

Agenda for Planning Committee Tuesday, 23rd September, 2025, 10.00 am

Members of Planning Committee

Councillors B Bailey, I Barlow, K Bloxham, C Brown,
S Chamberlain, M Chapman, B Collins,
O Davey (Chair), P Faithfull, S Gazzard,
D Haggerty, M Howe, S Hughes, Y Levine,
S Smith and E Wragg (Vice-Chair)



East Devon District Council
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Venue: Council Chamber, Blackdown House, Honiton

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(or group number 01395 517546)
Issued: Friday, 12 September 2025

This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the [East Devon District Council Youtube Channel](#)

[Speaking on planning applications](#)

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

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

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

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

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Tuesday, 16 September 2025 up until 12 noon on Friday, 19 September 2025 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 contact you if your request to speak has been successful.

1 Revised running order and speaker list (Pages 4 - 5)

2 Minutes of the previous meeting (Pages 6 - 9)

Minutes of the Planning Committee meeting held on 19 August 2025.

3 Apologies

4 Declarations of interest

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

5 Matters of urgency

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

6 Confidential/exempt item(s)

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

7 Planning appeal statistics (Pages 10 - 30)

Update from the Development Manager

Applications for Determination

8 22/2306/MRES & 22/2354/MFUL (Major) CRANBROOK (Pages 31 - 168)

(22/2306/MRES) Land to the north of Tillhouse Road, Cranbrook Town Centre.
(22/2354/MFUL) Parcels TC5a, TC6 and TC7a Tillhouse Road, Cranbrook Town Centre

9 23/0554/MFUL (Major) CRANBROOK (Pages 169 - 271)

Parcels TC3 and TC8b – Land off Court Royal and Badger Way, Cranbrook.

10 25/0081/FUL (Other) NEWTON POPPLEFORD & HARPFORD (Pages 272 - 279)

1 School Lane, Newton Poppleford, Sidmouth, EX10 0EJ.

11 25/0810/FUL (Other) SIDMOUTH TOWN (Pages 280 - 286)

Church Cottage, Church Lane, Sidmouth, EX10 8LG.

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

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

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 19 August 2025

Attendance list at end of document

The meeting started at 10.10 am and ended at 3.30 pm. The meeting was adjourned for lunch at 12.45pm and reconvened at 2pm.

In the absence of the Chair, Councillor Olly Davey, the Vice Chair, Councillor Eileen Wragg chaired the meeting and the Committee agreed to Councillor Simon Smith being the Vice Chair for this meeting.

15 Minutes of the previous meeting

The minutes of the Planning Committee held on 15 July 2025 were confirmed as a true record.

16 Declarations of interest

Minute 21. 24/0687/OUT (Minor) HONITON ST MICHAELS.

Councillor Kim Bloxham, Affects and prejudicial Non-registerable Interest, Known to one of the objectors speaking against the application.

Minute 24. 25/0063/MFUL (Major) BROADCLYST.

In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the Constitution, the Chair, Councillor Eileen Wragg, on behalf of the Committee advised lobbying in respect of this application.

17 Matters of urgency

There were no matters of urgency.

18 Confidential/exempt item(s)

There were no confidential or exempt items.

19 Planning appeal statistics

The Committee noted the appeal statistics report which detailed two appeals that had been discussed at the last meeting. One appeal was dismissed for application 23/1276/MOUT – land adjacent to Hillcrest, Awliscombe and the other had been allowed for application 24/0431/MOUT – land east of Colestocks Road, Feniton.

The Committee's attention was drawn to an appeal for application 23/1269/MFUL for the construction of 42 residential units at land at south of Meeting Lane, Lypmstone which had been allowed giving weight to the Council's lack of a five-year housing land supply.

The Development Manager gave an update on an appeal that had been decided after the report had been published. The Committee were advised that application 23/2612/OUT for the construction of five dwellings at land at Lower Broad Oak Road,

West Hill had been allowed drawing attention that this application would have some bearing for one of the applications on the agenda.

20 **25/0057/OUT (Minor) WEST HILL & AYLESBEARE**

Applicant:

Mr Paul Hunt.

Location:

Land adjoining West Hayes, Eastfield, West Hill, EX11 1GG.

Proposal:

Outline application for the erection of nine dwellings, including four affordable dwellings and associated parking. Approval sought for access, appearance, layout and scale (matters reserved: landscaping).

