.

Following discussions and agreement with the applicants and the local highway authority at that time, Highways England proposed a limit of development permitted at each Cranbrook expansion site as outlined in Table 3 below;

Table 3

Location	Site	Application	Dwellings	Dwellings permitted prior to Moor Lane improvement	Application	Dwellings	Dwellings permitted prior to Moor Lane improvements
East	Cobdens	15/0047/MOUT	1750	840	N/A	TBC	TBC
West	Bluehayes	15/0045/MOUT	820	820	19/0620/MOUT	930	930
South	Treasbeare	15/0046/MOUT	1550	840	17/1482/MOUT	1200	840
South East	Grange	N/A	0	N/A	N/A	TBC	TBC
			4120	2500			

As is reflected in Table 3, following our review of the 2017 Treasbeare expansion site application (17/1482/MOUT) which also used the same modelling methodology as TA submitted for the 2015 applications, we recommended the same 'trigger' be applied as for the earlier southern site application 15/0046/MOUT, permitting 840 dwellings prior to the delivery of the Moor Lane improvements.

Subsequent to our review of both the 2015 and 2017 applications Highways England now understands that the application for 250 dwellings at Rockbeare (15/0371/MOUT) has been refused at planning appeal and the site for the same quantum at Farlands (15/2945/MOUT) is now being included as part of the allocation at the south east expansion site at Cobdens, as outlined in the Cranbrook DPD Submission Draft - February 2019.

As a result, 500 dwellings previously assumed as committed with the TA assessment are no longer coming forward. In respect of the 6,500 dwellings that can be accommodated prior to the delivery of the Moor Lane Roundabout improvements, only the 3,500 already consented at Cranbrook should therefore now be considered as committed for the purposes of the TA. Based on previous modelling assessment this results in 3,000 (formerly 2,500) dwellings across the remainder of the Cranbrook Plan area being able to come forward ahead of the Moor Lane works.

In respect of the revised application for the western site currently under consideration, Highways England previously recommended no objections to previous application 15/0045/MOUT for 820 dwellings. The current application on the same site now proposes an uplift to 930 dwellings, which based on the previously agreed trip rates and would generate a total of an additional 46 two way trips in the AM peak and 42 two way trips in the PM peak. Whilst the potential impact of this additional traffic upon the SRN (A30 and M5 J29) has not been specifically assessed, Highways England considers that this uplift of 110 can be 'offset' by the previously assumed growth at Farlands and Rockbeare (500 dwellings) no longer coming forward.

It should be noted that the land use mixes and allocations as proposed in both the 2017 and 2019 expansion applications and the Cranbrook DPD Submission Draft does not alter Highways England's view on the appropriate total 'trigger' point for delivery of the Moor Lane junction improvements as recommended for the 2015 applications. In the absence of any updated transport assessment work subsequent to our review of the original expansion site proposals we remain of the view that the limit of 6,500 should be imposed on overall housing occupations at Cranbrook until these works are in place. Based on the condition placed on Treasbeare of 840 and the proposed quantum at Bluehayes (930), this leaves a balance of 1,230 dwellings that could come forward across the remaining expansion allocation sites (at Cobdens and Grange) ahead of the delivery of the Moor Lane improvement works.

Travel Plan

It is noted that the applicant commits to undertake the requirements and actions as set out in the approved Cranbrook Travel Plan, which covers all sites within the Cranbrook Plan area. Highways England 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

Highways England 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.

An assessment of construction trips for the proposed development has been undertaken, which predicts that 278 daily trips (HGVs and construction workers) will be generated by the site. Whilst it is accepted that consented developments on site are already generating construction traffic, Highways England would expect that a Construction Management Plan be provided for all phases of development, to include access routes and travel times. We will therefore be recommending a planning condition to this effect.

Conclusions

In view of the above, our final response on the original western expansion application 15/0045/MOUT is considered relevant to this revised application on the same site. The reasoning for this view for this is that application 19/0620/MOUT is largely a revised or substitute layout for 15/0045/MOUT, and relies on the same transport evidence as submitted and accepted for the 2015 application. Whilst application 19/0620/MOUT represents an uplift of 110 dwellings to that previously accepted by Highways England on the western expansion site, it is accepted that 500 dwellings assumed as committed development within the original TA modelling are no longer coming forward in addition to the allocations proposed within the Cranbrook DPD Submission Draft, so the increased quantum at this site of 930 now sought can be accommodated in advance of the Moor Lane Roundabout improvement works.

Cranbrook DPD Submission Draft - February 2019

Highways England notes that as indicated in Table 2 the cumulative total of the current Bluehayes 19/0620/MOUT (930 dwellings) and Treasbeare 17/1482/MOUT (1200 dwellings) applications is 2,130, which exceeds the total of 1,875 dwellings as allocated across these two sites within the Draft Cranbrook DPD. Should the Local Planning Authority be minded to approve these applications at this increased quantum (which would be inconsistent with the DPD thresholds) Highways England would need to understand what reductions would be made to the allocations proposed at Cobdens and Grange, to ensure the total quantum does not exceed the overall Plan allocation of 4,170 dwellings. Should the overall Plan allocation increase beyond 4,170 dwellings an updated transport assessment would need to be provided to enable Highways England to understand the impact upon the SRN, which was reiterated in our formal response to the Cranbrook Development Plan Document (DPD) Submission Draft consultation in April 2019.

Highways England recognises that the original apportionment of the then 2,500 homes that could come forward in the Plan area prior to the completion of Moor Lane improvement works was based on the 2015 applications, and these site quantum do not align with the allocations now proposed within the Draft Cranbrook Plan. We are therefore happy to consider an alternative apportionment of these dwellings across the proposed allocation sites within the Cranbrook Plan area provided the (now revised) limit of 3,000 is not exceeded, up to a total Plan area limit of 7,750 homes.

Recommendation

Highways England has no objection in principle to the proposed development proposals as outlined in the Cranbrook western expansion site planning application 19/0620/MOUT at 'Bluehayes', 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 Construction Management Plan for the development at the western expansion site, 'Bluehayes', shall be submitted to and approved in writing by the local planning authority (in consultation with Highways England).

Reason: In the interests of the safe and efficient operation of the Strategic Road Network.

National Highways – 27 January 2023

Thank you for consulting National Highways on further amendments to the above application. Policy CB2 'Bluehayes Expansion Area' of the adopted Cranbrook Plan allocates 960 new dwellings, a mixed-use area comprising community and business spaces and a 420-place primary school on the western Bluehayes expansion site.

The adopted Cranbrook Plan allocates a further 4,170 dwellings across four expansion zones, in addition to the 3,847 consented at the consented Cranbrook New Community. Following consultation on a number of expansion area applications National Highways has made clear that we are happy to consider alternative apportionment of these dwellings across the expansion zones provided the total of 4,170 dwellings allocated within the Cranbrook Plan is not exceeded. Should the cumulative number of dwellings across the four expansion Zones exceed the 4,170 allocated by the adopted Plan an updated transport assessment would need to be provided to enable National Highways to understand the impact upon the SRN. Given the evidence based used to support the expansion site applications is now a decade old, any proposed uplift in the quantum of development within the expansion site allocations will require the submission of updated transport modelling supported by contemporary traffic surveys.

Previous Consultations

We were originally consulted on application 19/0620/MOUT in May 2019 and recommended the submission of a Construction Traffic Management Plan as set out in our attached response dated 31 May 2019.

We were subsequently consulted on proposed amendments in October 2020 relating to the provision of a primary school. The May 2019 application made provision for either a 2FE primary school, a 1FE smaller primary school and/or residential use on the land designated on the site layout plan for primary school use. The October 2020 submission removed the latter options with the land now proposed for a larger 2FE primary school only. As such, the quantum of residential dwellings sought by the application was reduced from 930 dwellings to 850 dwellings to accommodate this change. We offered no objections to these proposed amendments on the basis the revised scope of the application was likely to result in a lower

traffic generation in the network peak hours than the previously assessed May 2019 application.

Current Proposals

The application proposes an increase to the number of dwellings at the Bluehayes site from 850 to 870, which remains within the 930 previously assessed and accepted for the 2019 submission, and the 960 dwellings allocated by Policy CB2 of the adopted Cranbrook Plan. On the basis we offer no objections to the revisions and consider that our previous recommendation to application 19/0620/MOUT requiring the submission of a Construction Traffic Management Plan remains appropriate. Our suggested planning condition is set out in our attached response dated 31 May 2019.

This recommendation is made strictly on the basis that the cumulative total of dwellings consented across the four expansion zones does not exceed the 4,170 dwellings as allocated by the adopted Cranbrook Plan. As referenced above, should the total development across the four expansion sites seek to exceed the 4,170 allocated by the Cranbrook Plan then the impact of this additional development will need to be assessed on the basis of current highway operating conditions to ensure the impact of additional development can be safely accommodated by the existing highway network.

I trust the above is clear, but please do not hesitate to contact me if you would like to discuss further.

National Trust - 10 June 2019

The Trust owns the Killerton Estate, which comprises 2585 hectares, and includes 240 cottages, 18 farms, Silverton Mill industrial site, Ashclyst Forest, Dolbury hillfort (SM), Killerton House (Grade II* listed), and the Killerton Registered Park and Garden (Grade II*).

Killerton includes a grade II* Registered Park and Garden. The special qualities of the parkland design relate to its use of the area's natural topography and the views are seen as a key aspect of its significance. The summary of significance of Killerton Park is set out in paragraph 1.2 of the 'Killerton Setting Study' (Land Use Consultants; April 2013). An electronic copy of the final report Killerton Setting Study is attached to the email version of this letter.

The 'Archaeology & Heritage Assessment' dated 15th July 2014, prepared by BSA Heritage and submitted as part of the application, makes no reference to the Killerton Setting Study as part of the assessment and at para 3.7 states; The closest registered parks to the sites are the Grade II* registered park surrounding the listed Killerton House well to the north west of Bluehayes and the Grade II registered Rockbeare Manor south of Southbrook. Both registered landscapes lie too distant from the sites to be affected.

The Setting Study identifies the application site as being within a 'zone of potential influence' in which forces for change are most likely to impact on the setting of the Park (fig.3.8) and places it within the 'Lowland Plains' character type, which forms the middle to distant setting to the southern part of Killerton Park, featuring in key views from Killerton

Garden. The study recognises this area to only be of low significance to the Park and currently subject to the greatest degree of change of all the areas covered by the study.

Whilst the area is of low significance to Killerton Park, given that the site falls within the defined 'Zone of Potential Influence', a proportionate assessment of impact on setting of Killerton should be provided. That assessment should follow a systematic approach in line with 'Historic Environment Good Practice Advice in Planning - Note 3 (Second Edition): The Setting of Heritage Assets' (English Heritage Guidance; December 2017) undertaking the following steps:

- 'Assessing whether, how and to what degree settings make a contribution to the significance of the heritage asset(s)' (STEP 2);
- 'Assessing the effect of the proposed development on the significance of the asset(s)' (STEP 3), which should take into account any change to the general character of the landscape context, among other attributes;
- 'Maximising enhancement and minimising harm' (STEP 4).

However, as set out above, the 'Archaeology & Heritage Assessment' makes no reference to the Killerton Setting Study as part of the assessment. Neither does it undertake a proportionate assessment of the impact on the setting of Killerton in line with English Heritage guidance as set out above.

It should be noted that visual considerations are only one aspect of setting, and a heritage impact assessment should take into account any change to the general character of the landscape context, among other attributes (EH guidance, 2017; p.11, non-exhaustive check-list of attributes). The National Planning Practice Guidance also recommends that:

'When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.'

(PPG: Historic Environment; Paragraph: 013; Reference ID: 18a-013-20140306)

The issue of cumulative change is particularly important in the context of other consented applications, and those awaiting determination, within this character area.

An assessment of impact on the setting of Killerton is required in line with the National Planning Policy Framework (NPPF, para 189). The application submission should provide a proportionate but systematic assessment of the impact on the setting of Killerton Park in line with the steps 2 - 5 in the English Heritage Guidance, having regard to the Killerton Setting Study (Land Use Consultants; April 2013), and with specific consideration to the implications of cumulative change.

Killerton is also one of the most popular green space destinations for residents of Exeter and East Devon (Footprint Ecology, 2012). The Trust's land ownership in relation to the Killerton Estate extends south of the railway line and borders the site of the Cranbrook new community.

The parameter plans and other supporting documentation, submitted as part of the application set out pedestrian and cycle connectivity to the other development parcels at Cranbrook and the east of Exeter, however does not appear to set out in detail how the creation of safe routes for pedestrian and cycle connectivity to the wider countryside, particularly land to the north (including the Clyst Valley trail and Killerton Estate).

The Trust has recently commented on the Submission Draft of the Cranbrook Development Plan Document (DPD) stating that it would like to see a wider Green Infrastructure strategy before the final plan is formed as this would allow full consideration of links to the surrounding countryside to the north and specifically the Clyst Valley Regional Park, and would ensure the coordination of delivery.

Therefore, given the proximity of the site to the Killerton Estate and that it will provide a destination for residents of the Cranbrook new community, the Trust consider it is important that it is important to fully consider connections at Outline stage, to ensure that opportunities for providing safe pedestrian and cycle routes are not missed.

The Trust would like the opportunity to comment further should additional information as highlighted in this letter becomes available.

Natural England - 22 May 2019

Cranbrook Western Expansion Area (Bluehayes) Station Road Broadclyst (19/0620/MOUT) AND Planning consultation: 19/0554/MFUL - Change of use of existing agricultural land to Suitable Alternative Natural Greenspace (SANG) with associated information for use and access

Thank you for your consultations on the above dated 30 April 2019 and 8 May 2019 which were received by Natural England on the same date. We are responding to these two related applications in this letter.

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 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.

The following information is required from the applicants:

- Demonstrate that a minimum of 17.5 hectares of Suitable Alternative Natural Green Space (SANGS) area can be secured, both on and off-site.

- Dedicated parking provision for the SANGS.
- The SANGS and residential development phasing plans.
- The SANGS management strategy, secured in perpetuity.
- Confirmation of sewage treatment capacity.

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.

Please re-consult Natural England once this information has been obtained.

Further advice on soils and other issues is provided below.

Additional Information required Habitats Regulations Assessment - Recreational Impacts on European 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 as set out in the 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. Permission should not be granted until such time as the implementation of these measures has been secured.

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.

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Suitable Alternative Natural Green Space (SANGS)

Using the formula from the Cranbrook Plan Submission Draft 2013-2031, the proposed 930 dwellings should deliver 17.5ha of SANGS. It is not entirely clear from the submitted documents whether this amount will be delivered with these two applications due to some confusion on which areas are already part of the Country Park or other open space use types. It is unclear whether the area of open space at the north east of Bluehayes crossed by a distributor road is intended to form part of the SANGS provision in addition to the areas shown as SANGS in the Cranbrook Masterplan. We advise that the road and small size mean it is unlikely to be suitable as SANGS.

The planning application at Elbury Meadows 19/0554/MFUL) is for change of use to a SANGS. We calculate this area to be approximately 8 hectares, rather than the 8.9 hectare figure given in the Design and Access statement. We therefore advise that the SANGS areas proposed for the Cranbrook Western Expansion area application 19/0620/MOUT should total at least 9.5 hectares.

The Cranbrook Plan Delivery Strategy Habitat Mitigation - SANGS document, which forms part of the evidence base, expects the phasing to ensure that 8ha of SANGS should be provided ahead of each 425 houses. The documentation does not appear to provide information on phasing or a management strategy. A planning condition must be included on the permission preventing occupancy of any dwellings until an appropriate quantum of SANGS has been provided.

Information within Chapter 9 of the EIA compares the SANG proposals with the policy requirements. Natural England is concerned that there is no bespoke parking provision proposed for either the on or off-site SANGS areas. We do not consider the existing parking provision at the railway station or the Younghayes Centre to be sufficiently close or available for easy use by dog walkers and other potential user groups.

Water quality

In addition to recreational impacts on the European sites there is a further area of concern regarding potential water quality/nutrient impacts on the Exe Estuary SPA/RAMSAR. The Environmental Statement must address the sewage treatment capacity within the current system. The applicant should provide information to confirm that capacity can be secured within the network without compromising the current nutrient discharge levels to the SPA/Ramsar.

SSSIs

Providing appropriate mitigation is secured to avoid impacts upon the European sites occurring there should be no additional impacts upon the SSSI interest features of these sites.

In addition, Natural England would advise on the following issues.

Soils and Land Quality

Although we consider that this proposal falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, Natural England draws your Authority's attention to the following land quality and soil considerations:

1. Based on the information provided with the planning application, it appears that the proposed development comprises approximately 40 ha of agricultural land, including a large proportion classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).

2. Government policy is set out in paragraph 170 and 171 of the National Planning Policy Framework which states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

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.'

And

Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework¹; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

3. It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as habitat creation, landscaping, allotments and public open space etc.). In order to retain the long term potential of this land and to safeguard 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.

5. Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site. Further guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks) and we recommend that this is followed.

Net gain

We advise that in accordance with the revised National Planning Policy Framework (NPPF) 2018, opportunities to achieve a net gain for biodiversity should be sought through the delivery of this development. For guidance and examples of how to incorporate net gain for biodiversity into developments please see Technical Note T2 of Biodiversity Net Gain Good practice principles for development: A practical guide CIRIA 2019.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me on Alison.Slade@naturalengland.org.uk.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

Please consult us again once the information requested above, has been provided.

Yours faithfully
Alison Slade

(1) Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Natural England - 12 November 2020

Thank you for your consultations on the above applications dated 27 October and 4 November 2020. We are responding to the additional information submitted for these two related applications in this letter.

We comment as follows, referring to the further information we requested in our letter dated 28th May 2020:

1. Demonstrate that a minimum of 17.5 hectares of Suitable Alternative Natural Green Space (SANGS) area can be secured, both on and off-site.

David Lock Associates have demonstrated an adequate amount of SANGS land is proposed in relation to the number of dwellings.

2. Dedicated parking provision for the SANGS.

Policy CB15 in the recent Cranbrook Plan submission draft sets out that car parks for SANGS must deliver:

a) Adequate parking which is free or benefits from significantly reduced charges for vehicles and bicycles for visitors;

b) Car parks which are easily and safely accessible, and which are designed with an appropriate layout which allows for adequate mitigation to limit the intrusion on the character and appearance of the local environment;

c) Car park locations where dogs can safely be taken from the car to the SANGS off the lead;

d) Easy access between the SANGS and adjacent housing to facilitate access by pedestrians/cyclists as well as car-based transport.

Our advice is that a dedicated car park meeting the above requirements is necessary for the Elbury Meadows SANGS. This section of SANGS is much further than 400m walking distance from the Bluehayes residential development and could not be defined as easy access, particularly for the less able. The future "Town Centre" parking location indicated would involve crossing at least two roads to reach the SANGS so would not be safe or convenient, particularly for dog walkers. To be an effective alternative to car-based visits to the European sites, adjacent car parking is needed.

3. The SANGS and residential development phasing plans.

We have not been able to find how the SANGS phasing 1- 4 indicated on plan WCN055-PAW-004-C relates to residential delivery. Please ensure that 8ha of SANGS will be provided ahead of each 425 houses.

4. The SANGS management strategy, secured in perpetuity.

We note that a Design Principles document is proposed with a section to set out the management principles for SANGS land. Natural England would like to be consulted on the management strategy. The LPA must ensure that this secured and will be implemented at the correct time. Details should be provided in the Appropriate Assessment.

5. Confirmation of sewage treatment capacity.

Information now provided, thank you.

Habitats Regulations Assessment - Recreational Impacts on European Sites

As advised previously, as competent authority, your Authority should undertake an appropriate assessment prior to determining the application and consult Natural England on this.

Soils and Land Quality

We have not found the response by the soil specialist referred to in paragraph 9.77 and refer back the recommendations in our previous letter in relation to soil quality.

Net gain

It is not our role to comment on the net gain calculations but offer the following general advice on use of SANGS land for net gain.

Additional enhancements to the SANGS (over and above what is specified in the SANGS guidelines) can be delivered to achieve some of the Biodiversity Net Gain (BNG) requirements.

The baseline for the calculation must include all habitat features of the site that are there to meet the minimum SANGS requirements. BNG contributions can only be claimed for features added that are additional to this. Care should be taken to ensure that any such additional features do not compromise the original purpose of the SANG (e.g. adding features which may conflict with dog-walkers)

Natural England – 24 January 2023

Natural England has no additional comments to make to those previously submitted on the amendments listed below.

Natural England – 15 February 2023

Thank you for consultation on your Appropriate Assessment in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment (AA) process, and a competent authority should have regard to Natural England's advice.

On the basis of information provided, Natural England's advice is that this proposed development contains (or requires) measures intended to avoid or reduce the likely harmful effects on European sites which cannot be taken into account when determining whether or not a project is likely to have a significant effect on a site and requires an appropriate assessment (following the People Over Wind ruling by the Court of Justice of the European Union). <https://www.gov.uk/guidance/appropriate-assessment#what-are-the-implications-of-the-people-over-wind-judgment-for-habitats-regulations-assessments>

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in a likely significant effect on the sites in question. Natural England's advice is that your assessment is not sufficiently robust to justify this conclusion. Therefore it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. We advise that your authority should not grant planning permission at this stage.

We advise that the following additional work on the assessment is required to enable it to be sufficiently rigorous and robust. Regard needs to be paid to Natural England's advice but it is not clear in the AA that this is the case.

- o Our most recent advice letter dated 12 November 2020 (attached) explains why we consider that a dedicated car park meeting the requirements set out in the Cranbrook Plan is necessary for the Elbury Meadows SANGs. Your AA should explain how this has been addressed. We note that the other current Cranbrook expansions applications both provide parking to access their associated SANGs.

- o We confirm we are satisfied with the size of SANGs proposed for the proposal in question.

- o The SANG delivery, enhancement & management strategy and phasing plans need to be secured and referenced in the AA.

- o The conclusion of the AA should ascertain why the proposal will not result in adverse effects on the integrity of the sites in question and set out all the mitigation measures necessary.

To give you feedback, it is not necessary to go into detail in an AA on the Cranbrook Plan HRA or the on-site mitigation measures in the South East Devon European Site Mitigation Strategy. Lengthy information can be put into Appendices and supporting documents can be referenced. This AA should concentrate on the key mitigation measure being delivered i.e. Suitable Alternative Natural Greenspace (SANGs).

Natural England should be re-consulted once this additional work has been undertaken and the appropriate assessment has been revised.

For information, Natural England does not have a role in checking Biodiversity Net Gain calculations. Please do contact me if you have queries on the above.

Natural England – 6 March 2023

Thank you for your email below, consulting Natural England on the attached revised Appropriate Assessment dated 2 March 2023, in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017.

Further to our discussion on the 28th February 2023, please be advised that on the basis of all the mitigation measures being secured by planning condition or S106 agreement, Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of the Exe Estuary SPA/RAMSAR, the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA.

Network Rail - 19 July 2019

Thank you for consulting Network Rail on the above application. Unfortunately we have let this application slip through our net, so are only now just undertaking internal consultations on the proposed development. I will be able to provide our complete response in due course.

In the first instance and because we are already aware of an extension of the existing new development at Cranbrook (through the emerging local plan document), near to Crannaforde level crossing, we will require the developer to provide more detail in relation to how the proposal may impact Crannaforde level crossing. For this application we are particularly concerned that the increase in facilities to this new town, will attract new visitors from outside of Cranbrook. This would lead to additional use over the crossing. There may well be an increase in mis-use at the crossing (examples are trespassing (including children playing), vehicles / cyclist / pedestrians crossing as the barrier is falling, entering the crossing when the road is blocked by queuing traffic or parked traffic, etc.) as well.

So that we are able to fully assess this proposal we request that an assessment of the predicted use over the Crannaforde level crossing is undertaken. This should include the estimated visits by people outside of Cranbrook such as from Broadclyst, Clyst Hydon and Clyst St Lawrence to the proposed new business and community uses / facilities.

- Consulted 27/10/2020. No comments received.
- Consulted 05/01/2023. No comments received.

FAB Link Interconnector Project - 04 June 2019

FAB Link Limited are providing this consultation response in reference to the above application submitted on 15th March 2019 by Hallam Land Management Limited and Taylor Wimpey UK Limited.

The FAB Link Interconnector Project

The FAB interconnector is a 220km proposed underground and subsea interconnector which will allow exchange and trading of up to 1400MW of electricity between France and Britain via Alderney. The FAB interconnector is designated as a European Project of Common Interest (PCI project number 1.7.1) under the provisions of European Union Regulation No. 347/2013

on guidelines for Trans-European Network for Energy. The FAB interconnector is being developed by Transmission Investment LLP, together with the French grid company RTE (Réseau de Transport d'Électricité) and Alderney based tidal power developer Alderney Renewable Energy Limited.

FAB Link Existing Permissions and Rights

The enclosed plans extracted from the FAB Link Compulsory Purchase Order show the extent of the proposed underground cable route that is coincident with the proposed Suitable Alternative Natural Greenspace (SANG). It is noted that FAB Link limited are in possession of the following permissions and rights within this boundary:

- The FAB Link Ltd (Budleigh Salterton to Broadclyst) Compulsory Purchase Order 2016 which became operative on 12th April 2018;
- Open Spaces certificate under Paragraph 6(1)(a) of Schedule 3 to the Acquisition of Land Act 1981 issued on 18th May 2017 relating the land immediately south of the proposed SANG and approximately 136 square metres of unregistered waterway known as the Crannybrook;
- Option Agreement for a Deed of Easement with the landowner (National Trust) for the proposed SANG; and
- Certificate of lawfulness of proposed use or development (CLOPUD) in accordance with section 192 of the Town and Country Planning Act 1990 issued on 12th June 2017 (EDDC Ref. 16_2995_CPL).

The activities permitted by these permissions and rights include:

- Rights to construct use, maintain, protect and access electric cables for transmitting electricity and fibre optic cables for the transmission of data associated with the transmission of electricity together with all ancillary equipment (including but not limited to access chambers, manholes and marker posts) associated works, connections to other electric cables and other conducting media and all the ducts, conduits, gutters or pipes for containing them to be laid;
- Rights to remove, replant and maintain trees, woodlands, shrubs, hedgerows, or other measures relating to wildlife or protected species;
- Rights to remove, re-lay, install and maintain existing pipes, cables or conduits or service media and associated apparatus and temporary and permanent drainage; and
- Rights to improve, alter, construct and use existing access and access tracks and temporary access and access tracks.

Response to the Planning Application

In the context of the existing permissions and rights afforded to FAB Link over the land being proposed for a SANG, it is surprising that FAB Link have not been directly consulted on these proposals by either the applicant or by EDDC.

Depending on the progression of our respective development timescales, FAB Link may need to exercise any of the rights described above within the proposed SANG to install our underground cables and ancillary equipment (including a directional drill underneath the adjacent railway line) before, during or after the implementation of the landscaping proposals presented in Plan Ref. 4671-L-27 G.

In order to minimise the disruption to any landscaping, we strongly recommend that any final landscaping proposals are subject to review and approval (not to be unreasonably withheld) from FAB Link prior to the commencement of landscaping works. If the applicant or East Devon District Council have any further questions, do not hesitate to get in touch.

Royal Devon & Exeter NHS Foundation Trust - 17 May 2019

See Appendix B

Royal Devon & Exeter NHS Foundation Trust - 1 March 2022

Costing per dwelling -population estimate for ward figures received – see scanned documented dated 1 March 2022

Definitions

Accident and emergency care: An A&E department (also known as emergency department or casualty) deals with genuine life-threatening emergencies requiring urgent assessment and/or intervention.

***Acute care:** This is a branch of hospital healthcare where a patient receives active but short-term treatment for a severe injury or episode of illness, an urgent medical condition, or during recovery from surgery. In medical terms, care for acute health conditions is the opposite from chronic care, or longer-term care.*

Block Contract: An NHS term for an arrangement in which the health services provider (as used in the UK, providers refer to corporate entities such as hospitals and trusts, and not to individuals) is paid a fixed annual fee in installments by the Clinical Commissioning Groups in return for providing a defined range of services.

Clinical Commissioning Group: CCGs are clinically-led statutory NHS bodies responsible for the planning and commissioning of health care services for their local area.

- ***Emergency care:** Care which is unplanned and urgent.*
- ***NHSI:** NHS Improvement: Regulatory body for NHS Trusts in England*
- ***ONS:** Office of National Statistics*
- ***OPEL:** Operational Pressures Escalation Levels are a way for Trusts to report levels of pressure consistently nationally.*
- ***Primary Care:** services that provide the first point of contact in the healthcare system, including general practice, community pharmacy, dental, and optometry (eye health) services.*
- ***Secondary care:** Medical care that is provided by a specialist or facility upon referral by a primary care physician and that requires more specialised knowledge, skill, or equipment than the primary care physician can provide.*
- ***Sustainability and Transformation Fund (STF):** a fund that supplements the health provider's income, linked to specific delivery targets*

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.

As our evidence will demonstrate, the Trust is currently operating at full capacity in the provision of urgent and elective healthcare. It is further demonstrated that although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new development, and the funding for which, as outlined below, cannot be sourced from elsewhere. The development directly affects the ability to provide the health service required to those who live in the development and the community at large.

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.”*

Regulation 123 does not apply to this s 106 Contribution. The request is not to fund infrastructure as defined by S 216 of the Planning Act 2008.

Evidence

Introduction to Royal Devon and Exeter NHS Foundation Trust

1. Royal Devon and Exeter NHS Foundation Trust, (“the Trust”) has an obligation to provide healthcare services. Although run independently, NHS Foundation Trusts remain fully part of the NHS. They have been set up in law under the Health and Social Care (Community Health and Standards) Act 2003 as legally independent organisations called Public Benefit Corporations, with the primary obligation to provide NHS services to NHS patients and users according to NHS principles and standards - free care, based on need and not ability to pay. NHS Foundation Trusts were established as an important part of the government's programme to create a "patient-led" NHS. Their stated purpose is to devolve decision-making from a centralised NHS to local communities in an effort to be more responsive to their needs and wishes. However, they cannot work in isolation; they are bound in law to work closely with partner organisations in their local area.

2. NHS Foundation Trusts are part of the NHS and subject to NHS standards, performance ratings and systems of inspection. They have a duty to provide NHS services to NHS

patients according to NHS quality standards, principles and the NHS Constitution. Like all other NHS bodies, NHS Trusts are inspected against national standards by the Care Quality Commission, NHS Improvement and other regulators/accrediting bodies.

3. The Trust is a public sector NHS body and is directly accountable to the Secretary of State for the effective use of public funds. The Trust is funded from the social security contributions and other State funding, providing services free of charge to affiliated persons of universal coverage. The Trust is commissioned to provide acute healthcare and community health care services for a core population of around 450,000, with 350,000 of those residents living in Exeter, East and Mid Devon. This population grows, particularly in the summer months,

4. The Trust has an estimated turnover of around £500 million and employs around 8000 staff.

Who is using the Royal Devon and Exeter NHS Foundation Trust?

5. Since 2008, patients have been able to choose which provider they use for their healthcare for particular services. The 2016 NHS Choice Framework explains when patients have a legal right to choice about treatment and care in the NHS. The legal right to choose does not apply to all healthcare services (for example emergency care), and for hospital healthcare it only applies to first outpatient appointments, specialist tests, maternity services and changing hospitals if waiting time targets are not met. Activity data analysis shows, that on average, approximately 70% of the Trust's patient activity is from residents within Exeter, East and Mid Devon.

Funding Arrangements for the NHS Trust

6. Northern, Eastern and Western Devon Clinical Commissioning Group and South Devon and Torbay Clinical Commissioning Group (CCGs) commission the Trust to provide acute healthcare services to the population of Exeter and East and Mid Devon under the terms of the NHS Standard Contract. This commissioning activity involves identifying the health needs of the respective populations and commissioning the appropriate high quality services necessary to meet these needs within the funding allocated. The commissioners commission planned and emergency acute hospital (medical & surgical) and community health care from Royal Devon and Exeter NHS Foundation Trust. They agree service level agreements, including activity volumes and values annually based on last year's performance plus any known national initiatives. The CCGs have no responsibility for providing healthcare services. They commission (specify, procure and pay for) services, which provides associated income for the Trust.

7. The Trust is required to provide the commissioned health services to all people that present or who are referred to the Trust. The NHS Standard Contract for Services, condition SC7 for 17/18 and with which the Trust is compliant states "*The Trust must accept any Referral of a Service User however it is made unless permitted to reject the Referral under this Service Condition*"¹. There is no option for the Trust to refuse to admit or treat a patient on the grounds of a lack of capacity to provide the service/s. This obligation extends to all services from emergency treatment at Accident and Emergency (A&E) to routine/non-urgent referrals. Whilst patients are able in some cases to exercise choice over where they access NHS services, in the case of an emergency they are taken to their nearest appropriate A&E Department by the ambulance service.

8. The Trust has an annual turnover of c£500m per annum, and c£297m is received from the Northern, Eastern and Western Devon Clinical Commissioning Group and South Devon and Torbay Clinical Commissioning Group (CCG) within Block Contracts. The majority of the remainder of the Trust's funding is through other NHS services contracts. The Trust has to find efficiency savings of around 4% each year.

9. The Department of Health dictates the costs they think NHS health services should be priced at. The tariff is broken down with 65% for staffing costs, 21% other operational costs, 7% for drugs, 2% for the clinical negligence scheme and 5% for capital maintenance costs

10. None of the additional expenditure spent outside the current year's funding is ever recovered in the following year's funding. The new funding is only based on the previous year's activity. The commissioning is not related to Local Planning Authorities' housing needs, projections or land supply.

11. As a Foundation Trust, there is no routine eligibility for capital allocations from either the Department of Health or local commissioners to provide new capacity to meet additional healthcare demands. The Trust is expected to generate surpluses for re-investment in maintaining local services.

12. As a Foundation Trust, there is eligibility to request a commercial loan to fund capital development proposals.

13. Loan applications would be subject to existing borrowing limits with existing loan providers and would have to be paid back with interest. This would be an unacceptable way of funding the additional expenditure caused by a development, and would result in a serious financial cost pressure to an already pressurised budget.

Performance Trajectory

14. The Trust is asked to submit monthly performance data in relation to certain waiting times standards in order to receive money from the Sustainability and Transformation Fund. One of the waiting time standards which Trusts are required submit performance data in relation to is the 4-hour A & E waiting time standard. Failure to deliver services in accordance with the performance trajectory agreed, results in withdrawal of an element of the STF

15. Operational Pressures Escalation Levels are a way for Trusts nationally to report levels of pressure consistently. Under OPEL, there are 4 escalation levels, where Level 1 shows the Trust is maintaining patient flow and able to meet anticipated demand. In contrast, escalation to Level 4 shows the Trust is unable to deliver comprehensive care and there is a greater risk on patient care and safety being compromised.

16. Please see **Appendix 6** which demonstrates the Trust's performance in relation to the national standard described above. It can be clearly seen that the Trust is frequently

experiencing major pressures and its inability to cope with the increasing patient demand. New development within the regions will inevitably add to the already over-burdened NHS and will put the Trust at a serious risk of losing the STF funding. For Q4 2018/19 the penalty for failing to achieve the 4 hour waiting time standard by March 2019 is £1.3m.

Planning for the Future

17 The Trust understands that the existing population, future population growth and an increased ageing population will require additional healthcare infrastructure to enable it to continue to meet the increasing demands and complexity of the hospital healthcare needs of the local population.

18. It is **not** possible for the Trust to predict when planning applications are made and delivered and, therefore, it cannot plan for additional development occupants as a result. The Trust has considered strategies to address population growth across its area and looked at the overall impact of the known increased population to develop a service delivery strategy to serve the future healthcare needs of the growing population. This strategy takes into account the trend for the increased delivery of healthcare out of hospital and into the community. However, the commissioning operates based on previous year's performance and does not take into account potential increase in population created by a prospective development, housing projections or housing land supply.

19. Current Position

Emergency admissions and the direct impact on emergency health care services

20. Across England, the number of acute beds is one-third less than it was 25 years ago², but in contrast to this the number of emergency admissions at Royal Devon and Exeter NHS Foundation Trust has seen a 12% increase in the last 4 years³. The number of emergency admissions (including ambulatory care) is currently at an all-time high. A&E attendances have also grown dramatically in the last 10 years by 60%. The growth is shown in the table below.

A & E	Year
Attendances	
64110	2007/8
102295	2017/18
Emergency	Year
Admissions	
45907	2013/14
51515	2017/18

21. The Trust runs at over 89 % bed occupancy, and there are limited opportunities for it to further improve hospital capacity utilisation. Whilst the Trust is currently managing to provide the services in a manner that complies with the quality requirements of the NHS and its regulators, this development will have a direct impact on the Trust's ability to keep

up with the required quality of the service. The Trust will face sanctions if it is unable to provide the required service at the required standard.

Acute Adult Bed Occupancy

22. In order to maintain adequate standards of care as set out in the NHS Standard Contract quality requirements, it is well evidenced in the Dr Foster Hospital Guide that a key factor to deliver on-time care without delay is the availability of beds to ensure timely patient flow through the hospital. The key level of bed provision should support maximum bed occupancy of 85%. The 85% occupancy rate is evidenced to result in better care for patients and better outcomes⁴. This enables patients to be placed in the right bed, under the right team and to get the right clinical care for the duration of their hospital stay. Where the right capacity is not available in the right wards for treatment of his/her particular ailment, the patient will be admitted and treated in the best possible alternative location and transferred as space becomes available, but each ward move increases the length of stay for the patient and is known to have a detrimental impact on the quality of care. Consequently, when hospitals run at occupancy rates higher than 85%, patients are at more risk of delays to their treatment, sub-optimal care and being put at significant risk.

23. Appendix 4 shows monthly details of the Trust's utilisation of acute bed capacity for the last two financial years. This shows that the Trust exceeded the optimal 85% occupancy rate for all of 2016/17 and 2017/18. This demonstrates that current occupancy levels are highly unsatisfactory, and the problem will be compounded by an increase in need created by the development which does not coincide with an increase in the number of bed spaces available at the Hospital. This is the inevitable result where clinical facilities are forced to operate at over-capacity. Any new residential development will add a further strain on the current acute healthcare system.

The direct impact on the provision of healthcare caused by the proposed development

24 The population increase associated with this proposed development will significantly impact on the service delivery and performance of the Trust until contracted activity volumes include the development population increase. As a consequence of the development and its associated demand for emergency healthcare there will be an adverse effect on the Trust's ability to provide on-time care delivery without delay.

25 During 2017/18, the equivalent of 79,644 residents of Exeter and East and Mid Devon attended the Trust's A&E Department and 88,346 of Exeter and East and Mid Devon residents were admitted to Hospital. In addition to this, the equivalent of more than every resident attended an outpatient appointment and 206,744 uses of the Community Health Services were made by Exeter and East and Mid Devon residents. This is equivalent to the average Exeter and East and Mid Devon resident generating 2.1 acute hospital interventions per year at the Royal Devon and Exeter NHS Foundation Trust (see Appendix 2 for 2017/18 Activity % by Local Authority Area).

26 There is no way to reclaim any additional cost for un-anticipated activity within Devon. The only way that the Trust can maintain the "on time" service delivery without delay and

comply with NHS quality, constitutional and regulatory requirements is through developer funding the gap directly created by the development population. Without securing such contributions, the Trust will have no funding to meet healthcare demand arising from the development during the first year of occupation. Without the contribution, the health care provided by the Trust would be significantly delayed and compromised, putting the residents and other local people at potential risk.

Impact Assessment Formula

27 The Trust has identified the following:-.

A development of **930 dwellings** equates 2,053 new residents (based on the current assumption of 2.21 persons per dwelling as per ONS figures). Using existing 20165 demographic data as detailed in the calculations in Appendix 5 will generate 4,845.42 acute interventions over the period of 12 months. This comprises additional interventions by point of delivery for:

- A&E based on % of the population requiring an attendance
- Non Elective admissions based on % of the population requiring an admission
- Elective admissions based on % of the population requiring an admission
- Day-case admissions based on % of the population requiring an admission
- Regular attendances based on % of the population requiring to attend regularly

Outpatient attendances based on % of the population requiring an attendance

- Outpatient attendances based on % of the population requiring procedure
- Community health services based on % of the population requiring the delivery of Community based Services.

Formula:

Increase in Service Demand:

Development Population x % Development Activity Rate per head of Population x Cost per Activity = Developer Contribution

28 As a consequence of the above and due to the payment mechanisms and constitutional and regulatory requirements the Trust is subject to, it is necessary that the developer contributes towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the accommodation on/in the development. The Trust will not receive the full funding required to meet the healthcare demand due to the baseline rules on emergency funding and there is no mechanism for the Trust to recover these costs retrospectively in subsequent years as explained. Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area. Therefore the contribution required for this proposed development of **930 dwellings** is **£1,332,313.00**. This contribution will be used directly to provide additional health care services to meet patient demand.

29 The contribution requested (see Appendix 5) is based on these formulae/calculations, and by that means ensures that the request for the relevant landowner or developer to contribute towards the cost of health care provision is directly related to the development

proposals and is fairly and reasonably related in scale and kind. Without the contribution being paid the development would not be acceptable in planning terms because the consequence would be inadequate healthcare services available to support it, also it would adversely impact on the delivery of healthcare not only for the development but for others in the Trust's area.

30. Having considered the cost projections, and phasing of capacity delivery we require for this development it is necessary that the Trust receives 100% of the above figure prior to implementation of the planning permission for the development. This will help us to ensure that the required level of service provision is delivered in a timely manner. Failure to access this additional funding will put significant additional pressure on the current service capacity leading to increased delays for patients and dissatisfaction with NHS services.

Summary

31 As our evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new development, for one year only, and the funding for which, as outlined above, cannot be sourced from elsewhere. The development directly affects the ability to provide the health service required to those who live in the development and the community at large.

32 Without contributions to maintain the delivery of health care services at the required quality, constitutional and regulatory standards and to secure adequate health care for the locality, the proposed development will put too much strain on the said services, putting people at risk of significant delays in accessing care. Such an outcome is not sustainable.

33 One of the three overarching objectives to be pursued in order to achieve sustainable development is to include b) **a social objective** – to support strong, vibrant and healthy communities ... by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being:" NPPF paragraph 8.

34 There will be a dramatic reduction in the Trust's ability to provide timely and high quality care for the local population as it will be forced to operate over available capacity and as the Trust is unable to refuse care to emergency patients. There will also be increased waiting times for planned operations and patients will be at risk of multiple cancellations. This will be an unacceptable scenario for both the existing and new population. The contribution is necessary to maintain sustainable development. Further the contribution is carefully calculated based on specific evidence and fairly and reasonably related in scale and kind to the development. It would also be in the accordance with Council's current Local Plan:

35 East Devon District Council – East Devon Local Plan - 2013 to 2031 (Adopted 28 January 2016)

Education and Health

16.41 Education and health facilities are key to vibrant, self-contained communities and play a vital role in reducing social isolation, reducing the need to travel and improving quality of life. 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. Devon County Council has produced an Education Infrastructure Plan that sets out strategy and policy for future education provision.

Infrastructure Delivery Plan - March 2015

Health The provision of health facilities is an important infrastructure consideration. The local authority has had a number of meetings with representatives from the Primary Care Trust (PCT) to discuss **the implications of future growth on service provision**. Future growth levels in surgery catchment areas led to the PCT deciding that none of the population increases from the proposed developments would take existing capacity close to the 50% undersize they regard as a priority to consider a new building. However the PCT acknowledged that growth at Axminster could require alterations to existing infrastructure. **East Devon District Council will work with NHS representatives throughout the plan period to ensure that additional health infrastructure is provided where it is needed.**

Chapter 8 of the NPPF elaborates paragraph 8 in paragraph 92, which directs that: To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) ... ;
- b) ... ;
- c) 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;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e)

Further, the Planning Practice Guidance ('PPG') provides that: Local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making. Public health organisations, health service organisations, commissioners and providers, and local communities should use this guidance to help them work effectively with local planning authorities in order to promote healthy communities and support appropriate health infrastructure.

Paragraph: 001 Reference ID: 53-001-20140306

The PPG goes on to suggest that information about the impact of a development on the demand for healthcare services

... should assist local planning authorities consider whether the identified impact(s) should be addressed through a Section 106 obligation or a planning condition.

...Paragraph: 004 Reference ID: 53-004-20140306

Conclusion

36 In the circumstances, it is evident from the above that the Trust's request for a contribution is not only necessary to make the development acceptable in planning terms it is directly related to the development; and fairly and reasonably related in scale and kind to the development. The contribution will ensure that Health services are maintained for current and future generations and that way make the development sustainable.

Royal Devon & Exeter NHS Foundation Trust – 11 April 2022

This is a consultation response to the planning application ref: 19/0620/MOUT in relation Cranbrook Expansion Zone, West Large Site, Station Road, Broadclyst, Outline planning application with all matters reserved except access for the expansion of Cranbrook comprising up to 850 residential dwellings

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 & Exeter 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's ability to 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 to provide 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—

necessary to make the development acceptable in planning terms; directly related to the development; and 4 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 **£545,392** 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.

RSPB - 2 July 2019

We have issues with the Developer's Ecologist's recommendations.

Building a "new town" on a green field site provides abundant opportunities for the "Biodiversity Gains" required by current and forthcoming legislation and does mean that different species than those currently occupying the site will need to be catered for..

As it is proposed that Cranbrook will be within the area included in the Greater Exeter Strategic Plan we would strongly recommend that the steps to protect and enhance biodiversity is in line with the requirements if the Award winning Exeter Residential Design Guide SPD, which has been accepted as good/best practice by the T&CPA, RTPI, RIBI, CIEEM, the Wildlife Trusts and the RSPB, we have worked with Planners and Developers in Exeter and elsewhere on implementing the steps set out on Page 58 in Appendix 2 and have redefined our advice see first attachment.