RESOLVED:

Deferred to allow the Council's ecologist to comment on ecological impacts.

21 **24/0687/OUT (Minor) HONITON ST MICHAELS**

Councillor Kim Bloxham left the chamber for the following application and did not take part in discussions or vote.

Applicant:

Yeo/Power Family c/o Mr Geoffrey Yeo.

Location:

Land at Beggars Lane, Honiton.

Proposal

Outline application (with all matters reserved apart from access) for the erection of up to six residential dwellings accessed from Beggars Lane and associated infrastructure on land to the north of Beggars Lane, Honiton.

RESOLVED:

Approved with conditions in accordance with per officer recommendation subject to an additional condition requiring details of a water conservation strategy to be submitted prior to the commencement of development to include water butts with capacity of 110 litres per bedroom.

22 **25/1026/FUL (Other) BROADCLYST**

Applicant:

Mrs Melissa Muir.

Location:

4 Endsleigh Crescent, Blackhorse, Broadclyst, EX5 2AW.

Proposal:

Part retrospective application for the replacement of a gazebo.

RESOLVED:

Approved with conditions as per officer recommendation subject to an additional condition restricting the use of the development to ancillary purposes only.

23 **25/1191/FUL (Other) BUDLEIGH & RALEIGH**

Applicant:

Mr Peter Fitzgerald.

Location:

7 Rolle Barton, Church Hill, Otterton, EX9 7HR.

Proposal:

A wooden garden shed to be erected in the back garden.

RESOLVED:

Approved with conditions as per officer recommendation.

24 **25/0063/MFUL (Major) BROADCLYST**

Applicant:

J Davis (BW ESS Development UK Ltd.)

Location:

Land at Exeter Substation, Broadclyst.

Proposal:

Proposed development of a battery energy storage unit (BESS) including ancillary works and access arrangements.

RESOLVED:

Approved with conditions as per officer recommendation subject to conditions as referenced in the officer update which are:

- Deletion of Condition 17.
- Insertion of revised condition on landscaping and revised condition on lighting.

25 **24/2226/FUL (Minor) DUNKESWELL & OTTERHEAD**

Applicant:

Nest Modern Homes Ltd.

Location:

Land at Weston Mews, Weston.

Proposal:

Construction of three dwellinghouses (two, two storey detached and one single storey detached).

RESOLVED:

Approved contrary to officer recommendation subject to conditions which are delegated to the Development Manager in consultation with the Chair and Ward Members.

Members considered that the site is sustainable as it has adequate access by walking and public transport to local services, facilities and amenities.

Attendance List

Councillors present (for some or all the meeting)

B Bailey
I Barlow
K Bloxham
C Brown
M Chapman
B Collins
P Faithfull
D Haggerty
S Hughes
Y Levine
S Smith
E Wragg (Vice-Chair)

Councillors also present (for some or all the meeting)

J Bailey
R Collins

Officers in attendance (for some or all the meeting)

Charlie McCullough, Senior Development Control Officer
Wendy Ormsby, Development Manager
Damian Hunter, Planning Solicitor
Wendy Harris, Democratic Services Officer
Andrew Melhuish, Democratic Services Manager
Nigel Barrett, Senior Planning Officer
Jamie Quinton, Senior Planning Officer
Tina Song-Ashdown, Assistant Planning Officer

Councillor apologies:

S Chamberlain
O Davey
S Gazzard
M Howe

Chairman

Date:

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

Agenda Item 7

Ref: 23/2574/TRE **Date Received** 06.08.2025
Appellant: Deborah Whiston
Appeal Site: 5 Kingsholme Colyford Devon EX24 6RJ
Proposal: Fell one Ash tree
Planning APP/TPO/U1105/10036
Inspectorate Ref:

Ref: 25/0287/LBC **Date Received** 07.08.2025
Appellant: Mrs Martha Loak
Appeal Site: Stafford Barton House Swan Hill Road Colyford EX24 6HE
Proposal: Create 1no. door opening in south gable elevation with stone reveals using limestone lintel and stone quoins with 2no. stone steps leading to the patio. Install new partition wall to create new boot room.
Planning APP/U1105/Y/25/3370721
Inspectorate Ref:

Ref: 25/0996/FUL **Date Received** 12.08.2025
Appellant: Mr & Mrs David & Heather Triggs
Appeal Site: Gledhow Hand And Pen Lane Whimble Devon EX5 2PX
Proposal: Construction of detached double garage (partially retrospective)
Planning APP/U1105/D/25/3370945
Inspectorate Ref:

Ref: 25/0820/FUL **Date Received** 13.08.2025
Appellant: Mr Simon Blissett
Appeal Site: 7 Chapel Street Budleigh Salterton EX9 6LX
Proposal: Change of use of a fish and chip shop (ground floor) (use Class E) to one dwelling (Use Class C3), including the demolition of the rear outbuildings.
Planning APP/U1105/W/25/3371049
Inspectorate Ref:

Ref: 25/0456/FUL **Date Received** 18.08.2025
Appellant: Mr Jeff Slade
Appeal Site: Land and Buildings at Barton Farm Village Way Aylesbeare
Proposal: Change of use from agricultural building to 2no. dwellings, including associated works, parking and landscaping
Planning APP/U1105/W/25/3371346
Inspectorate Ref:

Ref: 25/0874/PDQ **Date Received** 21.08.2025
Appellant: Mr J Cuming
Appeal Site: Barns north of Sowton Farm Buckerell Honiton EX14 3EH
Proposal: Prior approval (Class Q) for the change of use of agricultural buildings to 4 no. dwellings (Class C3) with associated operational development
Planning Inspectorate Ref: APP/U1105/W/25/3371542

Ref: 25/0841/FUL **Date Received** 27.08.2025
Appellant: James Hortop
Appeal Site: Moorlands Farm
Mincombe Post Sidbury EX10 0QW
Proposal: Construction of two storey extension with first floor balcony, single storey attached garage and single storey garden room link.
Planning Inspectorate Ref: APP/U1105/D/25/3371831

Ref: 25/1296/TRE **Date Received** 27.08.2025
Appellant: Mrs Catherine Kent
Appeal Site: 1 Drakes Cottages Castle Lane Woodbury Exeter EX5 1NA
Proposal: Fell one Silver Birch tree
Planning Inspectorate Ref:

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

Ref:	24/0802/FUL	Appeal Ref:	25/00006/HH
Appellant:	Mr & Mrs Jones		
Appeal Site:	Tadpoles Longmeadow Road Lympstone EX8 5LF		
Proposal:	Construction of new storage building in front of property, 400mm extension to boundary fence and retrospective permission for a small extension to rear garden terrace.		
Decision:	Split Decision	Date:	08.08.2025
Procedure:	Householder		
Remarks:	Delegated refusal. Appeal dismissed in respect of the new storage building and alteration to the boundary treatment to the front of the property, amenity and conservation reasons upheld (EDLP Policies D1, EN9, Strategy 7, NP Policy 7). Appeal allowed in respect of the small section of garden terrace to the rear of the property, amenity reasons overruled (EDLP Policy D1). The Inspector acknowledged that due to the raising of the height of the enlarged patio terrace, as currently constructed, there are direct views into the rear of the adjacent property which is detrimental to the privacy of adjoining neighbours. However, it is also proposed that the height of the timber boundary fence between the neighbouring properties is to be raised for the length of the enlarged patio terrace. This would preclude views into the neighbouring property and would therefore maintain the privacy of its occupants. The Inspector concluded that with the implementation of the increase in the height of the boundary fence, for the length of the enlarged patio terrace, that the enlarged patio terrace development would be acceptable. A condition has been imposed requiring a scheme for the increase of height of the boundary fence to be submitted for approval by the LPA.		
BVPI 204:	Yes		
Planning	APP/U1105/D/25/3359940		
Inspectorate Ref:			

Ref:	23/2612/OUT	Appeal Ref:	24/00078/REF
Appellant:	David Pring		
Appeal Site:	Land at Lower Broad Oak Road West Hill		
Proposal:	Outline planning application for the construction of 5 no. dwellings, with all matters reserved		
Decision:	Appeal Allowed	Date:	11.08.2025
	(with conditions)		
Procedure:	Written representations		
Remarks:	Delegated refusal, accessibility, countryside protection and ecology reasons overruled (EDLP Policies D1, EN5, TC2, Strategies 1, 5B, 7, 27, 47, NP Policies NP1, NP6, NP8).		