Ecologists frequently interpret appendix 2 as equal numbers of bat and bird boxes, we think this would be difficult to justify on Ecological Grounds, under normal circumstances no more than one pair of birds will ever use a bird box at any one time, this would not be the case with crevice roosting bats so we have redefined our advice see first attachment.

We can demonstrate that a ratio of one bird box per residential unit is viable and becoming generally accepted as good practice, logic suggests that provision for bats should be in addition to and not instead of, I understand this is the view being taken by the BSI who are planning to have a standard for integral bird boxes available by the end of the year, you might consider using the latter for your standard condition.

As fewer and fewer authorities have retained Ecologists we feel the most effective way to achieve the objective will be to make the above a condition of the Development with the details set out in the Landscape and Environmental Management Plan, ideally the boxes should be marked on the working drawings and the site plan, to simplify the exercise the condition might/should be signed off with photographic evidence.

To demonstrate the point the second attachment is from a project currently underway in Truro, you will see that the number of swift boxes meets our recommendation as do developments by Barratts, Taylor Wimpey and others in the Exeter area. This also the case in Cornwall, the same protocols have just been agreed for the new garden village at West Carclaze.

I have also attached a recent release from Action for Swifts, we would question their comments about Starlings but happy to endorse the rest, additionally they have recently designed and are producing a box that should meet building regs. when backing on to a space that needs insulation ie under eaves, this like other recently developed boxes is far more realistically priced for the mass market !!

The Duchy have agreed to monitor the results for all the boxes they have installed for the next ten years, initial results are encouraging and we would be happy to share these with additional case notes including non-Duchy projects if that would be helpful.

South West Water - 1 May 2019

I refer to the above application and would advise that South West Water has no objection.

For information public sewers run within the site which will require diversion unless the site layout can accommodate such in the road layout/areas of public open space.

South West Water- 3 November 2020

I refer to the above and would advise that South West Water has no objection or comment.

South West Water- 3 January 2023

I refer to the above application and would advise that, whilst South West Water has no objection, public sewers and water mains cross the site; once the foul and surface water drainage strategy plans are available for review, we will be happy to provide a revised comment.

The applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection - Water Mains

Please find enclosed a plan titled "Station Road Broadclyst EX5 3DY Water Mains" showing the approximate location of a public 3 inch cast iron water main in the vicinity. Please note

that no development will be permitted within 3 metres of the water main, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020

Asset Protection - Sewers

Please find enclosed a plan titled "Station Road Broadclyst EX5 3DY Sewer Records" showing the approximate location of a public 450mm gravity sewer, a public 355mm pumped sewer, and a 300mm gravity sewer in the vicinity. Please note that no development will be permitted within 3.5 metres of the 450mm sewer, and within 3 metres of the other sewers, and ground cover should not be substantially altered.

Should the development encroach on the easement(s), the sewer(s) will need to be diverted at the expense of the applicant.

Please click [here](#) to view the table of distances of buildings/structures from a public sewer.

Further information regarding the options to divert a public sewer can be found on our website via the link below:

www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-public-sewers/

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:

www.southwestwater.co.uk/developers

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to

why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into a water body, and to a private drainage system is acceptable and meets with the Run-off Destination Hierarchy.

Please 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 further note the presence of public surface water sewers to the west of the site (please refer to the public sewer records plan attached).

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.

South West Water- 9 January 2023

I refer to the above and would advise that South West Water has no objection, and that the advice contained within the correspondence dated 28th December 2022 still applies.

Sport England - 1 May 2019

Thank you for consulting Sport England on the above application. I can confirm that the consultation has been received and was accepted on 01/05/2019.

In accordance with Paragraph 011 of NPPG (Article 22 of the Development Management Procedure (England) Order 2015), Sport England will respond to this consultation within 21 days of the date of acceptance.

However, if insufficient information is received in order to allow us to make a substantive response to the consultation, Sport England will contact you to request further information. The 21 day deadline will not commence until receipt of the additional information.

As a public body, Sport England is subject to the terms of the Freedom of Information Act 2000, which gives members of the public the right to access the information we hold. In the event of a request being received, we will be obliged to release information relating to the application and our response unless an exemption in the Act applies. You should therefore inform us if you believe any elements of your submission to be confidential or commercially sensitive so that we can take your concerns into account.

Sport England – 4 June 2019

Thank you for consulting Sport England on the outline application. The proposal is for major housing to expand Cranbrook into a second phase on the western edge with outline consent being sought for 930 homes (approx. a new population of 2000). Possibly 2x junior playing pitches will be delivered within a 'playing field' adjacent/ in association with the proposed 1x FE primary school. It is noted that no details exist to comment on and there is a possibility that this 'land' will be built on to deliver additional homes if a school is not built. In that scenario no sport and recreation would be delivered alongside a new population of 2000 residents.

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 or other relevant needs assessment.

This additional population will generate additional demand for sports facilities. 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. There is already a deficiency in the proposed supply of playing fields / playing pitches for the original 2900 new homes of phase 1. The football teams are currently using the primary school field which have not been constructed to the performance quality standard (PQS) for football, Ingrams sports ground is not operational, the school has an artificial grass pitch that has been constructed with a non compliant 3G.

Evidence Base

In relation to providing on and off site sport from new housing, we advocate that the Council undertake an update of their playing pitch strategy (PPS) as well as assessing the needs and opportunities for sporting provision. Sport England provides comprehensive guidance on how to undertake both pieces of work.

Playing Pitch Strategy

<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/playing-pitch-strategy-guidance/>

The Council has an adopted Playing Pitch Strategy and its implementation is currently being reported to the Steering Group. Due to the age of the data, an update is needed.

Assessing needs and opportunity for sports provision (Indoor and Outdoor)

<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/assessing-needs-and-opportunities-guidance/>

This guide is complimentary with the PPS guidance providing the recommended approach for assessing the need for pitch provision. Sport England believes that providing the right facilities in the right place is central to enabling people to play sport and maintain and grow participation. An assessment of need will provide a clear understanding of what is required in an area, providing a sound basis on which to develop policy, and make informed decisions for sports development and investment in facilities. The Council has done its own assessment on some sports facilities including swimming provision.

The Proposal

The Football Foundation, on behalf of The FA would require further information on the proposal based on our previous response (below) so we can make further comment as no response has been received to date on the queries raised below. There appears no further supporting documents on the planning portal to review since our previous response.

The FF on behalf of The FA, advise that following the East Devon Playing Pitch Strategy a further Cranbrook specific paper was commissioned to show the facility requirements of the new Cranbrook development. For a development the size of which is projected for Cranbrook, which is 7500, if understood correctly, the facility needs (for football) are as follows:

- 4 x adult football pitches
- 3 x U15/U16 youth 11v11 pitches that can also accommodate U14/U15 football
- 2 Youth 9v9 pitches
- 2 x Mini 7v7 pitches
- 2 x Mini 5v5 pitches
- 1 x FA compliant floodlit 3G Football Turf Pitch (FTP)
- Pavilion/ancillary facilities with car parking to support the facilities – 2 hub sites were required

There has been an initial site agreed on the first phase of the development at Ingrams, it remains unclear if it has been delivered or agreed legally via a s106 agreement? This will/should contain:

- 2 x adult 11v11 football pitches
- 1 x mini 7v7
- 1 x Cricket wicket
- 1 x Football Foundation/FA compliant pavilion/ancillary facility with car parking. As the FF on behalf of The FA we have not commented on any pavilion for this facility and would welcome the opportunity to do so as this is key for the sustainability of the site if in the future the aim is to asset transfer to a community organisation/group to manage and maintain.

A separate non FA compliant and non-floodlit 3G was provided at the new secondary school which should not be counted towards available community accessible facilities, if this is still the case that it is non-compliant and not available for community use.

So from the required and what is due to be provided in the first phase of the development, there is a shortfall of provision that this new proposal will need to address against the wider master plan needs.

There are a number of other areas of concern that The FF/FA have with the high level outline plan that was previously reviewed and would seek further information on how the below can be addressed, that is, if this is still the plan for the sports provision in the second phase of the Cranbrook development:

- a. Will there be toilets provided on the remote site for rugby and tennis? Football could make use of the grass Rugby Pitches.
- b. Access to bottom Adult pitch (on main site) – how will this be achieved for players and spectators if the top pitches are being used?
- c. Larger car park would be required or evidence on why that size is suitable.
- d. Allowance for higher level football should one of the Cranbrook clubs/teams progress up the adult football leagues.
- e. Communal / spectator areas – circulation areas are essential as this will be a busy site.
- f. Kitchen, social/meeting, external spectator toilets and office space in the pavilion are essential.
- g. Are the pitches fenced off meaning the site is secure?
- h. Are there plans for a maintenance and equipment store?
- i. Emergency access to all pitches – how will an ambulance access the remote pitches?

Technical guidance that The FF/FA would expect to see once the details are submitted for planning approval.

Natural Turf Pitches:

- **Design** - Natural Turf Pitches should be designed by a RIPTA registered agronomist to meet The FA Performance Quality Standard (PQS).
- **Construction** –The construction of Natural Turf Pitches should be project managed or signed off by the same RIPTA registered agronomist that produced the design.
- **Quality** – Pitches should pass a PQS test to a ‘good’ standard before the pitches are used. The testing should be arranged via the FA Pitch Improvement Programme.
- **Maintenance** - In order to keep the quality of the pitches, an appropriate maintenance programme is agreed in-line with the design agronomist recommendations

Pitch Sizes:

All pitch sizes should comply with FA recommended sizes.

- Mini-Soccer U7 and U8 (5v5) 37 x 27m (43 x 33m including safety run-off area)
- Mini-Soccer U9 and U10 (7v7) 55 x 37m (61 x 43m including safety run-off area)
- Youth U11 and U12 (9v9) 73 x 46m (79 x 52m including safety run-off area)
- Youth U13 and U14 (11v11) 82 x 50m (88 x 56m including safety run-off area)
- Youth U15 and U16 (11v11) 91 x 55m (97 x 61m including safety run-off area)

- Youth U17 and U18 (11v11) 100 x 64m (106 x 70m including safety run-off area)
- Over 18 and Adult (11v11) 100 x 64, (106 x 70m including safety run-off area)
- **Run-off:**
 - A minimum safety run off 3m must be provided.
 - Run off areas must be free from obstructions and be of the same surface as the playing area.
 - The site operator must undertake a risk assessment to ensure that the run off area is safe and does not pose a risk of injury to a player or spectator. This would include structures immediately outside this 3m area.

3G Football Turf Pitch/es:

- **Construction Quality** – Ensure the pitch is constructed to the FIFA Quality Concept for Football Turf – FIFA Quality (old FIFA 1*) accreditation or equivalent International Match Standards (IMS) as a minimum and meets the recommend pitch size of (including run-offs) 100x(106m) x 64m(70m).
- **Testing** – That the 3G pitch is tested and subsequently FA registered on completion and then every three years for grassroots football and every 1 year for football in the National League System. This will enable the 3G to be used for league matches and therefore help the 3G pitch to be used to its maximum potential by programming matches at peak times.
- **Pricing** - Pricing policies must be affordable for grass roots football clubs and should be agreed with the Devon County Football Association. This should include match-rates at weekends equivalent to the Local Authorities price for natural turf pitches.
- **Sinking fund** - Ensure that sinking funds (formed by periodically setting aside money over time ready for surface replacement when required – FA recommend £25k per annum (in today's market for a full size pitch) are in place to maintain 3G pitch quality in the long term

Design:

- **General** – 3G AGP designs to be in line with FA recommendation and should be checked against The FA Guide to Football Turf Pitch Design Principles and Layouts.
- **Line marking** – We recommend that over-marking are made to allow different formats of football (e.g. 5v5, 7v7, 9v9 and 11v11). Over-marking should adhere to The FA Guide to Football Turf Pitch Design Principles and Layouts and can be painted on.
- **Recessed fencing** – We recommend that the fencing is recessed to allow for safe and easy goal storage.
- **Fence height** – The FA recommend fence height on all sides of the a 3G AGP is 4.5m.
- **Floodlights** – To maximise community use, the 3G AGP should be floodlit.

Pavilions:

- **No pavilion** – we would object to the development without a suitable pavilion offering changing rooms, toilet and catering facilities.

- **General** - Changing pavilion designs to be in line with FA recommendation and should be checked against the Football Foundation Data Sheets for Changing Accommodation.
- **Catering** - Catering facilities should be considered to allow for income generation on site.
- **Changing room toilets** – A minimum of two w.c toilets, self-contained, per changing room.
- **Spectator toilets / disabled toilets** – should be separate from player toilets.
- **Showers** – A minimum of four shower heads plus a dry-off area of 8m2.
- **Officials** - officials' accommodation x 2 should be separate and self-contained with a shower and toilet facility of a minimum of 6m2
- **Changing room size** – *changing rooms should be a minimum of 16 m2 (for grassroots football) and 18 m2 (for football in the National League System) of usable changing space (not including toilets and showers).*

The Football Foundation are keen to understand how this fits into the overall master plan for sports provision for the full Cranbrook development.

The Football Foundation would require further information before being in a position to support this application but agree with the principle of providing a significant sporting hub site.

It is noted from the previous consultations held that two options were considered a) multiple pitches at different locations and b) deliver 2 multi-pitch hub sites. The FF on behalf of The FA would support option b as this is a more manageable and sustainable option moving forward. This also allows for the hub sites to be transferred to a community based group/organisation in the future, an option that would not be available with option a.

The LTA advise that given there are no courts locally additional courts would be needed within the development. For this size of the development we are looking at four courts with 2 lit to start. Ideally located close to other sporting provision and with gate access/online booking.

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:

<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design/>

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 town with the new development, and access to the surrounding countryside. There should be clear signage for cyclists into Exeter from Cranbrook and to other destinations.

Additionally, the applicant should demonstrate 'lessons learnt' from the first phase of the Cranbrook proposal. Has opportunities not been fully realised in increasing walking, cycling, running. In particular (this is a sample list not a complete list):

- Is there a range and mix of recreation, sports and play facilities and open spaces provided to encourage physical activity across all neighbourhoods? (Activity for All)
- Are facilities and open spaces managed to encourage a range of activities (Activity for All)
- Are all facilities supported as appropriate by public conveniences, water fountains and, where appropriate, changing facilities (Activity for All)
- Do public spaces and routes have generous levels of seating provided? (Activity for All)
- Where shared surfaces occur, are the specific needs of the vulnerable pedestrian taken into account? (Activity for All)
- Are a diverse mix of land uses such as homes, schools, shops, jobs, relevant community facilities and open space provided within a comfortable (800m) walking distance? Is a broader range of land uses available within 5km cycling distance? (Walkable communities)
- Does the proposal promote a legible, integrated, direct, safe and attractive network of walking and cycling routes suitable for all users? (connected walking and cycling routes)
- Does the proposal prioritise pedestrian, cycle and public transport access ahead of the private car? (connected walking and cycling routes)
- Are the walking and cycling routes provided safe, well lit, overlooked, welcoming, and well maintained, durable and clearly signposted? Do they avoid blind corners? (connected walking and cycling routes)
- Do walking and cycling leisure routes integrate with the open space and green infrastructure network of the area and sports pitches? (connected walking and cycling routes)
- Does the open space provided facilitate a range of uses? (network of multifunctional open space)
- Are streets and spaces which are provided of a high quality, with durable materials, street furniture and signage? (high quality streets and spaces)
- Is safe and secure cycle parking provided for all types of cycles including adapted cycles and trikes? (appropriate infrastructure)
- Is Wi-Fi provided in facilities and spaces? (appropriate infrastructure)
- Is safe and secure cycle and pushchair storage provided where appropriate? (appropriate infrastructure)

The applicant will need to ensure that the journey to the pitch sports hub from the site and wider town centre be visible being walking, jogging and cycling friendly.

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 e.g. Flowerpots in Exeter.

Conclusion

Sport England has no objection in principle to housing growth but recommends that further discussions and amendments are made to the proposals to take on board the comments above in relation to on site sporting provision and achieving good design by promoting and displaying Active Design principals before the application is determined.

Sport England and the NGBs would like to work with the developer to provide exemplar sports facilities and physical activity opportunities for the residents of Cranbrook. This includes this phase and future phases.

If you would like any further information or advice please contact me at the address below.

Sport England - 20 November 2020

Thank you for consulting Sport England on the additional information.

Sport England made a number of relevant and reasonable comments in our response dated 20th May 2019. Including comments on the potential of sport for the community at the proposed school within the development. This will be subject to the right access arrangement including design to the right facilities.

We are concerned that the application is not providing on-site for sport and recreation on-site in this western zone/Bluehayes. We note that the sport and recreation for the whole of the Cranbrook phase 2 expansion is proposed in the adjacent southern zone/Tresbeare.

Providing the housing development within the red line contributes significantly and fairly via s106 or other mechanism towards the sports proposal within the southern zone/Tresbeare then Sport England has no objection to the proposal. We are aware of the Council's 'equalisation approach' which maybe a good solution for the proposed Cranbrook expansion.

We are happy to comment further when the opportunity arises.

Sport England – 22 December 2022

Thank you for consulting Sport England on the above application. I can confirm the additional information has been received and Sport England will aim to respond in 21 days.

As a public body, Sport England is subject to the terms of the Freedom of Information Act 2000, which gives members of the public the right to access the information we hold. In the event of a request being received, we will be obliged to release information relating to the application and our response unless an exemption in the Act applies. You should therefore inform us if you believe any elements of your submission to be confidential or commercially sensitive so that we can take your concerns into account.

If you would like any further information or advice please contact the undersigned at the address below.

Sport England – 6 January 2023

Thank you for consulting Sport England on the above application. I can confirm the additional information has been received and Sport England will aim to respond in 21 days.

As a public body, Sport England is subject to the terms of the Freedom of Information Act 2000, which gives members of the public the right to access the information we hold. In the event of a request being received, we will be obliged to release information relating to the application and our response unless an exemption in the Act applies. You should therefore inform us if you believe any elements of your submission to be confidential or commercially sensitive so that we can take your concerns into account.

Sport England – 6 January 2023

We note the sports hub in Phase 2 of Cranbrook at Treasbeare. However, the proposed Primary School represents a sizeable investment in sport facilities in the local area for these new residents. The applicant is, therefore, encouraged to making these sports facilities available for community use and enter into a community use agreement.

The Football Foundation (FF) note that the additional information does not affect any of the proposed sports Hub sites for the wider Cranbrook development, but the FF note the following to be clarified:

- o D&A Statement, Pg7, notes the word 'pitch' next to a LEAP and a NEAP - it is understood that no new pitch is due to be provided in this area. The FF would not support a remote football pitch for competitive use away from the main sports Hub Sites.
- o Planning Statement - Addendum states that any sports pitch was removed. Can this be clarified? The FF would prefer all resources for sports provision to be centred at the sports Hub Sites.
- o D&A Statement notes a primary school with two pitches being provided.
- o The FF wishes to understand if there will be any community access to these pitches or other school facilities (Sports and Ancillary) at the planned two form entry Primary School - can this be secured via a formal Community Use Agreement.

Comments from the FF should be considered.

Sport England recommends, based on our assessment, that if the Council is minded to approve the application, the following planning condition should be imposed for the Primary School.

1. 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 the primary school 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. <http://www.sportengland.org/planningapplications/>

If you wish to amend the wording of the recommended condition, or use another mechanism in lieu of the condition, please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

Appendix 1 of Active Design contains a checklist that can demonstrate that the proposal has been / will be designed in line with the Active Design principles.

Devon County Archaeologist - 7 May 2019

Thank you for your recent consultation on this planning application.

The Historic Environment Team will be commenting on this application as part of Devon County Council's overarching response to your Authority.

Exeter City Environmental Health - 13 May 2019

The Transport Impact Assessment for this application shows that between 10 and 22% of travel from the site will be into Exeter city centre (depending on which set of data is used). If travel to other parts of the city are included this percentage is higher still. Despite this, the air quality impact assessment has not considered the effect of this increased travel into Exeter on the existing Exeter Air Quality Management Area (AQMA) and particularly on areas such as the Heavitree corridor where air pollution levels are already above the national objective.

The EDDC local plan contains the following policy EN14 - Control of Pollution:
'Permissions will not be granted for development which would result in unacceptable levels, either to residents or the wider environment of 'Pollution of the atmosphere by gas or particulates, including smell, fumes, dust, grit, smoke and soot'.

Paragraph 181 of the National Planning Policy Framework states that 'planning policies and decision should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impact from individual sites in local areas.

This development is very likely to impact negatively upon the existing AQMA in Exeter and cannot therefore be said to meet the requirements of either the EDDC policy EN14 or paragraph 181 of the NPPF. The failure to consider this in the Air Quality Impact Assessment means that the extent of this impact is unknown, and no appropriate mitigation can be either proposed or agreed. As such, the application should be refused unless an updated assessment is submitted which includes the Exeter AQMA and adequate mitigation is agreed with the developer.

Exeter City Environmental Health - 23 April 2021

The updated report concludes that there will not be a significant impact on the AQMA in Exeter.

If the site was in Exeter I would go on to ask what reasonable measures the developer will put in place to mitigate the impacts of emissions from the site. This can be sustainable and active travel infrastructure for example and measures to support the uptake of EV's.

I'm not sure whether you want to do the same.

Exeter & Devon Airport – Consultative Committee

Consulted 30/04/2019. No comments received.
Consulted 27/10/2020. No comments received.

Exeter & Devon Airport - Airfield Operations + Safeguarding – 21 May 2019

Holding objection due to the potential for Technical Safeguarding Issues

Exeter & Devon Airport - Airfield Operations + Safeguarding - 10 November 2020

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

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

Accordingly, Exeter Airport has no safeguarding objections to this development provided there are no changes made to the current application and in addition to this we can now lift the objection that was lodged on the 21/05/19.

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

Exeter & Devon Airport - Airfield Operations + Safeguarding – 6 January 2023

I acknowledge receipt of the various amendments to this planning application for the proposed development at the above location. These include

- o Additional reports and appendices relating to the Environmental Statement
- o Updated Heads of Terms, Design + Access Statement, Planning Statement plus agent's letter.

These 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.

National Air Traffic Services

Consulted 30/04/2019. No comments received.

Consulted 27/10/2020. No comments received.

National Air Traffic Services - 04 January 2023

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Please note: NATS Safeguarding email address is: NATSSafeguarding@nats.co.uk

Civil Aviation Authority

Consulted 29/03/2021. No comments received.

Campaign to Protect Rural England

Consulted 30/04/2019. No comments received.

Consulted 27/10/2020. No comments received.

SUSTRANS

Consulted 30/04/2019. No comments received.

Consulted 27/10/2020. No comments received

Devon County Council Footpath Officer

Consulted 30/04/2019. No comments received.

Consulted 27/10/2020. No comments received.

Department for Environment, Food and Rural Affairs

Consulted 30/04/2019. No comments received.

Consulted 27/10/2020. No comments received.

Department for Work & Pensions

Consulted 30/04/2019. No comments received.

Consulted 27/10/2020. No comments received.

E.ON Energy

Consulted 30/04/2019. No comments received.

Consulted 27/10/2020. No comments received.