The Inspector acknowledged that owing to the site's location outside of the BUAB and in respect of the landscape and visual harm that would result, the proposal would conflict with the development plan when taken as a whole. However, The Council cannot currently demonstrate a five-year supply of housing, thus, the provisions of paragraph 11 d) of the Framework are engaged.

In the absence of a five-year supply of housing land, the Inspector attributed reduced weight to Local Plan Strategies 1, 7 and 27 of the Local Plan and Policy NP1 of the Neighbourhood Plan by virtue of their inability to deliver an appropriate number of dwellings to meet the current housing needs. Policies TC2 and Strategy 5B are still capable of attracting weight as a means to secure sustainably located development.

The Inspector noted that the village has some facilities to which residents could walk or cycle via various route options despite the rural nature of the roads which are well-frequented and relatively low traffic environments. There are also a modest range of bus services available from stops which are similarly accessible on foot or as part of a linked trip. Taking these aspects into consideration, the Inspector did not consider the appeal site to be so poorly located to facilities and services such that it amounts to a harm of significance or demonstrable nature.

The Inspector considered that the main adverse impacts would result from the harm to the character and appearance of the area and loss, at least partially, of a locally valued view.

The benefits would result from the delivery of a modest but valuable contribution of five dwellings to the local housing stock in the context of a housing supply shortage and planning conditions could secure a development that would avoid conflicts with other environmental policy objectives. These benefits attract great weight.

The Inspector concluded that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the scheme. Consequently, the presumption in

favour of sustainable development forms a consideration of such weight that it indicates that permission should be granted other than in accordance with the development plan.

BVPI 204:
Planning
Inspectorate Ref:

Yes
APP/U1105/W/24/3357250

Ref: 25/0218/FUL **Appeal Ref:** 25/00037/HH
Appellant: Mr Graham Downes
Appeal Site: 9 Oaktree Close Exmouth EX8 4QL
Proposal: First Floor Extension
Decision: **Appeal Dismissed** **Date:** 11.08.2025
Procedure: Householder
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1, Strategy 48, NP Policy EB2).
BVPI 204: **Yes**
Planning APP/U1105/D/25/3366473
Inspectorate Ref:

Ref: 24/1938/FUL **Appeal Ref:** 25/00009/REF
Appellant: Mr Ben Smith
Appeal Site: Halls Farm Metcombe Ottery St Mary Devon EX11 1SS
Proposal: Conversion of an agricultural building to two dwellings and associated landscaping, and the demolition of agricultural buildings
Decision: **Appeal Dismissed** **Date:** 13.08.2025
Procedure: Written representations
Remarks: Delegated refusal, accessibility and countryside protection reasons upheld (EDLP Policies D1, D8, TC2, Strategies 3, 5B, 7, NP Policies NP1, NP2).
Application for a full award of costs against the Council refused.
BVPI 204: **Yes**
Planning APP/U1105/W/25/3361026
Inspectorate Ref:

Ref:	24/2384/FUL	Appeal Ref:	25/00017/COND
Appellant:	Sam and Alice Carlisle		
Appeal Site:	Coly Dale Station Road Colyton EX24 6HA		
Proposal:	Proposed extensions		
Decision:	Appeal Allowed	Date:	13.08.2025
	(with conditions)		
Procedure:	Written representations		
Remarks:	Appeal against a condition imposed on the grant of planning permission restricting the installation of any external lighting without the prior consent of the LPA. The condition seeks to provide a mechanism whereby the Council can control external lighting to ensure that there would not be an adverse effect on bat foraging and commuting habitat as a result of the development. The Inspector agreed that a condition was necessary, however, noted that the wording of the condition does not make it clear whether the condition is intended to apply purely to the development being permitted or to the whole of the existing house and its curtilage. Nor does it precisely identify the extent of the bat foraging and commuting habitat which the Council requires to be unlit. The Inspector revised the condition to make it clear that it applies only to the development being permitted and requiring that details of any external illumination intended to be installed on the proposed extensions is first approved by the local planning authority.		
BVPI 204:	No		
Planning	APP/U1105/W/25/3363540		
Inspectorate Ref:			

Ref:	24/1028/FUL	Appeal Ref:	24/00084/REF
Appellant:	Mr Stephen Drinkall		
Appeal Site:	Warehouse (Store Rear of Belvedere House) Danby Lane Exmouth		
Proposal:	Demolition of warehouse/general industrial building (use classes B2 and B8) and erection of 3no. work/live units and 1no. dwelling (use class C3)		
Decision:	Appeal Dismissed	Date:	14.08.2025
Procedure:	Written representations		
Remarks:	Delegated refusal, employment provision reasons upheld (EDLP Strategy 32, NP Policy EE3).		
BVPI 204:	Yes		
Planning	APP/U1105/W/24/3358068		
Inspectorate Ref:			

Ref:	24/0371/FUL	Appeal Ref:	25/00016/REF
Appellant:	Mr Kevin Howe		
Appeal Site:	Bridgend Harpford Devon EX10 0NG		
Proposal:	Removal of residential caravan and conversion of building to dwelling.		
Decision:	Appeal Allowed (with conditions)	Date:	15.08.2025
Procedure:	Written representations		
Remarks:	Officer recommendation to refuse, Committee refusal. Flooding reason overruled (EDLP Policy EN21).		

The Inspector considered that the effect of the proposal would be to replace a highly vulnerable caravan for permanent residential use with the proposed dwelling which is classified as having a lower level of vulnerability. This means that there would be no net increase in the number of dwellings in the flood zone but there would be a reduction in the vulnerability to flood risk of the residential use on the site and this attracts substantial weight in favour of the proposal.

The Inspector noted that safe access and escape routes would be managed through a flood evacuation plan which the FRA indicates would also require occupants to subscribe to a flood forecasting and warning service. This would be a further improvement on the existing situation and as a lawful residential use already exists on the site, the proposal would not increase the pressure on emergency services.

The Inspector concluded that the existing flooding risks would be significantly reduced and the proposal therefore complies with EDLP policy EN21 which seeks to control development in areas subject to river and coastal flooding.

BVPI 204: Yes
Planning APP/U1105/W/25/3363278
Inspectorate Ref:

Ref:	22/0508/MFUL	Appeal Ref:	24/00057/NONDET
Appellant:	HB825AXM Limited		
Appeal Site:	Land At Pound Farm Hawkchurch		
Proposal:	Battery energy storage scheme and associated development.		
Decision:	Appeal Dismissed	Date:	26.08.2025
Procedure:	Written representations		
Remarks:	Appeal against the failure of the Council to determine the application within the prescribed time limit. The Council resolved that had the application been determined, it would have been refused. Public health, ecology and landscape reasons upheld (EDLP Policies D1, EN5, EN14, EN18, TC4, Strategies 7, 39, 46, 47).		
BVPI 204:	No		
Planning	APP/U1105/W/24/3351691		
Inspectorate Ref:			

East Devon District Council List of Appeals in Progress

App.No: 23/1270/CPE
Appeal Ref: APP/U1105/X/24/3339119
Appellant: Mr and Mrs C M Summers
Address: The Olde Dairy Hunthays Farm Awliscombe Honiton EX14 3QB
Proposal; Application for a Lawful Development Certificate (CLUED) submitted under section 171B(3) of the Town and Country Planning Act 1990 (as amended) for the use of the building known as The Olde Dairy as an independent dwelling.
Start Date: 14 March 2024
Procedure: Written reps.
Questionnaire Due Date: 28 March 2024
Statement Due Date: 25 April 2024

App.No: 24/0439/TRE
Appeal Ref: APP/TPO/U1105/10189
Appellant: Mr Steven Richards
Address: Land South Of 15 Halsdon Avenue Exmouth Devon EX8 3DL
Proposal; G7.1 and G7.2 Lime:
i) Create high pollard on structural branches, with preferentially nodal pruning at a height of approx. 8m, with target pruning cuts of typically 100mm dia. Establish radial spread of approx. 2.5m.
ii) Repeat management on cycle of not less than 5 years, and not more than 7 years.
Start Date: 26 July 2024
Procedure: Written reps.
Questionnaire Due Date: 9 August 2024

App.No: 23/0939/FUL
Appeal Ref: APP/U1105/W/24/3358074
Appellant: Sir and Mrs John and Lucy Kennaway
Address: Clapperentale Farm Escot Park Ottery St Mary Devon EX11 1LU
Proposal; Demolition of barn and construction of new dwelling.
Start Date: 14 January 2025
Procedure:
Written reps.
Questionnaire Due Date: 21 January 2025
Statement Due Date: 18 February 2025