Historic England - 20 May 2019

The current application is for the expansion of the new town of Cranbrook, to the east of Exeter and north of the old A30 road. The new town is already having an effect on the surrounding landscape and these potential areas of expansion could significantly increase that impact if approved, each one constituting a major development in its own right.

Historic England commented on a similar scheme in 2015. We feel the comments raised at this time are still pertinent in terms of the level of appropriate assessment undertaken in respect of potential impact on the historic environment.

With development of this size, which is substantially extending the footprint of an already sizeable new settlement, the zone of visual influence can be extensive, and limited visual impact assessments for heritage sites to the immediate vicinity of the application site is not adequate for sensitive designated assets whose significance is partly derived from their relationship with the surrounding setting, such as parish churches, country houses and designed landscapes. The impact assessment of such assets within potential visibility of this development site does not appear to take account of this factor and has undertaken no detailed analysis on the potential impact on the surrounding designated assets including the highly graded historic landscape and listed buildings on the Killerton estate, both designated at grade II*, which sits north of the application site.

In terms of Killerton Park, the National Trust has undertaken their own settings analysis for the property, which identifies the current visibility of Cranbrook in more distant views from the park. Whilst the distance to Cranbrook makes these views of potentially lower sensitivity in relation to Killerton's setting, the size of the proposed development makes it advisable for a more thorough impact assessment to be undertaken to ensure that the resulting change to the view would not be harmful. In the case of both heritage assets, we recommend that sequential assessment process set out in the published guidance on The Setting of Heritage Assets is followed.

Without this work being undertaken, we would question whether the applicant has complied with paragraph 189 of the NPPF, relating to the provision of information describing the significance of affected heritage assets, to enable understanding of the impact of their proposals. The absence of such information also affects your Authority's ability to comply with paragraph 190, regarding the need to avoid or minimise conflict between the conservation of such assets and any aspect of the proposal.

Once this additional assessment material has been provided, we would be happy to comment further on the potential impact of the application on these assets.

Recommendation

Historic England would welcome the opportunity to comment further on this scheme once sufficient information has been provided by which to assess the impact of the development on the significance of the surrounding heritage assets as derived from their settings (Para 189, NPPF).

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.

Historic England - 27 November 2020

Thank you for your letter of 27 October 2020 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The council need to satisfy themselves of the level of inter-visibility between the application site and the historic complex at Killerton. Depending on the outcome of the assessment, you, the authority will be able to establish if further steps are required either at outline or at reserved matters stage to avoid or minimise any identified impact.

The application site is located approximately 4 km south-east of the historic complex at Killerton. The Killerton is a multi-layered landscape shaped by its underlying topography. On the hill top is the scheduled Iron-Age Dolbury Hillfort, its elevated location would have afforded expansive views over the surrounding area. The main house is listed at grade II* and is located on the lower part of the hills southern slopes. The surrounding landscape has been registered at grade II* due to its 18th century parkland, 19th century woodland and pleasure grounds and 20th century formal terraces. It also includes a number of garden structures and the church which are listed in their own right. Due to the underlying topography the house and gardens are afforded far reaching views across the surrounding landscaping including towards the application site.

Killerton is now in the guardianship of the National Trust and is a popular visitor attraction. The Trust has undertaken their own settings study for Killerton (Killerton Setting Study April 2013 by LUC), which includes an assessment on the contribution of far reaching views and the impact that the expansion of Exeter and the development of Cranbrook could have on the historic complex.

The current application is for the expansion of the new town of Cranbrook, to the east of Exeter and north of the old A30 road. The new town is already having an effect on the surrounding landscape and these potential areas of expansion could significantly increase that impact if approved, each one constituting a major development in its own right.

Whilst the distance to Cranbrook makes these views of potentially lower sensitivity in relation to Killerton's setting, the size of the proposed development makes it advisable ensure that the impact has been rigorously assessed.

The application includes a Cultural Heritage Chapter (10) in the Environmental Statement. The recent information submitted also includes a Cultural Heritage Technical Note (Appendix 10.4) as well as Winter Photographs to support the landscape assessment (Fig 8.13 - 8.42).

Due to current restrictions we have not been able to visit the site, and the following advice reflects the fact that we cannot, therefore, be definitive in our assessment

The council through their assessment of the application need to establish the level of potential impact that could be caused by the development to the affected heritage assets. This should be through the supporting information provided as well as their own assessment of the relationship between the application site and the heritage assets (NPPF, Para 189 and 190). We suggest that you seek the views of your specialist conservation advisor.

In the event that the site would be visible, the council should ensure that any adverse impact can be avoided and minimised at the reserved matters stage.

In the event that the site is not visible, then from the information provided we would not wish to offer any further comments.

Recommendation

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189 and 190 of the NPPF.

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.

Historic England – 4 January 2023

Thank you for your letter of 22 December 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Historic England has provided previous advice on the application dated 16 May 2019 and

27 November 2020. This letter should be read in conjunction with these earlier correspondence in particular those dated 27 November 2020, as much of the information remains extant. In summary, we remain of the view that the council need to satisfy themselves of the level of inter-visibility between the application site and the historic complex at Killerton. Depending on the outcome of the assessment, you, the authority will be able to establish if further steps are required either at outline or at reserved matters stage to avoid or minimise any identified impact.

Recommendation

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194 of the NPPF.

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.

Historic England – 16 January 2023

Thank you for your letter of 5 January 2023 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Historic England has provided previous advice on the application dated 16 May 2019, 27 November 2020 and 3 January 2023. We would refer you to these earlier correspondence in particular those dated 27 November 2020 and 3 January 2023, as the information remains extant. In summary, we remain of the view that the council need to satisfy themselves of the level of inter-visibility between the application site and the historic complex at Killerton. Depending on the outcome of the assessment, you, the authority will be able to establish if further steps are required either at outline or at reserved matters stage to avoid or minimise any identified impact.

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.

Health and Safety Executive

Consulted 30/04/2019. No comments received.
Consulted 27/10/2020. No comments received.

Police Crime Prevention Officer - 6 November 2020

I welcome and support the comments regarding crime prevention within the DAS and sincerely hope these translate into meaningful design if the application progresses.

I note the indicative masterplan. Whilst I appreciate it is only that, I would make the following comments for consideration.

It is not clear from the masterplan which way all the residential units would face. They must be designed to provide overlooking and active frontages to the new internal streets and public open spaces, including the play areas. Detailed design should avoid having accessible space to the rear of residential back gardens.

In principle having new back gardens backing onto each other or existing gardens would be supported as this is generally accepted to assist in preventing crime.

If any of the existing hedgerow is likely to comprise new rear garden boundaries then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

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. It is particularly important that boundaries are robust enough for properties along the MLR and Gateways to developments. The use of low walls and railings as alluded to in the DAS should be implemented.

Suitable boundary treatments also need to be considered for the open space areas i.e. play areas, sports pitches and allotments. These will help to prevent conflict, aid supervision and protect against theft and damage.

The pedestrian and cycle routes throughout the development should be integrated and not run to the rear of or provide access to gardens, rear yards or dwellings as this has been proven to generate crime. Routes should be well overlooked and straight. In addition, they should be wide, devoid of hiding places, well maintained and well-lit to encourage legitimate use.

Planting next to a footpath should be arranged with the lowest growing varieties adjacent to the path and larger shrubs, trees etc. planted towards the rear. 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.

Vehicle parking will clearly be through a mixture of solutions although from a crime prevention point of view parking in locked garages or on a hard standing within the dwelling boundary is preferable. Where communal parking areas are utilised, bays should be in small groups, close and adjacent to homes in view of active rooms.

Rear parking courts are discouraged as they provide access to vulnerable rear elevations of dwellings and are often left unlit with little surveillance. If parking courts are considered for residential parking then these must be very well designed. They should only serve a small

number of units and surveillance opportunities should be maximised and supported by appropriate lighting. Gating may also be needed as ungated courtyards can provide areas of concealment that can encourage ASB.

The site lighting strategy must provide proper and effective lighting for all relevant spaces which should include pedestrian links, residential and mixed use parking areas as well as new streets. Lighting is advised to meet BS 5489:2013.

In relation to the proposed school and mixed use space, Secured by Design guidance should be adhered to and be found here:

https://www.securedbydesign.com/images/downloads/New_Schools_2014.pdf

https://www.securedbydesign.com/images/downloads/SBD_Commercial_2015_V2.pdf

Police Architectural Liaison Officer - 03 January 2023

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

I welcome and support the comments regarding crime prevention within the DAS and sincerely hope these translate into meaningful design if the application progresses.

I note the indicative masterplan. Whilst I appreciate it is only that, I would make the following comments for consideration.

It is not clear from the masterplan which way all the residential units would face. They must be designed to provide overlooking and active frontages to the new internal streets and public open spaces, including the play areas.

Detailed design should avoid having accessible space to the rear of residential back gardens.

In principle having new back gardens backing onto each other or existing gardens would be supported as this is generally accepted to assist in preventing crime.

If any of the existing hedgerow is likely to comprise new rear garden boundaries then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

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. It is particularly important that boundaries are robust enough for properties along the MLR and Gateways to developments. The use of low walls and railings as alluded to in the DAS should be implemented.

Suitable boundary treatments also need to be considered for the open space areas i.e. play areas, sports pitches and allotments. These will help to prevent conflict, aid supervision and protect against theft and damage.

The pedestrian and cycle routes throughout the development should be integrated and not run to the rear of or provide access to gardens, rear yards or dwellings as this has been proven to generate crime. Routes should be well overlooked and straight. In addition, they should be wide, devoid of hiding places, well maintained and well-lit to encourage legitimate use.

Planting next to a footpath should be arranged with the lowest growing varieties adjacent to the path and larger shrubs, trees etc. planted towards the rear. 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.

Vehicle parking will clearly be through a mixture of solutions although from a crime prevention point of view parking in locked garages or on a hard standing within the dwelling boundary is preferable. Where communal parking areas are utilised, bays should be in small groups, close and adjacent to homes in view of active rooms.

Rear parking courts are discouraged as they provide access to vulnerable rear elevations of dwellings and are often left unlit with little surveillance. If parking courts are considered for residential parking then these must be very well designed. They should only serve a small number of units and surveillance opportunities should be maximised and supported by appropriate lighting. Gating may also be needed as ungated courtyards can provide areas of concealment that can encourage ASB.

The site lighting strategy must provide proper and effective lighting for all relevant spaces which should include pedestrian links, residential and mixed use parking areas as well as new streets. Lighting is advised to meet BS 5489:2013.

In relation to the proposed school and mixed use space, Secured by Design guidance should be adhered to and be found here:

https://www.securedbydesign.com/images/downloads/New_Schools_2014.pdf

https://www.securedbydesign.com/images/downloads/SBD_Commercial_2015_V2.pdf

Police Architectural Liaison Officer - 03 January 2023

Thank you for further consultation in relation to this application. Having reviewed the amendments, I have nothing further to add to my previous response.

Environment Agency - 3 June 2019

We recommend the application is not determined until further information has been submitted and reviewed to ensure the Flood Risk Assessment (FRA) is adequate. We would object to the proposal if it is not supported by an adequate FRA.

The reason for our position along with advice in respect of Suitable Alternative Natural Green Space is set out below.

Reasons - Insufficient information (FRA)

The FRA prepared by Brookbanks (ref. 10292 FRA02 Rv4, dated 09/04/19) has been reviewed and is considered to be insufficiently comprehensive and overlooks a number of site specific flood risk issues.

To assist in progressing revisions to the FRA the author is referred to guidance on the GOV.UK webpages detailing necessary content, along with the following points:

1. An area of localised flood risk is known to exist to the north of the development site where a culvert passes beneath the railway at NGR SX9967895388, immediately to the east of the properties known as Littlehayes and Sunnyhayes. This culvert is currently too small to drain floodwaters from the south to the north of the railway and triggers excess water to flow down the access track towards Railway Terrace and Station Yard during flood events. This flooding is likely to impact upon the northern periphery of the development site, reducing the area available for development. It is considered appropriate that this element of flood risk is addressed as part of the development, providing a solution which gives betterment over the existing situation.
2. The discrete element of the development site to the east of Bluehayes Lane was the subject of mitigation to compensate for the loss of floodplain associated with the railway station and associated car park. This should be correctly referenced in the FRA as flood zone 3 and the extents appropriately mapped.
3. The impacts of climate change need to be correctly addressed within the FRA, to account for the likely increases in river flow and rainfall over the lifetime of the development. Relevant guidance is available on the GOV.UK website.
4. Design flood levels (to mAOD) for the development site need to be derived and appropriately linked to the site topography to define areas of flood risk. It should be stressed that the flood zone maps for planning are very much indicative and not considered sufficiently accurate to fully inform site specific flood risk assessments.
5. Discussion needs to be included about how the layout of the indicative masterplan has been influenced by the FRA, and/or how it conforms in terms of the acceptability of various vulnerability elements within the flood zones.

Advice - Suitable Alternative Natural Green Space (SANGS) areas

As set out in the emerging Cranbrook Plan DPD the expansion of Cranbrook needs to be accompanied by sufficient provision of SANGS.

We highlighted in our response to the consultation on the Cranbrook Plan that whilst we support the principle of the policy, there needs to be far greater clarity and certainty around the provision of Green Infrastructure (GI) and particularly SANGS for the expansion of Cranbrook. At present the GI and SANGS provision for the previous stages of the Cranbrook development has not been completely delivered and as such the impact of the original development remains unmitigated.

We note the proposed SANGS nearby and are supportive of the general principles. The proposed SANGS land appears to be improved grassland or arable at present so the planting proposals should improve situation for wildlife by enhancing the habitats available. However, increasing public access with 'off lead dog walking opportunities', as noted in the

documents, could be a problem for otters/birds using the Cranny Brook as the proposed paths pretty much follow the course of the stream. Within areas of SANGs we would suggest that moving the proposed routes further from the stream and more woodland planting along the watercourse would reduce disturbance and improve the riparian habitat at the same time.

The planning application should be clear about the specific SANGS requirements for the proposal and where, when and how it will be delivered and maintained.

Environment Agency - 16 November 2020

Environment Agency position

We consider that our position remains as that outlined in our previous letter in that We recommend the application is not determined until further information has been submitted and reviewed to ensure the Flood Risk Assessment (FRA) is adequate. We would object to the proposal if it is not supported by an adequate FRA.

Reason - Flood Risk

We have reviewed the revised FRA submitted by Brookbanks (Rev. 2, dated 30/10/20). We consider that this FRA does not address the points raised in our previous letter (dated 31/05/2020) and that it represents an inadequate assessment of the flood risks posed to and from the development.

Specifically, the following points were raised in our previous response:

1. An area of localised flood risk is known to exist to the north of the development site where a culvert passes beneath the railway at NGR SX9967895388, immediately to the east of the properties known as Littlehayes and Sunnyhayes. This culvert is currently too small to drain floodwaters from the south to the north of the railway and triggers excess water to flow down the access track towards Railway Terrace and Station Yard during flood events. This flooding is likely to impact upon the northern periphery of the development site, reducing the area available for development. It is considered appropriate that this element of flood risk is addressed as part of the development, providing a solution which gives betterment over the existing situation.
2. The discrete element of the development site to the east of Bluehayes Lane was the subject of mitigation to compensate for the loss of floodplain associated with the railway station and associated car park. This should be correctly referenced in the FRA as flood zone 3 and the extents appropriately mapped.
3. The impacts of climate change need to be correctly addressed within the FRA, to account for the likely increases in river flow and rainfall over the lifetime of the development. Relevant guidance is available on the gov.uk website.
4. Design flood levels (to mAOD) for the development site need to be derived and appropriately linked to the site topography to define areas of flood risk and development thresholds. It should be stressed that the flood zone maps for planning are very much indicative and not considered sufficiently accurate to fully inform site specific flood risk assessments.

5. Discussion needs to be included about how the layout of the indicative masterplan has been influenced by the FRA, and/or how it conforms in terms of the acceptability of various vulnerability elements within the flood zones.

We advise that these five points should be considered fully. Key to this will be acknowledging the matter of the inadequate culvert beneath the railway (point 1) and demonstrating how climate change impacts have been considered (point 3).

Advice - Suitable Alternative Natural Green Space (SANGS) areas

We note the additional information submitted relating to the proposed SANGS. As highlighted in our previous response, we are supportive of the general principles as proposed. We also note that a Design Principles documents will be prepared for the site (Planning Support Statement, October 2020-section 6.1). We recommend that you consult with Natural England on the contents of this document for detailed advice on whether it proposes adequate management principles.

Please contact us again if you require any further advice.

Thank you for re-consulting us on this application.

Environment Agency -12 July 2021

Alejandro Marcotegui of Brookbanks, on behalf of the applicant submitted a Flood Study Report directly to us and confirmed it had also be submitted to your authority. We therefore considered this a re-consultation, and provide our statutory response as follows.

Environment Agency position

Whilst the recently submitted information addresses several of our concerns, we maintain our objection to the proposed development on the grounds of flood risk.

Reason - We have reviewed the Flood Study Report by Brookbanks (ref. 10292 FS01 Rv1, dated 10.06.21) and we consider that it provides valuable site-specific refinement through modelling, of the flood risk credentials applicable to the development site. It considers pre and post development scenarios, with suitable allowances for climate change. However, a significant aspect which has not been discussed is a blockage scenario within the culverts, particularly in relation to the limiting railway culvert. We would wish to see the model output for the blockage scenario relating to a 75 per cent blockage of the culvert beneath the railway at the northern boundary of the development site. This is an essential consideration for establishing the flood areas, which will subsequently influence the development layout.

With reference to the 5 points raised in our previous letter, the submitted flood study is applicable for addressing points 1, 2 and 3. A further addendum to the Flood Risk Assessment will be required to address points 4 and 5 once the Flood Study Report has been fully accepted, and covers the matters raised above. Points 4 and 5 of our previous letter are copied below for reference:

4. Design flood levels (to mAOD) for the development site need to be derived and appropriately linked to the site topography to define areas of flood risk and development thresholds. It should be stressed that the flood zone maps for planning are very much

indicative and not considered sufficiently accurate to fully inform site specific flood risk assessments.

5. Discussion needs to be included about how the layout of the indicative masterplan has been influenced by the FRA, and/or how it conforms in terms of the acceptability of various vulnerability elements within the flood zones.

Advice - There has been discussion about providing betterment though improvements to the culvert beneath the railway. We have aspirations to improve conveyance within this culvert, as a means of solving existing flood problems for third parties linked to this location. We therefore reiterate that there is an opportunity with this development to provide wider sustainable benefits to the local community in the event that the developers improve the culvert.

Please contact us again if you require any further advice.

Environment Agency - 5 November 2021

We have reviewed the submitted Technical Note No9 by Brookbanks dated 26th August 2021. We maintain our objection to the proposed on the grounds of flood risk. The reason for this position and advice is provided below.

Before you determine the application, your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

Reason - The submitted Technical Note by Brookbanks (ref. 10292) assesses the blockage scenarios however, we have concerns regarding the modelling. Until we are confident that the model outputs are correct, we are unable to comment on the proposed flood levels for the site and the suitability of the access road in the northern part of the site which falls into the area at flood risk.

When looking at the model outputs which are included in appendix B of the Technical Note No9, there are model images which show no flooding in areas that are known to flood and within which we have historic flood outlines. This whole area is well-known to flood fairly frequently, which suggests that it would also flood during the 1 in 100 year event, plus climate change, plus 75% blockage as shown in the modelling. The modelling may require some further calibration to account for this.

When planning application 12/0733/MRES for the train station proposal was live, the station car park was identified as located within the functional floodplain and yet the modelling that has been submitted shows the area free from flooding during the 1 in 100 year plus climate change event. The input values used in the modelling may be too low. We recommend that, if not already done, these input values should be compared against Devon Hydrology Strategy values.

Overcoming our objection

We would recommend that the applicant submits their flood model and results as part of this planning application, so that it may be reviewed by our Evidence and Risk team. Once the model has been reviewed and found to be suitable we will then be in a better position to provide further comment on the proposals.

Please contact us again if you require any further advice.

Environment Agency - 22 April 2022

Thank you for your consultation of 09 March 2022 following submission of further information in respect of this outline planning application.

Environment Agency position

We maintain our objection to this application on the grounds that it is not supported by an acceptable flood risk assessment (FRA). The reasons for our position and how our objection can be overcome are set out below.

Reason

We have reviewed the current flood modelling and have found the model to be insufficient at present. A number of comments have been provided to the applicant's FRA consultant and updates to the model will be required.

Overcoming our objection

The model must be updated in line with the comments we have provided to the FRA consultant. Once an acceptable model is available the FRA should be updated as necessary to ensure the development will be safe in respect of flooding over its lifetime without increasing flood risks elsewhere in accordance with the National Planning Policy Framework.

Environment Agency – 3 January 2023

Thank you for re-consulting us on the above planning application. We have needed to request further information from the applicant's FRA consultant before we are able to review the revised flood modelling that supports this application.

We will let you know when we receive this and advise that we are likely to need longer than the normal 21 day response time to undertake a technical review of the modelling and provide comments.

We can agree a deadline once we have received the additional information.

Environment Agency – 27 January 2023

Thank you for re-consulting us on the above planning application. We have reviewed the revised flood modelling and provide the following comments.

Environment Agency position

We maintain our objection to this application on the grounds that it is not supported by an acceptable flood risk assessment (FRA). The reasons for our position and how our objection can be overcome are set out below.

Reason

We have undertaken a second review of the current flood modelling which will inform the FRA and have found the model is still not fit for purpose. A number of comments have been provided (see attached model review spreadsheets) and updates to the model are required. More supporting evidence regarding the hydraulics is needed before it can be reviewed, along with more robust hydrology for model inflows.

Unfortunately, due to the scale of development and potential level of flood risk, we are unable to recommend a condition for the modelling to be agreed at a later stage. The modelling will need to be approved at the outline stage to ensure that the risks to the proposed development are fully understood.

Overcome our objection

The modelling must be updated to address the comments made on the flood modelling. Once an acceptable model, backed by robust hydrology, is available, the FRA should be updated if required. The FRA must demonstrate that the development will be safe for flooding over its lifetime without increasing flood risks elsewhere in line with the NPPF and PPG. Production of an updated model and/or an FRA will not in itself result in the removal of an objection.

We would like to be re-consulted on any information submitted to address our concerns and we will aim to provide you with bespoke comments as soon as possible after receiving formal re-consultation.

If you are minded to approve the application at this stage contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Environment Agency – 27 March 2023

Thank you for re-consulting us on the above planning application. We have reviewed the revised flood modelling and provide the following comments.

Environment Agency position

We maintain our objection to this application on the grounds that it is not supported by an acceptable flood risk assessment (FRA). The reasons for our position and how our objection can be overcome are set out below.

Reason

We have undertaken a further review of the current flood modelling which will inform the FRA and have found the model is still not fit for purpose. The review indicated that there are still fundamental problems with the model and, because of the impacts that changes to the modelling may have on the development, we are not in a position to remove our objection.

The modelling has been reviewed by our Evidence and Risk team and detailed comments on the hydrology and hydraulic modelling have been submitted to the consultant directly. However, there are some additional concerns we would like to flag at this stage.

In 2012, during a previous phase of the Cranbrook development associated with the new railway station (application ref. 12/0748/MFUL), an area of land was secured for flood compensation storage. This parcel of land is encompassed within the current 19/0620/MOUT development site. Modelling shows that this parcel of land has a much smaller flood extent than what was agreed under the 2012 application. This land was approved as compensation storage, so we would like to query why the plans and model results show a larger area to be free of flood water in the design event than as previously designed. Climate change allowances have increased since 2012, so we would expect this flood extent to be greater than the 2012 extents demonstrate and not less. This issue likely demonstrates the issues with the flood model and hydrology that is used within it.

This issue can be clearly viewed when comparing the 'Level for level compensation plan' in application 12/0748/MFUL and 'Flood Zone Comparison'.

Overcoming our objection

The modelling (both the hydraulic model and hydrology) needs to be updated and further information is needed, as set out in the review feedback sent to Brookbanks. This has been the third review of the modelling and there are still some fundamental issues. The consultant should address all the comments made and make any necessary changes to the model approach in order to provide modelling that is acceptable in line with guidance (the flood estimation guidance document has been provided).

Once the modelling is agreed, the FRA should be amended. The applicant should also please provide clarity on the issue around the compensation storage area we have highlighted above.

Note to the LPA

A compliance check may be required to ensure that the compensation storage works were carried out as detailed in the 2012 application.

We would like to be re-consulted on any information submitted to address our concerns and we will aim to provide you with bespoke comments as soon as possible after receiving formal re-consultation.

If you are minded to approve the application at this stage contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Environment Agency – 19 May 2023

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 – including sign-off of the modelling and agreement of finished floor levels;
- Detailed design of the flood storage areas;
- Detailed design of the access road flood culverts; and
- Construction Environment Management Plan (CEMP)

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 and will not result in increased flood risk to third parties.

Condition – Detailed design of the flood storage areas

The development hereby permitted shall not be commenced until detailed design of the flood mitigation storage areas has been submitted to, and approved in writing by, the local planning authority. The flood storage areas be fully implemented prior to the occupation of development and subsequently maintained in accordance with the submitted details.

Reason: To ensure that there are no detrimental impacts to flood storage or flood flow routes

Condition – Detailed design of the access road flood culverts

The development hereby permitted shall not be commenced until the detailed design of the access road flood culverts has been submitted to, and approved in writing by, the local planning authority. The flood culverts be fully implemented prior to the occupation of development and subsequently maintained in accordance with the submitted details.

Reason: To ensure that there are no detrimental impacts to flood storage or flood flow routes

Condition – Construction Environment Management Plan (CEMP)

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

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

Advice – Flood Risk

Based on the information we have reviewed to date, it appears that there will be no development, other than green space, within the 1%AEP plus climate change flood extent. We are therefore satisfied that the proposals will not pose a flood risk to future residential or commercial development.

As you will be aware, we have been reviewing the flood modelling submitted to support this application to ensure that the hydraulics and hydrology meet EA guidance. While we are not yet at a position where the modelling can be formally signed-off, progress has been made. Although some final amendments/further information is required, we are content that this will not change the flood extent and depths to an level that would prevent the application from progressing at this stage. Once the modelling is formally agreed, the final layout must show that there will be no development within the 1%AEP plus climate change flood extent.

We also advise that the detailed site layout should consider any marked watercourses and unmarked drainage ditches within the site. A suitable easement must be provided between new development and these features. We suggest that the applicant provides a drawing with the detailed design showing the easement areas. Where any crossings are required, the preference would be for clear span bridges.

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.

Devon & Somerset Fire And Rescue Service - 23 December 2022

Thank you for consulting Devon and Somerset Fire and Rescue Service regarding the above planning application. I have studied the additional information provided for this application on the planning portal and have no additional comments.

Consideration should be given at an early stage for the provision of fire hydrants for the development.

The Fire and Rescue Authority is a statutory consultee under the current Building Regulations and will make detailed comments at that time when consulted by building control (or approved inspector).

Devon & Somerset Fire And Rescue Service – 6 January 2023

Thank you for consulting Devon and Somerset Fire and Rescue Service regarding the above planning application. I have studied the additional information provided for this application on the planning portal and have no additional comments.

Consideration should be given at an early stage for the provision of fire hydrants for the development.

The Fire and Rescue Authority is a statutory consultee under the current Building Regulations and will make detailed comments at that time when consulted by building control (or approved inspector).

EVIDENCE FOR S106 DEVELOPER CONTRIBUTIONS FOR SERVICES

Application reference: 19/0620/OUT

In relation to planning application Cranbrook Expansion Zone, West Large Site, Station Road, Broadclyst

Definitions

- **Accident and emergency care:** *An A&E department (also known as emergency department or casualty) deals with genuine life-threatening emergencies requiring urgent assessment and/or intervention.*
- **Acute care:** *This is a branch of hospital healthcare where a patient receives active but short-term treatment for a severe injury or episode of illness, an urgent medical condition, or during recovery from surgery. In medical terms, care for acute health conditions is the opposite from chronic care, or longer-term care.*
- **Block Contract:** *An NHS term for an arrangement in which the health services provider (as used in the UK, providers refer to corporate entities such as hospitals and trusts, and not to individuals) is paid a fixed annual fee in installments by the Clinical Commissioning Groups in return for providing a defined range of services.*
- **Clinical Commissioning Group:** *CCGs are clinically-led statutory NHS bodies responsible for the planning and commissioning of health care services for their local area.*
- **Emergency care:** *Care which is unplanned and urgent.*
- **NHS:** *NHS Improvement: Regulatory body for NHS Trusts in England*
- **ONS:** *Office of National Statistics*
- **OPEL:** *Operational Pressures Escalation Levels are a way for Trusts to report levels of pressure consistently nationally.*
- **Primary Care:** *services that provide the first point of contact in the healthcare system, including general practice, community pharmacy, dental, and optometry (eye health) services.*

- **Secondary care:** Medical care that is provided by a specialist or facility upon referral by a primary care physician and that requires more specialised knowledge, skill, or equipment than the primary care physician can provide.
- **Sustainability and Transformation Fund (STF):** a fund that supplements the health provider's income, linked to specific delivery targets

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.

As our evidence will demonstrate, the Trust is currently operating at full capacity in the provision of urgent and elective healthcare. It is further demonstrated that although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new development, and the funding for which, as outlined below, cannot be sourced from elsewhere. The development directly affects the ability to provide the health service required to those who live in the development and the community at large.

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."

Regulation 123 does not apply to this s 106 Contribution. The request is not to fund infrastructure as defined by S 216 of the Planning Act 2008.

Evidence

Introduction to Royal Devon and Exeter NHS Foundation Trust

- 1 Royal Devon and Exeter NHS Foundation Trust, ("the Trust") has an obligation to provide healthcare services. Although run independently, NHS Foundation Trusts remain fully part of the NHS. They have been set up in law under the Health and Social Care (Community Health and Standards) Act 2003 as legally independent organisations called Public Benefit Corporations, with the primary obligation to provide NHS services to NHS patients and users according to NHS principles and standards - free care, based on need and not ability to pay. NHS Foundation Trusts were established as an important part of the government's programme to create a "patient-led" NHS. Their stated purpose is to devolve decision-making from a centralised NHS to local communities in an effort to be more responsive to their needs and wishes. However, they cannot work in isolation; they are bound in law to work closely with partner organisations in their local area.
- 2 NHS Foundation Trusts are part of the NHS and subject to NHS standards, performance ratings and systems of inspection. They have a duty to provide NHS services to NHS patients according to NHS quality standards, principles and the NHS Constitution. Like all other NHS bodies, NHS Trusts are inspected against national standards by the Care Quality Commission, NHS Improvement and other regulators/accrediting bodies.
- 3 The Trust is a public sector NHS body and is directly accountable to the Secretary of State for the effective use of public funds. The Trust is funded from the social security contributions and other State funding, providing services free of charge to affiliated persons of universal coverage. The Trust is commissioned to provide acute healthcare and community health care services for a core population of around 450,000, with 350,000 of those residents living in Exeter, East and Mid Devon. This population grows, particularly in the summer months,
- 4 The Trust has an estimated turnover of around £500 million and employs around 8000 staff.

Who is using the Royal Devon and Exeter NHS Foundation Trust?

- 5 Since 2008, patients have been able to choose which provider they use for their healthcare for particular services. The 2016 NHS Choice Framework explains when patients have a legal right to choice about treatment and care in the NHS. The legal right to choose does not apply to all healthcare services (for example emergency care), and for hospital healthcare it only applies to first outpatient appointments, specialist tests, maternity services and changing hospitals if waiting time targets are not met. Activity data analysis shows, that on average, approximately 70% of the Trust's patient activity is from residents within Exeter, East and Mid Devon.

Funding Arrangements for the NHS Trust

- 6 Northern, Eastern and Western Devon Clinical Commissioning Group and South Devon and Torbay Clinical Commissioning Group (CCGs) commission the Trust to provide acute healthcare services to the population of Exeter and East and Mid Devon under the terms of the NHS Standard Contract. This commissioning activity involves identifying the health needs of the respective populations and commissioning the appropriate high quality services necessary to meet these needs within the funding allocated. The commissioners commission planned and emergency acute hospital (medical & surgical) and community health care from Royal Devon and Exeter NHS Foundation Trust. They agree service level agreements, including activity volumes and values annually based on last year's performance plus any known national initiatives. The CCGs have no responsibility for providing healthcare services. They commission (specify, procure and pay for) services, which provides associated income for the Trust.
- 7 The Trust is required to provide the commissioned health services to all people that present or who are referred to the Trust. The NHS Standard Contract for Services, condition SC7 for 17/18 and with which the Trust is compliant states "*The Trust must accept any Referral of a Service User however it is made unless permitted to reject the Referral under this Service Condition*"¹. There is no option for the Trust to refuse to admit or treat a patient on the grounds of a lack of capacity to provide the service/s. This obligation extends to all services from emergency treatment at Accident and Emergency (A&E) to routine/non-urgent referrals. Whilst patients are

¹ NHS Standard Contract- Service Condition SC7

able in some cases to exercise choice over where they access NHS services, in the case of an emergency they are taken to their nearest appropriate A&E Department by the ambulance service.

- 8 The Trust has an annual turnover of c£500m per annum, and c£297m is received from the Northern, Eastern and Western Devon Clinical Commissioning Group and South Devon and Torbay Clinical Commissioning Group (CCG) within Block Contracts. The majority of the remainder of the Trust's funding is through other NHS services contracts. The Trust has to find efficiency savings of around 4% each year.
- 9 The Department of Health dictates the costs they think NHS health services should be priced at. The tariff is broken down with 65% for staffing costs, 21% other operational costs, 7% for drugs, 2% for the clinical negligence scheme and 5% for capital maintenance costs
- 10 None of the additional expenditure spent outside the current year's funding is ever recovered in the following year's funding. The new funding is only based on the previous year's activity. The commissioning is not related to Local Planning Authorities' housing needs, projections or land supply.
- 11 As a Foundation Trust, there is no routine eligibility for capital allocations from either the Department of Health or local commissioners to provide new capacity to meet additional healthcare demands. The Trust is expected to generate surpluses for re-investment in maintaining local services.
- 12 As a Foundation Trust, there is eligibility to request a commercial loan to fund capital development proposals.
- 13 Loan applications would be subject to existing borrowing limits with existing loan providers and would have to be paid back with interest. This would be an unacceptable way of funding the additional expenditure caused by a development, and would result in a serious financial cost pressure to an already pressurised budget.

Performance Trajectory

- 14 The Trust is asked to submit monthly performance data in relation to certain waiting times standards in order to receive money from the Sustainability and Transformation



Fund. One of the waiting time standards which Trusts are required submit performance data in relation to is the 4-hour A & E waiting time standard. Failure to deliver services in accordance with the performance trajectory agreed, results in withdrawal of an element of the STF.

- 15 Operational Pressures Escalation Levels are a way for Trusts nationally to report levels of pressure consistently. Under OPEL, there are 4 escalation levels, where Level 1 shows the Trust is maintaining patient flow and able to meet anticipated demand. In contrast, escalation to Level 4 shows the Trust is unable to deliver comprehensive care and there is a greater risk on patient care and safety being compromised.
- 16 Please see **Appendix 6** which demonstrates the Trust's performance in relation to the national standard described above. It can be clearly seen that the Trust is frequently experiencing major pressures and its inability to cope with the increasing patient demand. New development within the regions will inevitably add to the already over-burdened NHS and will put the Trust at a serious risk of losing the STF funding. For 04 2018/19 the penalty for failing to achieve the 4 hour waiting time standard by March 2019 is £1.3m.

Planning for the Future

- 17 The Trust understands that the existing population, future population growth and an increased ageing population will require additional healthcare infrastructure to enable it to continue to meet the increasing demands and complexity of the hospital healthcare needs of the local population.
- 18 It is **not** possible for the Trust to predict when planning applications are made and delivered and, therefore, it cannot plan for additional development occupants as a result. The Trust has considered strategies to address population growth across its area and looked at the overall impact of the known increased population to develop a service delivery strategy to serve the future healthcare needs of the growing population. This strategy takes into account the trend for the increased delivery of healthcare out of hospital and into the community. However, the commissioning operates based on previous year's performance and does not take into account potential increase in population created by a prospective development, housing projections or housing land supply.

19 **Current Position**

- **Emergency admissions and the direct impact on emergency health care services**

20 Across England, the number of acute beds is one-third less than it was 25 years ago², but in contrast to this the number of emergency admissions at Royal Devon and Exeter NHS Foundation Trust has seen a 12% increase in the last 4 years³. The number of emergency admissions (including ambulatory care) is currently at an all-time high. A&E attendances have also grown dramatically in the last 10 years by 60%. The growth is shown in the table below.

A & E Attendances	Year
64110	2007/8
102295	2017/18
Emergency Admissions	Year
45907	2013/14
51515	2017/18

Figure 1

21 The Trust runs at over 89 % bed occupancy, and there are limited opportunities for it to further improve hospital capacity utilisation. Whilst the Trust is currently managing to provide the services in a manner that complies with the quality requirements of the NHS and its regulators, this development will have a direct impact on the Trust's ability to keep up with the required quality of the service. The Trust will face sanctions if it is unable to provide the required service at the required standard.

Acute Adult Bed Occupancy

² Older people and emergency bed use, Exploring variation. London: King's Fund 2012

³ needs to be added

- 22 In order to maintain adequate standards of care as set out in the NHS Standard Contract quality requirements, it is well evidenced in the Dr Foster Hospital Guide that a key factor to deliver on-time care without delay is the availability of beds to ensure timely patient flow through the hospital. The key level of bed provision should support maximum bed occupancy of 85%. The 85% occupancy rate is evidenced to result in better care for patients and better outcomes⁴. This enables patients to be placed in the right bed, under the right team and to get the right clinical care for the duration of their hospital stay. Where the right capacity is not available in the right wards for treatment of his/her particular ailment, the patient will be admitted and treated in the best possible alternative location and transferred as space becomes available, but each ward move increases the length of stay for the patient and is known to have a detrimental impact on the quality of care. Consequently, when hospitals run at occupancy rates higher than 85%, patients are at more risk of delays to their treatment, sub-optimal care and being put at significant risk.
- 23 Appendix 4 shows monthly details of the Trust's utilisation of acute bed capacity for the last two financial years. This shows that the Trust exceeded the optimal 85% occupancy rate for all of 2016/17 and 2017/18. This demonstrates that current occupancy levels are highly unsatisfactory, and the problem will be compounded by an increase in need created by the development which does not coincide with an increase in the number of bed spaces available at the Hospital. This is the inevitable result where clinical facilities are forced to operate at over-capacity. Any new residential development will add a further strain on the current acute healthcare system.
- **The direct impact on the provision of healthcare caused by the proposed development**
- 24 The population increase associated with this proposed development will significantly impact on the service delivery and performance of the Trust until contracted activity volumes include the development population increase. As a consequence of the development and its associated demand for emergency healthcare there will be an adverse effect on the Trust's ability to provide on-time care delivery without delay.
- 25 During 2017/18, the equivalent of 79,644 residents of Exeter and East and Mid Devon attended the Trust's A&E Department and 88,346 of Exeter and East and Mid

⁴ British Medical Journal- Dynamics of bed use in accommodating emergency admissions: stochastic simulation model

Devon residents were admitted to Hospital. In addition to this, the equivalent of more than every resident attended an outpatient appointment and 206,744 uses of the Community Health Services were made by Exeter and East and Mid Devon residents. This is equivalent to the average Exeter and East and Mid Devon resident generating 2.1 acute hospital interventions per year at the Royal Devon and Exeter NHS Foundation Trust (see Appendix 2 for 2017/18 Activity % by Local Authority Area).

- 26 There is no way to reclaim any additional cost for un-anticipated activity within Devon. The only way that the Trust can maintain the "on time" service delivery without delay and comply with NHS quality, constitutional and regulatory requirements is through developer funding the gap directly created by the development population. Without securing such contributions, the Trust will have no funding to meet healthcare demand arising from the development during the first year of occupation. Without the contribution, the health care provided by the Trust would be significantly delayed and compromised, putting the residents and other local people at potential risk.

Impact Assessment Formula

- 27 The Trust has identified the following:-.

A development of **930 dwellings** equates 2,053 new residents (based on the current assumption of 2.21 persons per dwelling as per ONS figures). Using existing 2016⁵ demographic data as detailed in the calculations in Appendix 5 will generate 4,845.42 acute interventions over the period of 12 months. This comprises additional interventions by point of delivery for:

- A&E based on % of the population requiring an attendance
- Non Elective admissions based on % of the population requiring an admission
- Elective admissions based on % of the population requiring an admission
- Day-case admissions based on % of the population requiring an admission
- Regular attendances based on % of the population requiring to attend regularly

⁵ ONS 2016 Population Estimates (June 2016 base)

- Outpatient attendances based on % of the population requiring an attendance
- Outpatient attendances based on % of the population requiring procedure
- Community health services based on % of the population requiring the delivery of Community based Services.

Formula:

Increase in Service Demand:

**Development Population x % Development Activity Rate per head of Population
x Cost per Activity = Developer Contribution**

28 As a consequence of the above and due to the payment mechanisms and constitutional and regulatory requirements the Trust is subject to, it is necessary that the developer contributes towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the accommodation on/in the development. The Trust will not receive the full funding required to meet the healthcare demand due to the baseline rules on emergency funding and there is no mechanism for the Trust to recover these costs retrospectively in subsequent years as explained. Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area. Therefore the contribution required for this proposed development of **930 dwellings is £1,332,313.00**. This contribution will be used directly to provide additional health care services to meet patient demand.

29 The contribution requested (see Appendix 5) is based on these formulae/calculations, and by that means ensures that the request for the relevant landowner or developer to contribute towards the cost of health care provision is directly related to the development proposals and is fairly and reasonably related in scale and kind. Without the contribution being paid the development would not be acceptable in planning terms because the consequence would be inadequate healthcare services available to support it, also it would adversely impact on the delivery of healthcare not only for the development but for others in the Trust's area.

- 30 Having considered the cost projections, and phasing of capacity delivery we require for this development it is necessary that the Trust receives 100% of the above figure prior to implementation of the planning permission for the development. This will help us to ensure that the required level of service provision is delivered in a timely manner. Failure to access this additional funding will put significant additional pressure on the current service capacity leading to increased delays for patients and dissatisfaction with NHS services.

Summary

- 31 As our evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new development, for one year only, and the funding for which, as outlined above, cannot be sourced from elsewhere. The development directly affects the ability to provide the health service required to those who live in the development and the community at large.
- 32 Without contributions to maintain the delivery of health care services at the required quality, constitutional and regulatory standards and to secure adequate health care for the locality, the proposed development will put too much strain on the said services, putting people at risk of significant delays in accessing care. Such an outcome is not sustainable.
- 33 One of the three overarching objectives to be pursued in order to achieve sustainable development is to include b) **a social objective** - to support strong, vibrant and healthy communities ... by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being:" NPPF paragraph 8.
- 34 There will be a dramatic reduction in the Trust's ability to provide timely and high quality care for the local population as it will be forced to operate over available capacity and as the Trust is unable to refuse care to emergency patients. There will also be increased waiting times for planned operations and patients will be at risk of multiple cancellations. This will be an unacceptable scenario for both the existing and

new population. The contribution is necessary to maintain sustainable development. Further the contribution is carefully calculated based on specific evidence and fairly and reasonably related in scale and kind to the development. It would also be in the accordance with Council's current Local Plan:

35 **East Devon District Council - East Devon Local Plan - 2013 to 2031 (Adopted 28 January 2016)**

Education and Health

16.41 *Education and health facilities are key to vibrant, self-contained communities and play a vital role in reducing social isolation, reducing the need to travel and improving quality of life. 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. Devon County Council has produced an Education Infrastructure Plan that sets out strategy and policy for future education provision.*

Infrastructure Delivery Plan - March 2015

*Health The provision of health facilities is an important infrastructure consideration. The local authority has had a number of meetings with representatives from the Primary Care Trust (PCT) to discuss **the implications of future growth on service provision.** Future growth levels in surgery catchment areas led to the PCT deciding that none of the population increases from the proposed developments would take existing capacity close to the 50% undersize they regard as a priority to consider a new building. However the PCT acknowledged that growth at Axminster could require alterations to existing infrastructure. **East Devon District Council will work with NHS representatives throughout the plan period to ensure that additional health infrastructure is provided where it is needed.***

Chapter 8 of the NPPF elaborates paragraph 8 in paragraph 92, which directs that:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) ...;

b) ...;

c) *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;*

d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*

e)

Further, the Planning Practice Guidance ('PPG') provides that:

Local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making. Public health organisations, health service organisations, commissioners and providers, and local communities should use this guidance to help them work effectively with local planning authorities in order to promote healthy communities and support appropriate health infrastructure.

Paragraph: 001 Reference ID: 53-001-20140306

The PPG goes on to suggest that information about the impact of a development on the demand for healthcare services⁶11:

... should assist local planning authorities consider whether the identified impact(s) should be addressed through a Section 106 obligation or a planning condition.

...Paragraph: 004 Reference ID: 53-004-20140306

Conclusion

36 In the circumstances, it is evident from the above that the Trust's request for a contribution is not only necessary to make the development acceptable in planning terms it is directly related to the development; and fairly and reasonably related in scale and kind to the development. The contribution will ensure that Health services

⁶ It is acknowledged that this arises in the context of a discussion of consultation with Clinical Commissioning Groups and NHS England, but plainly it would also apply with equal force to information provided by the Trust.



are maintained for current and future generations and that way make the development sustainable.

Date: 16 May 2019

Appendix 1

Services at Royal Devon and Exeter NHS Foundation Trust

We are focused on providing safe, high-quality services, delivered with courtesy and respect

The Royal Devon and Exeter NHS Foundation Trust (RD&E) provides integrated health and care services across Exeter and East and Mid Devon. With about 8,000 staff, it manages a large acute teaching hospital, twelve community hospitals and provides community services to a core population of over 450,000.

The RD&E has a long and proud history, dating back over 250 years. The Trust has earned an international reputation as a recognised provider of high-quality healthcare services, innovation, research and education. The Trust is nationally and internationally recognised for excellence in a number of specialist fields, including the Princess Elizabeth Orthopaedic Centre, the Centre for Women's Health (maternity, neonatology and gynaecology services), cancer services, renal services, Exeter Mobility Centre, and Wardon Neuro-Rehabilitation Centre.

As a teaching hospital, the RD&E delivers undergraduate education for a full range of clinical professions, is established as a leading centre for high-quality research and development in the South West peninsula, and is the lead centre for the University of Exeter Medical School. The RD&E became one of the first foundation trusts in 2004 and this status, with accountability to local citizens through our membership and governors, is an important way of connecting with the people and communities we serve.

The Trust's strategy is focused on ensuring that it provides safe, high-quality services, delivered with courtesy and respect. This was reflected in the Care Quality Commission's (CQC) inspection in November 2015, which praised the Trust's culture as "strongly focused on quality, with patients being the absolute priority." Rated as good overall - the first in the South West - the CQC also rated seven out of eight services at the Wonford site as either outstanding or good, including outstanding for caring services, urgent and emergency care, and critical care.

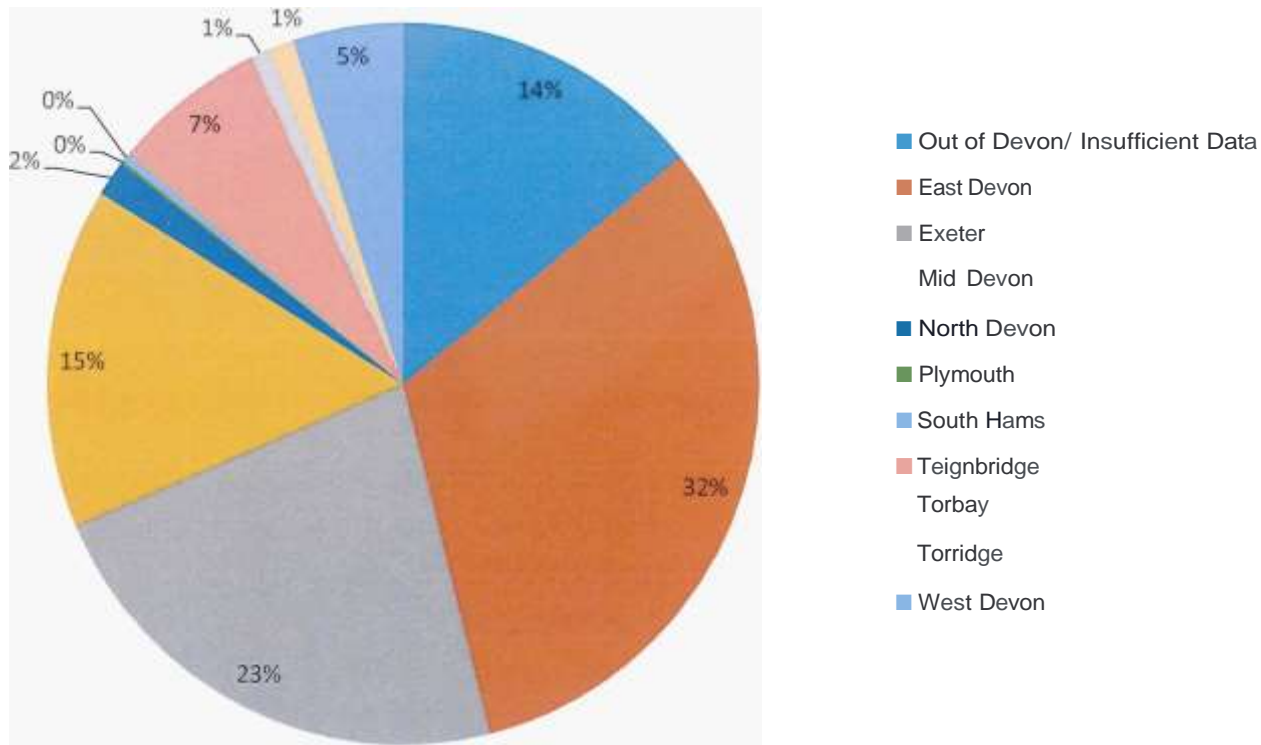
The Trust has responsibility for Eastern community services, with many of the services run in the community hospitals in East Devon. By bringing acute and community services together under one organisation in Eastern Devon, we are able to offer more efficient and joined-up integrated care. Working together with health and social care partners and local communities, we are better placed to meet people's needs and keep more people well at home and supported within their community, ensuring a hospital stay only happens when acutely necessary.

The integration of care services is part of a wider ambition to establish a place-based system of care which promotes independence, prevention and wellbeing. This system places the needs of the individual firmly at the centre, supporting them to live the life they want to lead.

Source: Royal Devon and Exeter NHS Foundation Trust website

Appendix 2 -Activity market share by Local Authority Area for Devon for Royal Devon and Exeter NHS Foundation Trust 2017/18.

2017/18 Activity % by Devon Local Authority Area



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Note: "Activity" in the above graph is those activity types that make up this claim (shown in Appendix

Appendix 3

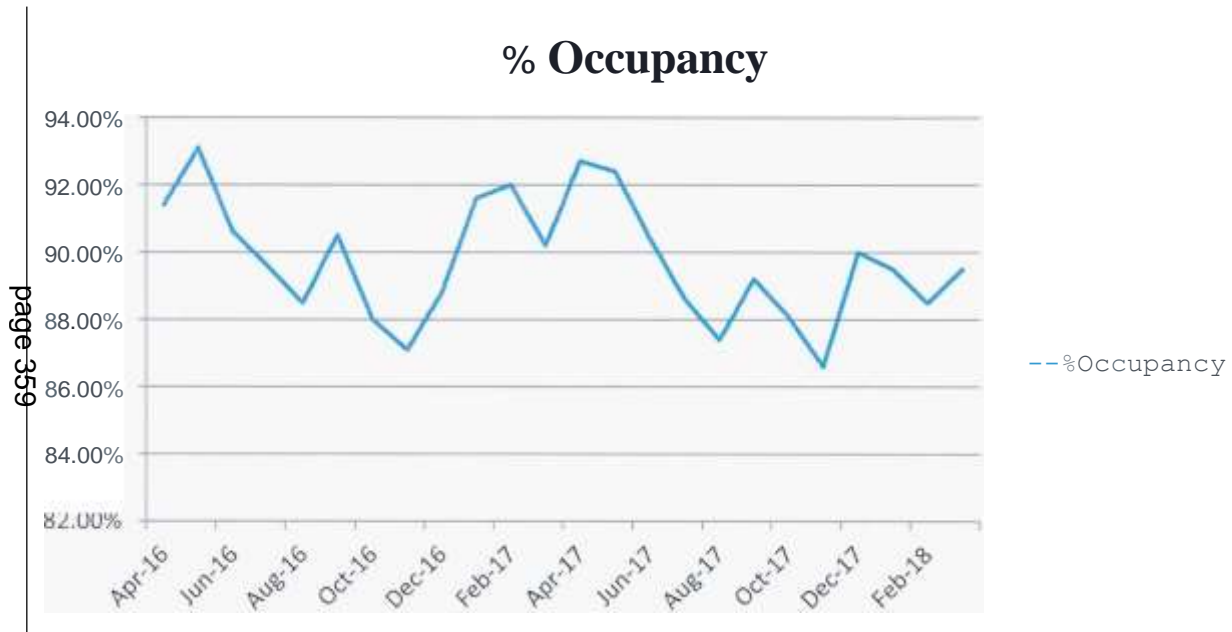
2017/18 Activity	2017-18 total activity
Day cases, ordinary non-elective short stay and regular day and night admissions	122,565
Ordinary electives and ordinary non-electives long stay	45,433
Outpatient attendances	507,107
Procedures in outpatients	100,658
Accident & Emergency	102,295
Cancer multi-disciplinary teams	5,668
Chemotherapy and radiotherapy	89,626
Critical care	14,442
Diagnostic imaging & nuclear medicine	64,923
High cost drugs	8,320
Rehabilitation	4,882
Renal	86,454
Direct access diagnostic services	45,391
Direct access pathology	1,846,464
Community health services	394,039
Cystic fibrosis provided solely by a specialist centre	186
Totals	3,438,453

Source: from standard return to NHS Improvement - Reference Cost Return

Appendix 4

Adult Acute Bed occupancy rate (Wonford site)

Note: excludes maternity, paediatrics, rehabilitation beds, community hospitals.



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	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18
Occupied	18,449	19,619	18,357	18,468	18,195	18,055	18,079	16,806	17,678	18,352	16,555	17,926	18,955	17,084	18,483	16,843	17,352	17,173	17,488	17,055	17,225	17,801	17,023	17,771
Available	20,178	21,063	20,251	20,610	20,561	19,956	20,538	19,284	19,906	20,028	18,000	19,872	20,438	18,488	20,454	19,007	19,861	19,246	19,856	19,683	19,144	19,881	19,226	19,850
% Occupancy	91.40%	93.10%	90.60%	89.60%	88.50%	90.50%	88.00%	87.10%	88.80%	91.60%	92.00%	90.20%	92.70%	92.40%	90.40%	88.60%	87.40%	89.20%	88.10%	86.60%	90.00%	89.50%	88.50%	89.50%

Appendix 5 Contribution Requested

19/0620/MOUT, Cranbrook Expansion Zone, West Large Site, Station Road, Broadclvst

Local Authority

East Devon

ONS Mid 2017 Population Estimate for LA

142,265

Development Dwellings:

Population Multiplier:

2.21

Is the development a Student one?

No

Is the development a Extra Care one?

No

Is the development a Retirement Village/Housing one?

No

Development Population:

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Activity Type	Activitv 2017/18 for LA Area	% Activity rate per annum per head of population	Delivery cost per activity (spell)	12 months Activity for 930 Dwellings	Delivery cost for 930 Dwellings £	Cost Pressure (Claim) £
A&E Attendances	33,953	23.9%	135	490.07	66,160	66,160
Non Elective Admissions & Short Stays	14,510	10.2%	2,353	209.44	492,803	492,803
Elective Admissions	3,166	2.2%	3,207	45.70	146,553	146,553
Day Case Admissions	19,342	13.6%	755	279.18	210,781	210,781
Regular Attendances	3,179	2.2%	249	45.89	11,425	11,425
Outpatient Appointments	163,384	114.8%	127	2,358.27	299,500	299,500
Outpatient Appointment Procedures	389	0.3%	117	5.51	657	657
Community Nursing Visits	97,774	68.7%	74	1,411.26	104,433	104,433
Total				4,845.42	1,332,313	1,332,313

Per Head of Development Population:

[648.82

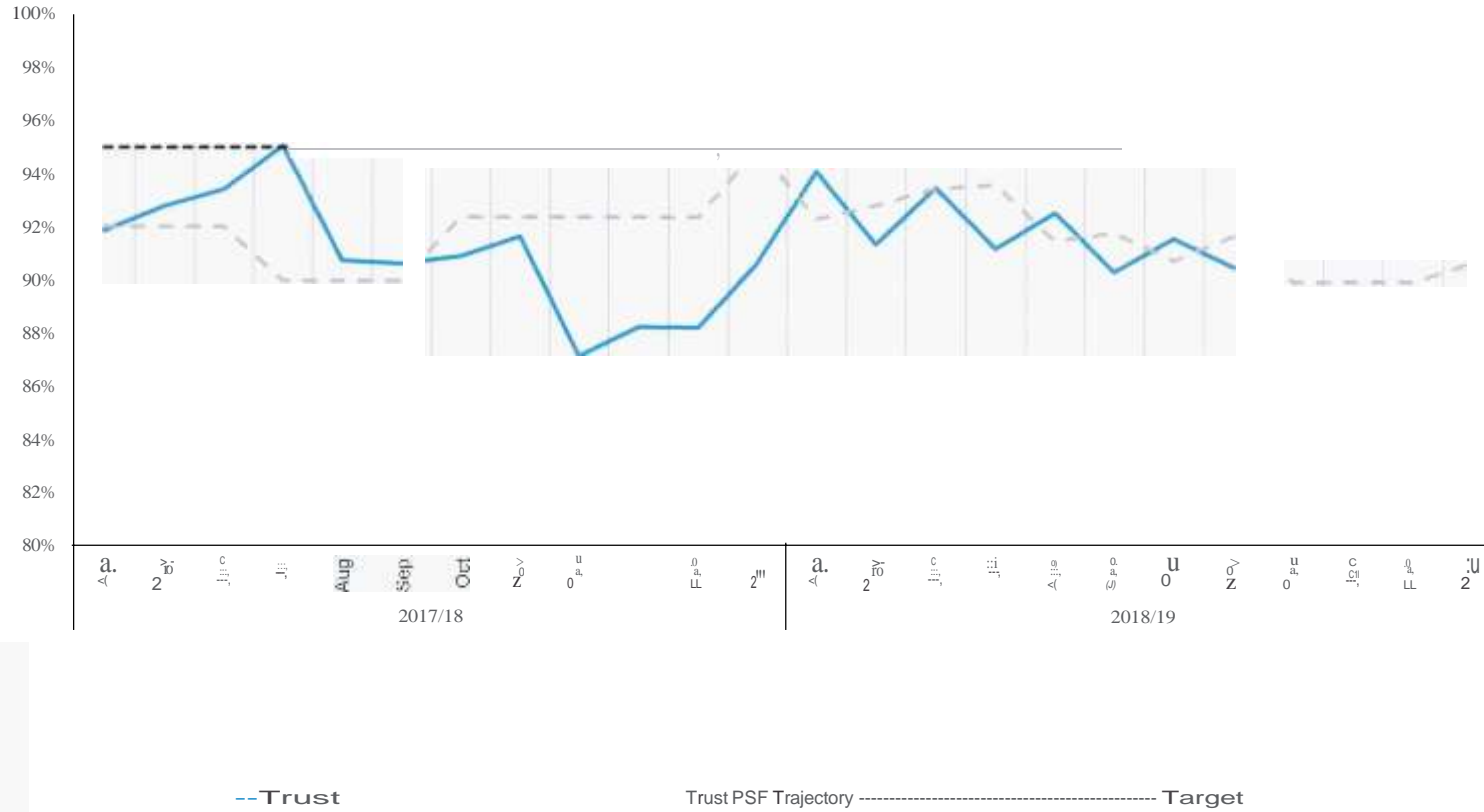
Per Dwelling:

£1,432.59


Appendix 6

Proportion of Patients attending A&E where the patient spent 4 hours or less in A&E from the time of arrival to transfer, admission or discharge

4 Hour Wait Performance



Appendix C: Appropriate Assessment

The Conservation of Habitats and Species Regulations 2017, Section (63)		
Appropriate Assessment		
Application reference no. and address:	19/0620/MOUT	
	In conjunction with an application at Elbury Meadows (LPA ref: 19/0554/MFUL) for the change of use of existing agricultural land to Suitable Alternative Natural Greenspace (SANG) with associated infrastructure for use and access.	
Brief description of proposal: (Bullet point list of key proposals)	Outline planning application with all matters reserved except access to the existing highway network for the expansion of Cranbrook comprising up to 870 residential dwellings; C2 residential institutions; one primary school (Use Class F1) with early years provision (Class F1/E); mixed use area including Use Classes C3 (Residential), E (Commercial Business and Service Uses), F1 (Learning and Non-residential institutions), F2 (Local Community Uses), and sui generis (hot food takeaways, betting shops, pubs/bars) (to comprise up to 1,500sq metres gross); recreation facilities and children's play; green infrastructure (including open space and Suitable Alternative Natural Greenspace (SANG)); access from former A30, Station Road and Burrough Fields and crossings; landscaping; allotments; engineering (including ground modelling and drainage) works; demolition; associated infrastructure; and car parking for all uses.	
European site name(s) and status:	East Devon Heaths SPA - (UK9010121) East Devon Pebblebed Heaths SAC (UK0012602) Exe Estuary SPA (UK9010081) Exe Estuary Ramsar (UK 542)	

Stage 1 - Baseline Conditions and Features of Interest

<p>List of interest features:</p> <p><u>East Devon Heaths SPA:</u></p> <p>Source: http://publications.naturalengland.org.uk/publication/6063170288353280</p> <p>A302 <i>Sylvia undata</i>; Dartford warbler (Breeding) 128 pairs (6.8% of GB Population when surveyed in 1994)</p> <p>A224 <i>Caprimulgus europaeus</i>; European nightjar (Breeding) 83 pairs (2.4% of GB population when surveyed 1992; subsequent survey in 2017 recorded 113 territories found throughout the SPA)</p>
--

Appendix C: Appropriate Assessment

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.

Appendix C: Appropriate Assessment

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
	Exe Estuary SPA/ RAMSAR	Dawlish Warren SAC	East Devon Heaths SPASAC	
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

Appendix C: Appropriate Assessment

Public opposition/objection 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 870 houses as an outline application which forms part of the Bluehayes allocated expansion of the town. It is noted that the Bluehayes allocation is for around 960 dwellings and as such there are other parcels of land not included within this application but are allocated for development.

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 (which this site is part of), Treasbeare, Cobdens and Grange.

East Devon Local Plan Housing

The Local Plan makes significant provision for additional housing within the West End of Devon identifying that within the plan period between 1 April 2013 to 2031 the following was expected (in addition to Cranbrook):

- Pinhoe 1314
- North of Blackhorse 1480

In addition a number of area centres that are within a potential sphere of influence of the European designated sites have allocations/additional housing numbers comprising:

- Budleigh Salterton 133
- Exmouth 1229
- Ottery St Mary 497
- Sidmouth 292

It is noted that East Devon has an emerging New Local Plan to 2040 which is currently in preparation. This 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

Appendix C: Appropriate Assessment

proposed across the District it is considered too early to understand the final distribution of the housing and it's relatively 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 has begun 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 it's 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](https://www.eastdevon.gov.uk/sites/default/files/2014-12/south-east-devon-european-site-mitigation-strategy.pdf) ([eastdevon.gov.uk](https://www.eastdevon.gov.uk))

Note that the approach to considering mitigation measures at Stage 1 Screening follows the judgement of the European Court, case C-323/17, on 12 April 2018 - "... 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.

3. 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

Appendix C: Appropriate Assessment

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

Appendix C: Appropriate Assessment

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

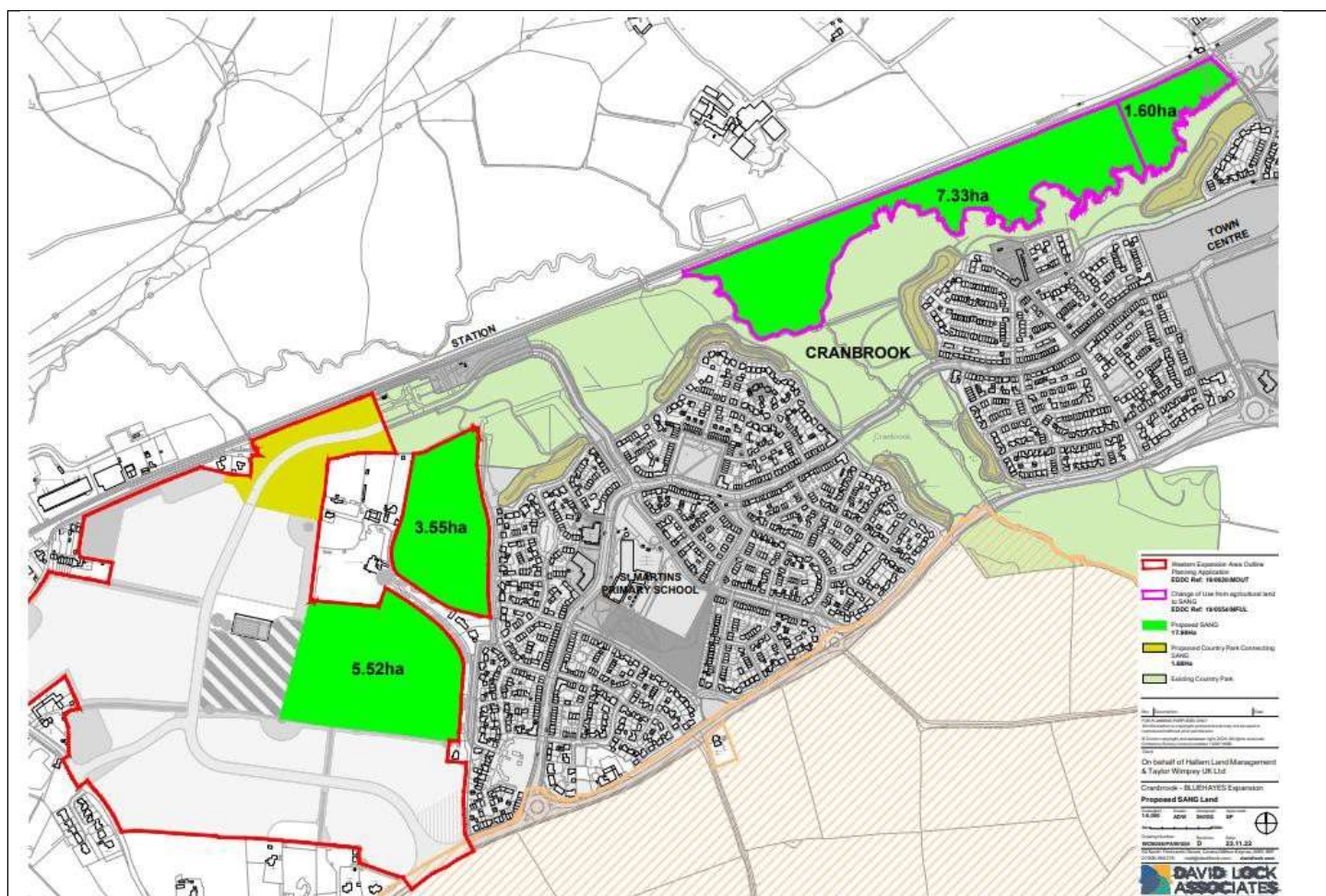
Application Specific Mitigation

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

In line with the adopted Cranbrook Plan DPD, the development proposes the delivery of 18ha of SANGs (in conjunction with application 19/0554/MFUL; Land At Elbury Meadows) – this meets the expectation of 8ha per 1000 population based on occupation rates of 2.35 people per dwelling. For the development itself of 870 dwellings it is recognized that 16.4ha of land is required, meaning 1.6ha of additional SANGS is provided. It is noted however that Bluehayes Parkland is allocated for both public open space and SANGs and parts of Elbury Meadow are within the flood zone meaning that they may not be available/suitable all year round. However, the provision of 18ha of land for SANGs is considered to be appropriate in this instance and will provide suitable mitigation.

Appendix C: Appropriate Assessment



The SANGS land would be provided as three parcels of land as shown above. Bluehayes Parkland (5.52ha) would be located to the south west of Bluehayes Lane and Bluehayes Meadow (3.55ha) would be located north of Bluehayes Lane and 60m south of Cranbrook Station. Elbury Meadow (8.93ha) would be located north of the existing Cranbrook Country Park and south of the Exeter to Waterloo Railway Line. The proposed SANGS would connect with the existing country park and an additional 1.68ha of country park is proposed at the north of the site and south of the Exeter to Waterloo Railway line although it is noted that this is located in the flood plain. The areas represents 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.

The developers have indicated potential walking routes around the entire site which are in excess of 4.5km in length and would connect to existing walking routes. With proposed tree planting in addition to the more open pasture areas, the SANGS would provide a variety of habitats to explore. Coupled with good open views, this area could readily fulfil the role of providing an alternative recreational area to the protected European sites that allows the key activities of walking and dog walking to take place in an attractive but less sensitive environment.

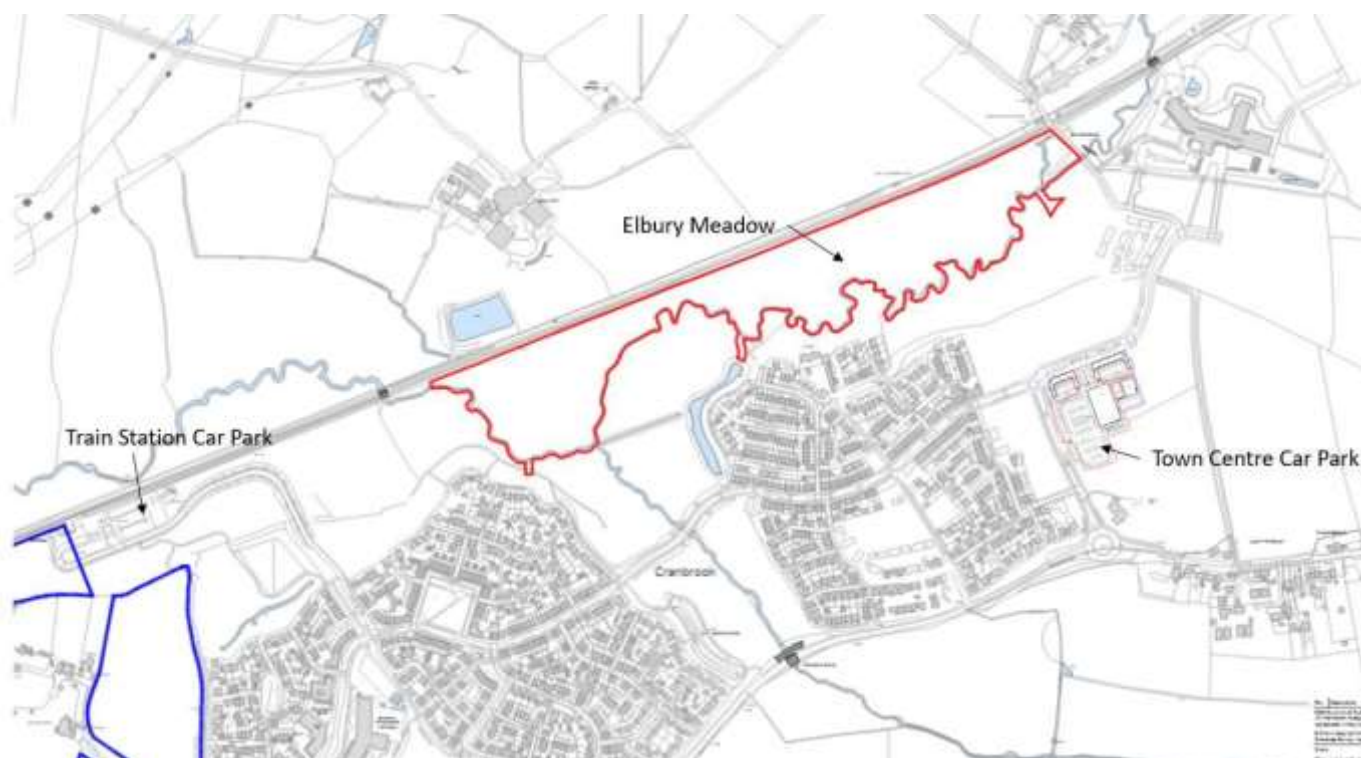
It is noted that the developers are proposing to secure Biodiversity Net Gain (a Cranbrook Plan Policy requirement) across the SANGS land and application site. It is not envisaged that the land use would reduce the attractiveness or unduly limit access and enjoyment of the SANGS in respect of the land's primary purpose.

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 existing country park to provide walking and cycling links. It is expected that much of the access to the SANGS would be made on foot, bike or wheels and would primarily be used by

Appendix C: Appropriate Assessment

existing and future residents of Cranbrook within a 400m catchment around the SANGS. The proposed SANGS are located the furthest into Cranbrook itself and visitors would have to travel past the other expansion areas and other car parks to reach the SANGS especially Elbury Meadow. It is considered that visitors to Cranbrook are more likely to use other areas of SANGS due to their location and access from London Road of which car parking is proposed in these areas. Both Bluehayes Parkland and Bluehayes Meadow would be adjacent to residential developments at Bluehayes and Cranbrook Phase One plus they would be located in close proximity to Cranbrook Train Station (60m to Bluehayes Meadow and 300m to Bluehayes Parkland respectfully) which provides free car parking.

Elbury Meadow would not include any dedicated car parking as the site is located adjacent to the existing country park and due to parts of the site being located within the flood zone. It is acknowledge that car parking was initially proposed off Crannaforde Lane however this was removed from the proposal due to highway safety and flood risk concerns. Elbury Meadow would act as an extension to the existing country park and would be located near to residential development at Cranbrook Phase One, Cranbrook Phase Two, Town Centre dwellings and approximately 270m from car parking within the Town Centre and 500m from the Cranbrook Train Station car park (see image below). The Town Centre Car Park is proposed to serve the new supermarket and town centre and would contain sufficient car parking for other uses including the country park and Elbury Meadow. This car park would be within walking distance of Elbury Meadow and therefore considered to be located in an acceptable location to serve this part of SANGS. Furthermore, additional car parking is expected within the town centre (north of Tillhouse Road) and would be located closer to the existing country park and Elbury Meadow. It is noted that Elbury Meadow would be an exception to the other areas of SANGS proposed as it would not include a car park and all other expansions areas would include dedicated car parking for SANGS. Given the above, it is considered that on balance the lack of car parking for Elbury Meadow is acceptable due to its proximity to Cranbrook and walking distance to available car parking.



As indicated on the Phasing Plan (WCN055/PAW/005 A), the phasing of the SANGS delivery would include the delivery of 9.07 hectares within the first phase of development (Bluehayes Parkland and Bluehayes Meadow) including a foot path connection between them, followed by a

Appendix C: Appropriate Assessment

subsequent phase of 8.93ha at Elbury Meadow. The first phase of SANGS would be made available ahead of the first occupation of any dwelling at Bluehayes and the second phase of SANGS would be made available at prior to the occupation of the 425th dwelling at Bluehayes. The phasing and delivery of the SANGS as noted above would be secured via a S106 agreement. This ensures that SANGs are delivered in line with the growth of the development and growth in population. This approach prevents small isolated areas of SANGS being brought forward which don't fulfil the function of a SANGs. In effect it starts with a modest sized area of SANGS in a central location and then grows as housing build out continues.

As part of the long term commitment to SANGs the developers are proposing a contribution towards the long term cost of its management in accordance with Cranbrook Plan Policy CB14 and would be secured via a S106 agreement. 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 SANGS would also be covered by a SANG delivery, enhancement and management strategy.

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 planning condition and/or legal agreement:

Planning Conditions

- Phasing Plan Prior to First RM (to include a programme for SANGs delivery)
- SANGS Management Strategy Prior to First RM

S106 Agreement Requirements:

- Category 1 infrastructure (delivered on site) - SANGS establishment and enhancement (set up costs)
- Category 2 infrastructure (off site contributions) - SANGS management and maintenance contributions and Offsite habitat mitigation

Appendix C: Appropriate Assessment

Conclusions and final assessment

Conclusion: Is the proposal likely to have an adverse effect on the integrity of any Habitats site?	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.	
Natural England's Response		
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	Liam Fisher	Date: 2 March 2023

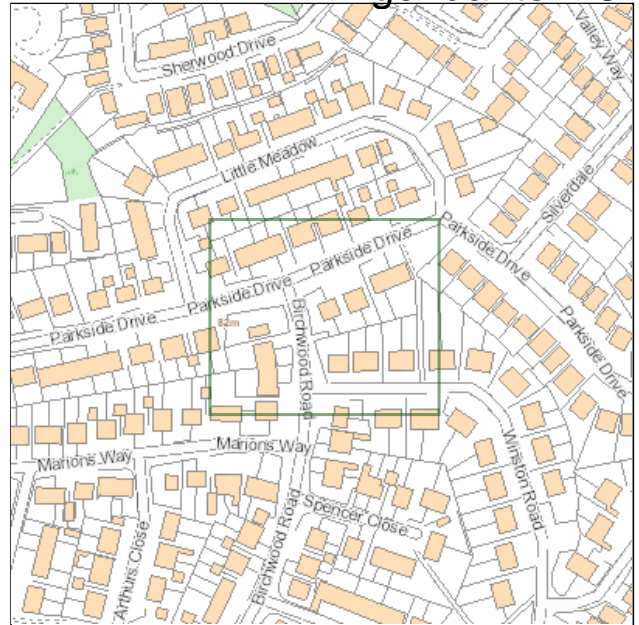
Ward Exmouth Brixington

Reference 22/2720/FUL

Applicant Mr Chris Wood

Location 80 Birchwood Road Exmouth EX8 4LS

Proposal Proposed terraced two storey 3-bedroom dwelling on adjoining garden to 80 Birchwood Road, Exmouth Devon EX8 4LS, with associated off-street parking



RECOMMENDATION: Approval with conditions



		Committee Date: 20.06.2023
Exmouth Brixington (Exmouth)	22/2720/FUL	Target Date: 15.02.2023
Applicant:	Mr Chris Wood	
Location:	80 Birchwood Road, Exmouth, EX8 4LS	
Proposal:	Proposed terraced two storey 3-bedroom dwelling on adjoining garden to 80 Birchwood Road, Exmouth Devon EX8 4LS, with associated off-street parking	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is put before Members because the view of officers differ to those of the Town Council and the application was deferred following Chair's Delegation meeting.

The site concerns the side garden of an existing dwelling in the built up area boundary for Exmouth, the surrounding area is urban / residential, with a mix of house types in the vicinity (a mix of 2 storey 1980's style semi-detached / detached houses, one and a half storey houses and bungalows of varying designs).

The application proposes an attached two storey terrace dwelling within the Built Up area Boundary, in close proximity to services and public transport such the that proposal is considered to represent sustainable development.

Given the location and appropriate design and scale of the proposal, it is considered that the development would not cause any significant harm to the character and appearance of the area and the amenities of the occupiers of surrounding properties or residents.

The level of car parking falls slightly below the requirements of Policy TC9 of the EDDC Local Plan, however, there is a wealth of on street parking available in close proximity to the site such that the proposal would not cause a severe impact on highway safety locally.

In light of this, it is recommended that the application is approved subject to conditions as suggested.

In preparing this report the planning officer has considered fully the implications

CONSULTATIONS

Local Consultations

1 x letter of objection has been received citing impact on character and drainage

Technical Consultations

Parish/Town Council

Meeting 16.01.22

Objection: members felt the proposal was overdevelopment of the site and were concerned that there was inadequate provision for garden amenity space for the new dwelling. The area is characterized by semi-detached and detached properties. This application proposed to make Number 80 Birchwood a terraced property which was out of character and harmful to the streetscene. It was also felt that the development would be visually intrusive to Birchwood Drive. It was therefore considered that the application was contrary to policy EB2 of the Exmouth Neighbourhood plan which states that development should be mindful of surrounding building styles and ensure a high level of design. Provision had only been made for 1 car parking space, this was deemed inadequate for a 3-bedroom home and contrary to policy TC9 of the EDDC Local Plan. Members also questioned impact the development would have on drainage.

PLANNING HISTORY

The site has no directly relevant planning history

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

D1 (Design and Local Distinctiveness)

EN22 (Surface Run-Off Implications of New Development)

Strategy 3 (Sustainable Development)

Strategy 6 (Development within Built-up Area Boundaries)

TC9 (Parking Provision in New Development)

EN14 (Control of Pollution)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Exmouth Neighbourhood Plan (Made)

Policies: EN1; EN5; EB2

ANALYSIS

Procedural Matters:

This application was submitted to the Chair Delegation Meeting on the 3rd May 2023 following objections from the Town Council but the recommendation was not agreed to and therefore the application was referred to the Planning Committee for determination in accordance with the adopted scheme of delegation.

Site Location and Description

The site is an existing garden area to the west of 80 Birchwood Drive.

The location and surrounding area is urban / residential, with a mix of house types in the vicinity (a mix of 2 storey 1980's style semi-detached / detached houses, one and a half storey houses and bungalows of varying designs).

To the south (circa 80m distant) is a bus stop (Number 57 - service between Exmouth (including Town Centre) and Exeter).

Proposed Development

This planning application seeks permission for a proposed two storey 3-bedroom dwelling on adjoining garden to 80 Birchwood Road, Exmouth which would create a terrace of three dwellings.

The dwelling would be to the west of the existing house, and would include 1 x car parking space (off road), the existing dwelling would remain to be served by a garage and 1 no. parking space.

The dwelling would have matching depth, eaves and ridge height to that of 80 Birchwood Road and would be circa 5m wide.

The building is to be finished to matching brick on the north and south facing elevations, with the gable end (west facing elevation) to be finished to grey fibre cement 'timber effect' cladding. The roof is to be finished to concrete tiles to match existing.

First floor windows to the rear of the property, nearest 80 Birchwood Drive, are to be obscure glazed.

Main considerations

The main considerations in the determination of this application relate to:

- The principle of the proposed development;
- The impact on residential amenity;
- Visual amenity/character;
- Highways/parking;
- Drainage;
- Habitat regulations assessment;
- Planning balance.

Principle of Development:

The site lies within the built up area boundary of Exmouth, the district's largest town, where it lies in close proximity to essential services and infrastructure required for daily living as well as being close to public transport links to the centre of the town and to further afield settlements, the proposed residential development is considered acceptable in principle under Strategy 6 of the EDDC Local Plan, subject to accordance with other elements of the Development Plan, the Exmouth Neighbourhood Plan and any other relevant material considerations.

Neighbouring / Occupier Amenity:

The proposed development has sought to minimise impact on neighbouring amenity (principally the garden areas to the adjacent properties to the east) with the use of obscure glazing, so removing opportunities for overlooking. There is a property (78 Birchwood Road) to the south which is set at a lower level than the proposal site, views from the one unobscured window on the rear elevation serving a bedroom would be at a distance of 18 metres towards a timber fence with foliage growing up it, from such a distance and because the neighbour is at a lower level mean that overlooking would not be detrimental.

In this instance it is considered that the proposal would not be to the detriment of neighbouring amenity.

Comments received from the Town Council suggest the development would not provide sufficient external amenity space for the enjoyment of future residents.

The LPA does not have a prescriptive policy that requires or states minimum external space requirements.

It is noted that, through the use of permitted development rights, the quantity of amenity space in neighbouring gardens has been reduced. In this case, with the proposed garden area being of comparable size to that of neighbouring gardens (together with the developments that have been carried out using permitted development rights), the size is considered acceptable with areas for storing refuse/recycling, hanging washing and providing children's play equipment if necessary, although to retain such levels of space a planning condition removing permitted development rights in relation to residential development is proposed.

With the use of such a planning condition the amount of space can be retained/controlled such that any further buildings would require planning permission for consideration by this authority.

Visual Amenity / Character:

Comments received from the Town Council have suggested the development would be to the detriment of the character of the area, and would appear as a prominent addition to the street scene.

In their consultation response they have stated that, in their opinion, the scheme would be contrary to the requirements of Policy EB2 of the Exmouth Neighbourhood Plan. That policy reads:

"Policy EB2: New development should be mindful of surrounding building styles and ensure a high level of design as exemplified in the Avenues Design Statement (2005)."

In this case, it is accepted that the addition of the property as proposed would technically result in the formation of a three-house terrace. The principle of utilising space for the provision of new dwellings is not unique in this area though, as evidenced with the construction of a new house under planning permission 04/P0110 (2 Winston Road circa 50 metres to the south of this site).

However, in terms of aesthetics, the position of the dwelling, set below the street level of Birchwood Road (by circa 1 metre) would minimise prominence of the dwelling when viewed from the north and west (approaches to the site).

The site and development is set below the adjacent street level, and would be of dimensions comparable to that of the neighbouring house. The scheme does however propose the use of grey composite cladding which is not in keeping with the area, cladding in the area is typically brown hung tiles. The external materials can be controlled by condition however to ensure that appropriate materials are used.

Subject to the proposed materials condition it is not considered the scheme would be detrimental to the character of the area. It is of a design and style that would reflect the style and finishes of properties in close proximity as required by Policy EB2 which is also reflective of objectives of Policy D1 of the East Devon Local Plan that requires development to be locally distinctive, 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).

Impacts on visual amenity and the character of the area are acceptable.

Highways / Parking:

The scheme proposes one off street parking space for a three bedroom house.

The Town Council have stated that, in their opinion, the proposal does not accord with the requirements of Policy TC9 of the East Devon Local Plan. That policy needs consideration, and it reads:

"Parking Provision in New Development

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.

In town centres where there is access to public car parks and/or on-street parking lower levels of parking and in exceptional cases where there are also very good public transport links, car parking spaces may not be deemed necessary.

All small scale and large scale major developments should include charging points for electric cars."

In this case it is noted that the policy wording states 'as a guide' at least two parking spaces per home with two or more bedrooms should be provided.

In this case, with the sites' proximity to an existing bus route, and being within the built up area, the provision of one space is considered to be acceptable as the roads around the site offer no restrictions on parking and it is witnessed that there are other cars parked on the highway as visitor or overspill parking, this parking is far from capacity such that if the occupiers of the dwelling did have access to more than one vehicle there would be spaces available locally. The intention of the policy is to ensure that highway/pedestrian safety is not compromised, especially in urban areas where parking is at a premium. In this location there is available parking and the impact on highway safety would not be severe.

Highway and parking impacts are considered to be acceptable.

Five Year Housing Land Supply (5YHLS):

The LPA cannot demonstrate a deliverable 5YHLS at present and as such there is a tilted balance in favour of sustainable development.

The scheme proposes a single dwelling which though limited in its impact on housing supply is nevertheless a positive benefit.

Drainage:

Comments received from the Town Council and neighbouring objector have suggested drainage (surface water) could impact on neighbouring amenity.

In this instance, the proposal details connection of surface water outflows to the existing drainage network. However, elements of Strategy 3 of the East Devon Local Plan are relevant. They read:

"Sustainable Development

The objective of ensuring sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that the following issues and their interrelationships are taken fully into account when considering development:

a) Conserving and Enhancing the Environment - which includes ensuring development is undertaken in a way that minimises harm and enhances biodiversity and the quality and character of the landscape. This includes reducing the risk of flooding by incorporating measures such as sustainable drainage systems."

Such requirements are also echoed in Policy EN22 of the East Devon Local Plan that requires the surface water run-off implications of the proposal to have been fully considered and found to be acceptable, and that appropriate remedial measures are included as an integral part of the development.

The application proposes connection to the mains combined sewer but there has been no evidence provided to demonstrate that a more sustainable drainage solution is not possible. As such a planning condition is proposed requiring the use of an on-site soakaway unless an alternative drainage scheme is agreed with the Local Planning Authority.

Subject to the above condition the application will accord with Policy EN22 of the Local Plan.

Habitat Regulations Assessment:

The nature of this application and its location close to the Exe Estuary and their European Habitat designations 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 Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. 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 a financial contribution will be secured through an appropriately worded legal agreement. 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.

Planning Balance:

In light of the sites proximity to bus services, the availability of on street parking which is not at capacity, the acceptable visual assimilation it would have with its

surroundings, the removal of permitted development rights, as well as the contribution of the delivery of a dwelling in a sustainable location would make to the acknowledged under supply in the 5YHLS, the proposal is considered acceptable on balance.

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. 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 2 Part 1 Classes A or E for the enlargement, improvement or other alterations to the dwellings or structures with the garden area 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.)
4. The parking space indicated on drawing number L(10) – Site Plan received on 12.12.22 serving the new dwelling hereby approved shall be provided and made available for use by occupiers of the proposed development prior to first occupation of the dwelling and thereafter retained as such and for the parking of vehicles only for the lifetime of the development.
(Reason: To ensure that the parking space is provided and retained in accordance with Policy TC9 (Parking Provision in New Development) of the East Devon Local Plan).
5. Notwithstanding the details indicated on the plans hereby approved the external materials of the dwelling shall match those of the attached dwelling (No 80) unless otherwise agreed in writing by the Local Planning Authority.
(Reason: In the interest of visual amenity in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
6. 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 45% 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. 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: To manage flood risk in accordance with Policy EN22 of the East Devon Local Plan)

Statement on Human Rights and Equalities Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation

NOTE FOR APPLICANT

Informative: Confirmation - CIL Liability

This Informative confirms that this development is liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

S111 Agreement

23.12.22

L(01)	Location Plan	12.12.22
L(10)	Proposed Combined Plans	12.12.22
L(11)	Proposed Floor Plans	12.12.22
L(12)	Proposed Elevation	12.12.22
L(13)	Proposed Elevation	12.12.22
L(14)	Proposed Elevation	12.12.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.

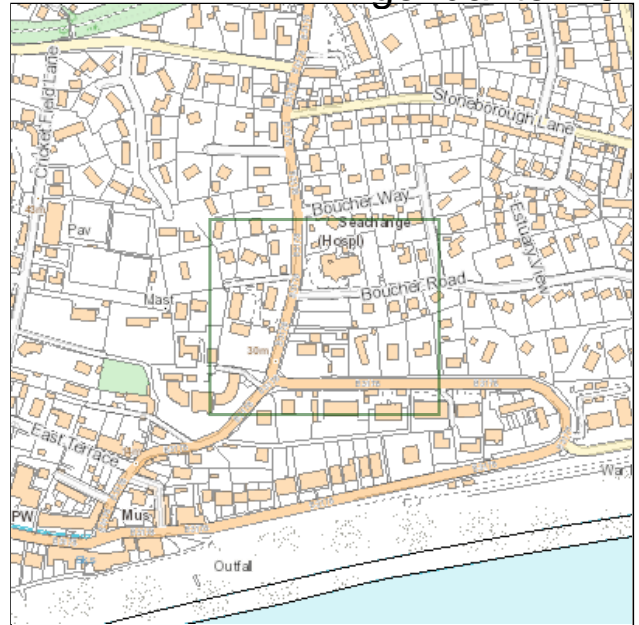
Ward Budleigh And Raleigh

Reference 23/0235/FUL

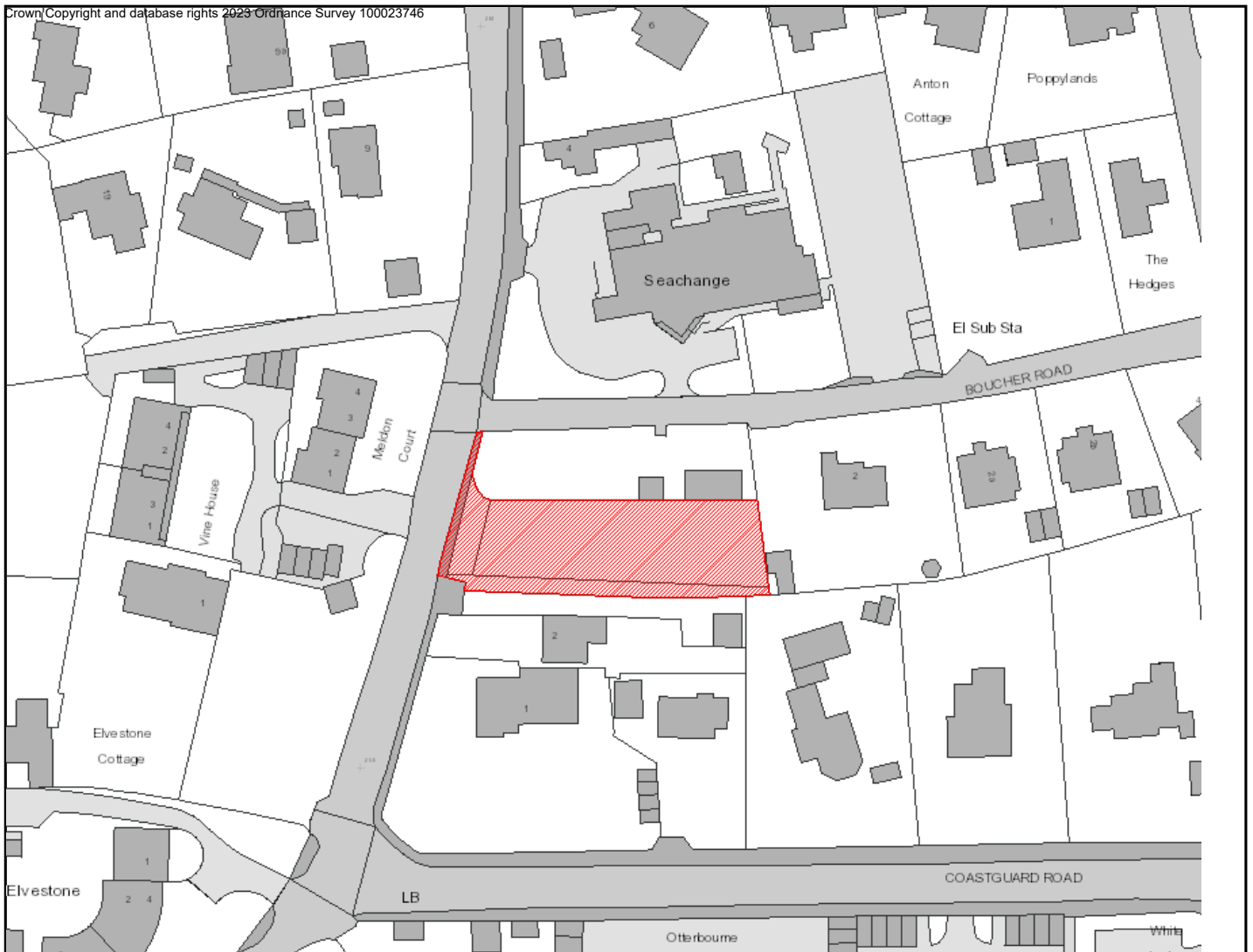
Applicant Naomi and Katie Crocker

Location Land East Of East Budleigh Road Budleigh Salterton EX9 6HE

Proposal Construction of two dwellings and associated access.



RECOMMENDATION: Refusal



		Committee Date: 20.06.2023
Budleigh And Raleigh (Budleigh Salterton)	23/0235/FUL	Target Date: 10.04.2023
Applicant:	Naomi and Katie Crocker	
Location:	Land East Of East Budleigh Road	
Proposal:	Construction of two dwellings and associated access.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is brought before the Committee owing to a difference of opinion between officers and the commenting (now former) ward member.

It relates to a detailed scheme for the construction of two identical, albeit handed, detached three bedroom dwellings on an elongated site, approximately 0.1 hectares in area, off East Budleigh Road located within the Built-up Area of Budleigh Salterton as defined in the adopted Local Plan and the designated East Devon Area of Outstanding Natural Beauty.

A visually prominent Red Oak tree, subject of a tree preservation order, occupies a central position within the site.

A detailed planning permission is in place (ref. 22/1427/FUL) for the construction of a pair of three bedroom units of conventional two storey form and height on the site.

The current scheme, however, relates to revised proposals for the two dwellings principally involving the addition of further accommodation in the form of a study within their respective roof spaces. Their provision necessitates the addition of pairs of larger triangular pitched roof dormer elements to the rear elevation roof planes.

Further modifications to the design and appearance of both units are also proposed involving the raising of their main roof ridge heights by 0.3 metres, from 8 metres to 8.3 metres, and the substitution of a face brick external wall finish at ground floor level for additional render over a blue/black brick plinth with the same brick to be used for a dental band around both buildings at first floor level.

In addition, hedges inside the southern and eastern boundaries of the site that were shown on an landscaping plan attached to permission ref. 22/1427/FUL, and subsequently conditioned, to be retained have been, respectively, substantially cut back and removed in its entirety.

It is considered that the addition of the proposed dormers would, owing to their large scale and triangular form, the extent of the respective roof planes that they would occupy, the matching ridge heights to those of the main roofs and resulting lack of subservience and the size, configuration and positioning within the gable of the windows, represent poor design.

Furthermore, it would result in building forms that would appear visually incongruous in design terms to the detriment of their character and appearance and that of the immediate street scene and surrounding area.

Overall, it is thought that they would reinforce a sense of scale, bulk and massing to both dwellings that officers have, over the course of a number of applications for residential development of the site over the past three years, sought to avoid so as to prevent overdevelopment of the limited plots that they occupy.

As such, whilst the other modifications proposed are less objectionable or, in the case of the removal of the hedges, capable of being mitigated, it is felt that these main revisions would be unacceptable.

Notwithstanding the support for the proposals expressed by the ward member and town council therefore, it is recommended that permission be refused.

CONSULTATIONS

Local Consultations

Parish/Town Council

This Council supports the application.

Budleigh and Raleigh – (Former) Cllr Alan Dent

Please note that as a Ward Member I support the variation detailed in this application.

The development of two small houses on the area opposite the Budleigh Hospital (now Seachange), has been through a number of iterations before the current plans were approved.

This application is to introduce a working area within the roof space which includes windows to provide light without increasing the roof ridge height. The current plans do not afford such a space in the relatively small building.

There are no issues of overlooking or creating a monolithic and overbearing structure and in my opinion provides additional working accommodation. As we are

in an environment where working from home is becoming increasingly prevalent this variation makes practical sense.

Technical Consultations

County Highway Authority

Observations:

I have visited the site and reviewed the relevant planning documents. The access provides suitable visibility in both the north and south direction according to our current best practice guidance, Manual for Streets 1 and 2, which also states that a minimum road running width can be as a minimum 2.75m, which I believe is possible within the parameters of the proposed design.

The two dwellings will have sufficient space to provide off-carriageway turning and parking. I do not believe that two dwellings will create a trip generation intensification that will be unacceptable to the local highway network. Though I would encourage the provision of secure cycle storage, particularly to mitigate for shorter required trips.

Overall, The County Highway Authority (CHA) has no objection to the proposal.

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 in accordance with the East Devon Local Plan 2013-2031.

Other Representations

Three representations of objection have been received.

Summary of Grounds of Objection

1. Previous proposal for a third floor refused on good and sensible grounds.
2. Increased height would look out of proportion on such a small site.
3. Higher windows would cause more overlooking to neighbours and reduce privacy.
4. More bedrooms suggests potentially more residents; is there adequate parking available?
5. Private road width is below the minimum required under the Highways Act
6. Length of private road and size of turning circle unacceptable as a fire and rescue service vehicle access route that complies with Building Regulations.
6. No provision for any visiting driver or delivery vehicle to turn on site if both plots each have a car in the allocated spaces.
7. Construction continuing ahead of the determination of the application.

8. Breach of condition of previous permission restricting construction working hours.
 9. Upsetting to have to revisit matters when the 'right outcome' of the previous application is in place.

PLANNING HISTORY

Reference	Description	Decision	Date
22/1427/FUL	Construction of two dwellings and associated access	Approval with conditions	27.10.2022
22/0172/FUL	Construction of two dwellings and associated access.	Refusal	04.07.2022
21/1517/FUL	Erection of two four bedroom dwellings and associated access	Withdrawn	02.02.2022
21/1042/RES	Construction of 2no dwellings (approval of details of layout, scale and appearance of buildings and landscaping of site pursuant to outline planning permission ref. 19/2333/OUT)	Withdrawn	11.06.2021
19/2333/OUT	Construction of 2 no. dwellings and associated access (outline application seeking means of access only)	Approval with conditions	03.01.2020
17/0495/OUT	Construction of two dwellings and associated access (outline application seeking means of access only).	Non-determinati on appeal lodged	05.09.2017

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 21 (Budleigh Salterton)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Made Budleigh Salterton Neighbourhood Plan 2017-2031 Policies

H1 (Meeting Local Housing Need over the Period of the Plan)

H2 (Maintaining Local Character)

H3 (Infill Developments and Extensions)

B1 (Identity of Town and Seafront)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

ANALYSIS

Site Location and Description

The application site comprises the southern part - around 0.1 hectares - of an area of land located adjacent to the junction of Boucher Road with East Budleigh Road, which form its northern and western boundaries respectively, approximately 400 metres to the north east of the town centre. It is located within the Built-up Area Boundary of the town as defined in the adopted Local Plan and, in common with the full extent of the built-up area, within the designated East Devon Area of Outstanding Natural Beauty (AONB).

Extending to around 0.163 hectares in area, the land was, until a few years ago, leased by Clinton Devon Estates (CDE) to Budleigh Salterton Hospital and made available for use by patients and visitors as a garden. Following the closure of the hospital and the re-establishment of the building as a Health and Wellbeing Hub, the northern part of the land has been continued to be leased and made available for both Hub users and members of the public. However, the southern portion was fenced off from this area by CDE around five years ago and had, until recently, remained unused.

As a consequence of this subdivision of the land, the site is of linear configuration, extending back around 55 metres from the principal East Budleigh Road frontage (which is defined by a brick wall of around 1 metre height incorporating a gated entrance) but only around 15 metres in width on average, measured north/south. There is a gentle fall from west to east across the site. A mature Red Oak tree, subject of a tree preservation order, dominates the central part of the site. A hedge, mainly comprising Laurel, separates it from the neighbouring residential property to the south, no. 2 East Budleigh Road, while no. 2 Boucher Road, another residential property, borders it to the east.

Background

Outline planning permission was granted to CDE in January 2020 (application 19/2333/OUT refers) for a development comprising the construction of two dwellings on the site. Although details as to the means of access - off East Budleigh Road - were discharged at the outline stage, the remaining detailed matters, comprising the layout and landscaping of the site and the scale and appearance of the units, were reserved for later consideration.

The submission did, however, include an indicative site layout plan that showed two dwellings of very modest footprint area, one positioned to each side of the Red Oak tree, served by a shared private driveway with 2no parking spaces and turning facilities for each unit. It also incorporated, indicatively, a new hedged boundary with the retained Health and Wellbeing Hub garden to the north.

The site has since been sold to the current applicants, for whom this application represents the fifth attempt to secure permission for a detailed scheme for residential development.

The first of the applications (ref. 21/1042/RES) was withdrawn in the light of the site area incorporating additional land relative to that to which the outline permission related (thereby meaning that it could not be dealt with as an application for reserved matters approval).

Application 21/1517/FUL, subsequently made as a full submission, was also withdrawn in the light of officer concerns owing to the inappropriate scale, form, design and appearance of the two dwellings and the perception that the scheme amounted to an overdevelopment of the site, principally on account of the modest plot sizes and the incursion of both dwellings into the existing hedge along the southern boundary as well as a similar hedge that previously existed along the eastern boundary.

These views were shared by the town council as well as interested third parties.

Application 22/0172/FUL, relating to a revised scheme for the development of a pair of identical, albeit handed, four bedroom units, and involving the use of the respective roof spaces to create one of the bedrooms, was refused under delegated powers, in July this year, for the following reason:

'The proposed development would, by reason of the excessive height, bulk, massing and scale of each of the dwellings, combined with the limited sizes and awkward configuration of both the site as a whole and the individual plots that they would occupy, appear disproportionately large, cramped and visually dominant. Accordingly, the proposed development would conflict with the established grain, density, pattern, layout and character of existing surrounding development. It would also result in the unacceptable overdevelopment of the site, which would be readily apparent from public vantage points, to the detriment of the established character and appearance of the locality. Consequently, the proposal would conflict with Strategy 6 (Development Within Built-up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031, Policies H1 (Meeting Local Housing Need Over the Period of the Plan), H2 (Maintaining Local Character) and H3 (Infill Developments and Extensions) of the made Budleigh Salterton Neighbourhood Plan 2017-2031 and guidance as set out in the National Planning Policy Framework (2021).'

Although considered to represent a less cramped form of development in terms of the footprint area and positioning of both units, and thereby enabling the retention of the hedges along the southern and eastern boundaries, the applicants' insistence upon the provision of four bedroom dwellings - with one of the bedrooms accommodated within the roof spaces - resulted in what was perceived to be a visually awkward, incongruous and contrived building form, exhibiting elements such as principal pitched roofs with 'cut off' flat-tops and no ridge, front projecting gable elements of the same height that failed to demonstrate any visual subservience and blind dormers on the rear elevations to facilitate headroom for staircase access to the roof space bedrooms.

Once the developable area - taking into account the constraints of the Red Oak tree - had been established, they were considered to be disproportionately excessive in height for the modest sizes of their respective plots, as well as the overall site size and configuration, and, by virtue of their design, inappropriate and out of character with surrounding development in the area.

It was thought that the site, being a difficult one to develop given the constraints of its largely linear configuration and the protected tree, realistically required a less ambitious approach to the scale of dwelling that would sit comfortably within each plot.

However, in October last year permission was finally granted (application ref. 22/1427/FUL) - under delegated powers - for a scheme comprising a pair of three bedroom dwellings of more conventional two storey form, height, bulk and massing.

The approved details show fully pitched roofs - with no roof space accommodation or associated alterations or additions - and subservient two storey front gable projections with ridge heights of 8 metres and 7.3 metres respectively. External wall finishes comprise render over face brick under composite slate roofs.

A landscaping plan accompanying the application showed the retention of the hedges along the southern and eastern site boundaries. Their retention was also secured by a condition attached to the permission.

Proposed Development

Further to the grant of permission and the subsequent discharge of conditions attached to it, the construction of the approved development has commenced and, at the time of writing, had reached an advanced stage.

However, the current application seeks permission for modifications to the height, design and external appearance of both units.

These involve the incorporation of a study within the roof space. However, the provision of a staircase with sufficient headroom necessitates the addition of pairs of large connected triangular gabled pitched roof dormers to the respective rear elevations of both dwellings. Each gable would feature a small triangular window at its head.

Externally, these additional elements would be finished with composite slate roofs and slate hanging to the gables to match that on the approved buildings.

The overall roof ridge height of both units would also be raised by 0.3 metres, relative to the approved ridge heights, to accommodate the additional usable space.

It is also proposed that the approved face brick external wall finish to the ground floor of both dwellings be substituted for a predominantly white painted render finish on a blue/black face brick plinth. The same brick would also be used to form a dental band at first floor level around both units.

The remaining dimensions, footprint areas, roof finishes and general elevation treatment of both dwellings, together with the site layout, including vehicular parking and shared access arrangements, would largely remain unchanged from the details approved under planning permission 22/1427/FUL.

A condition attached to the permission ref. 22/1427/FUL requiring the submission for approval of details as to the means of protection of the hedges during the course of development was subsequently discharged. However, during the course of development the hedge along the southern boundary of the site has been substantially cut back while the hedge within the eastern boundary has been removed in its entirety.

Curiously though, the same landscaping plan as that approved under application 22/1427/FUL (i.e. showing their retention) has been provided with the current application.

Considerations/Assessment

As a standalone fresh full submission, i.e. as opposed to an application made under section 73 of the Town and Country Planning Act for a minor material amendment to an existing planning permission, the Local Planning Authority is entitled to consider the principle of the development afresh.

However, in view of the extant nature of permission 22/1427/FUL, or indeed any material change to the policy or any other context within which it was previously considered, it is not considered that any change of stance in this regard could reasonably be justified.

There is still a requirement, though, to consider the submitted revised proposals against a number of local plan provisions, not least those of Strategy 6 (Development Within Built-up Area Boundaries) that require, among other things, that development is compatible with the character of its site and its surroundings.

These are reflected in those of Policy D1 (Design and Local Distinctiveness) which, among other criteria, only permits proposals that respect the key characteristics of the area, requires that the scale, massing, height and materials of buildings relate well to their context and do not adversely affect the urban form, trees worthy of retention or the amenity of neighbouring occupiers.

This is further expanded upon in the content of Policies H1 (Meeting Local Housing Need over the Period of the Plan), H2 (Maintaining Local Character), H3 (Infill Developments and Extensions) and B1 (Identity of Town and Seafront) of the made Budleigh Salterton Neighbourhood Plan.

Policy H1 requires that new housing development should be of a modest scale (in compliance with, among other strategies/policies, Local Plan Strategy 6).

Policy H2 places an emphasis upon the objective of maintaining the town's local distinctiveness and ensuring that regard is paid to the scale, massing, density, height, design and materials of buildings in the town (outside of the conservation area) in the control of housing schemes.

Policy H3 stipulates that infill development should not be detrimental to the character of the town and should meet certain criteria that include the avoidance of overdevelopment and loss of amenity of neighbouring properties and the requirement that it should, including garden size, reflect the existing grain, density and pattern of surrounding development.

Policy B1 requires that developments take into consideration, among other things, the town's unique identity and distinctive urban form in terms of street patterns and groups of buildings.

It will be evident from the site history that particular regard has been paid by officers to the need to ensure that the site is developed in as sympathetic a manner as possible given the constraints in terms of the limited sizes of both plots, relative to those of surrounding properties/buildings, and the presence of the protected Red Oak tree within the central part of the site. Negotiations have sought to achieve a

comparatively modest scale and conventional, non-contrived design and appearance of unit that reflects, so far as possible, the character of neighbouring development and which, individually and as a pair, avoid appearing disproportionate in scale, height and massing, both within their respective plots and the wider street scene of East Budleigh Road as well, to a slightly lesser extent, as Boucher Road.

Within this context therefore, it is considered that the addition of the proposed triangular dormers to the rear elevation of both dwellings would result in building forms that would appear visually incongruous in design terms to the detriment of their character and appearance and that of the immediate street scene and surrounding area.

Whilst the addition of dormers of more modest proportions and sympathetic form to the two units might not be unduly objectionable in principle, in this case it is felt that the combination of their large scale and triangular form, the extent of the respective roof planes that they would occupy, the matching ridge heights to those of the main roofs and resulting lack of subservience and the size, configuration and positioning within the gable of the windows would represent poor design.

Furthermore, it is thought that they would reinforce a sense of scale, bulk and massing to both dwellings that officers have, over the course of a number of applications, sought to avoid. Although arguably not as harmful, in terms of the form, proportions, height and scale of each unit, as the proposals subject of the refused application ref. 22/0172/FUL, it is nevertheless considered that the dormers would represent the introduction of a wholly inappropriate design element and the two buildings would, as a result, appear disproportionately bulky, 'top heavy' and contrived in form.

The increased roof ridge height of both units relative to that approved under application 22/1427/FUL, whilst regrettable given the extent of previous efforts to negotiate an acceptable scale and height of building for the site, is considered to be comparatively modest and therefore not of itself thought to be objectionable.

However, in the absence of measurements at this stage it is not known if the construction of both dwellings, as carried out to date, is in line with the previously approved plans or the current proposals in terms of the roof ridge heights. However, if the latter, in the event that the current application is refused the increase in height will still need to be addressed.

The proposed revisions to the external wall finishes is also considered to constitute something of a retrograde step in the overall design quality of both units. The previously approved combination of face brick at ground floor level with render above again represented the outcome of lengthy officer negotiation in an attempt to secure an appearance to the development that was thought to best reflect the prevailing character and appearance of nearby buildings.

Whilst it is acknowledged that it is only intended to be applied to the wall plinths and a dental band at first floor level, the use of a blue/black facing brick within the scheme is not reflective of local character and the omission of the approved red brick walls.

The other principal issue of concern relates to the hedges along the southern and eastern site boundaries. There is clearly a discrepancy between the landscaping plan approved under permission ref. 22/1427, and re-submitted as part of the current application, and the situation on site given the hedge removal work that has taken place during the course of development, as described above.

Of note is para 135 of the National Planning Policy Framework 2021 which states that:

Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)

Whilst not necessarily itself of material concern in the overall planning balance in this case given the opportunity available to secure planting to replenish the loss of the hedges, it is nevertheless considered that it further undermines the efforts previously taken by officers to secure their retention so as to seek to assimilate and soften the development of both plots, more especially in view of their limited areas.

Conclusion

In assessing the balance of the material considerations set out above, it is thought that the submitted revised proposals for two dwellings on the site would be unacceptable on the grounds of their inappropriate design, principally owing to the incongruous and contrived form of the proposed roof dormer additions, and resulting detrimental impact upon the character and appearance of the development itself and that of the wider street scene and surrounding area.

Habitat Regulations - Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and Exe Estuary and their European Habitat designations 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 and Exe Estuary through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. 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 reason:
 1. The proposed rear dormers to each dwelling would, by reason of their large scale and triangular form, together with the extent of the respective roof planes that they would occupy, the matching ridge heights to those of the main roofs and resulting lack of subservience and the size, configuration and positioning of the windows within the gables, result in contrived roof forms that would appear visually incongruous to the detriment of the character and appearance of both dwellings and that of the wider street scene and surrounding area. They would also add to the overall bulk, massing and scale of the roofscape of each dwelling in a manner that would result in their appearing disproportionately large for their respective plot sizes and giving rise to an impression of overdevelopment. As such, the proposed development would conflict with the established grain, density, pattern, layout and character of existing surrounding development. The proposal would therefore be contrary to the provisions of Strategy 6 (Development Within Built-up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031, Policies H1 (Meeting Local Housing Need Over the Period of the Plan), H2 (Maintaining Local Character) and H3 (Infill Developments and Extensions) of the made Budleigh Salterton Neighbourhood Plan 2017-2031 and guidance as set out in the National Planning Policy Framework (2021) in particular Chapter 12.

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.

Statement on Human Rights and Equalities Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good

relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Plans relating to this application:

8256-LPC	Location Plan		08.02.23
8256-05L	Proposed Site Plan		01.02.23
8256-06P	Proposed Plans	Combined	01.02.23
8256-08G	Proposed Plans	Combined	01.02.23
8256-09G	Proposed Plans	Combined	01.02.23

List of Background Papers

Application file, consultations and policy documents referred to in the report.