App.No: 21/F0311
Appeal Ref: APP/U1105/C/25/3360742 & APP/U1105/F/25/3360464
Appellant: Julia Gardiner
Address: 55 High Street, Honiton EX14 1PW
Proposal; Appeals against enforcement notices served in respect of the installation of windows in a listed building
Start Date: 10 March 2025
Procedure:
Written reps.
Questionnaire Due Date: 24 March 2025
Statement Due Date: 21 April 2025

App.No: 23/F0111
Appeal Ref: APP/U1105/C/25/3361991
Appellant: Mr Robert Hobson
Address: Land at Broad Down, north of Wiscombe Linhay Farm, Southleigh, Colyton EX24 6JF
Proposal; Appeal against an enforcement notice served in respect of siting and storage of non-agricultural items on the land including a static caravan, shipping containers, a porta cabin, a storage/toilet block and a commercial vehicle.
Start Date: 25 March 2025
Procedure:
Written reps.
Questionnaire Due Date: 8 April 2025
Statement Due Date: 6 May 2025

App.No: 25/0035/PDQ
Appeal Ref: APP/U1105/W/25/3364022
Appellant: Mr R May
Address: Oakhay Barton Stoke Canon Exeter EX5 4ED
Proposal; Prior approval (Class Q) for a change of use of a building as an agricultural unit to 5no. dwellinghouses (Use Class C3)
Start Date: 15 April 2025
Procedure:
Written reps.
Questionnaire Due Date: 22 April 2025
Statement Due Date: 20 May 2025

App.No: 24/1150/FUL
Appeal Ref: APP/U1105/W/25/3364822
Appellant: Mr A Randall
Address: Roseleigh Church Road Colaton Raleigh Devon EX10 0LH
Proposal; Proposed dwelling with associated driveway and private garden
Start Date: 1 May 2025
Procedure:
Written reps.
Questionnaire Due Date: 8 May 2025
Statement Due Date: 5 June 2025

App.No: 24/1278/FUL
Appeal Ref: APP/U1105/W/25/3364929
Appellant: Tim and Libby Read
Address: Land Adjacent Upper Spilsby Exeter Road Ottery St Mary
Proposal; Construction of a new dwelling and associated landscaping
Start Date: 6 May 2025
Procedure:
Written reps.
Questionnaire Due Date: 13 May 2025
Statement Due Date: 10 June 2025

App.No: 24/1900/FUL
Appeal Ref: APP/U1105/W/25/3365290
Appellant: Mr S Conway
Address: Land South of Hillside Salcombe Regis
Proposal; Agricultural storage building (resubmission of 23/1161/FUL)
Start Date: 13 May 2025
Procedure:
Written reps.
Questionnaire Due Date: 20 May 2025
Statement Due Date: 17 June 2025

Ref.No: 24/F0114
Appeal Ref: APP/U1105/C/25/3365463
Appellant: FWS Carter & Sons
Address: NHS Drive Through Vaccination Centre Greendale Farm
Sidmouth Road Farringdon Exeter
Proposal; Appeal against enforcement notice served in respect of the
retention of the building.
Start Date: 16 May 2025
Procedure:
Inquiry
Questionnaire Due Date: 30 May 2025
Statement Due Date: 27 June 2025
Inquiry Date: 21 October 2025

Ref.No: 22/F0379
Appeal Ref: APP/U1105/C/25/3365468
Appellant: FWS Carter & Sons
Address: Land north of unit 4 Greendale Farm Shop Sidmouth Road
Farringdon Exeter EX5 2JU
Proposal; Appeal against an enforcement notice served in respect of
the construction of a building on the land.
Start Date: 16 May 2025
Procedure:
Inquiry
Questionnaire Due Date: 30 May 2025
Statement Due Date: 27 June 2025
Inquiry Date: 21 October 2025

App.No: 24/1732/FUL
Appeal Ref: APP/U1105/D/25/3365472
Appellant: Mr McCue
Address: Carpenters Cottage Causeway Beer EX12 3LF
Proposal; Garden works including replacement of boundary fence
Start Date: 19 May 2025
Procedure:
Householder
Questionnaire Due Date: 26 May 2025

App.No: 25/0197/FUL
Appeal Ref: APP/U1105/W/25/3365655
Appellant: Mr and Mrs Vaughan
Address: 13A High Street Budleigh Salterton EX9 6LD
Proposal; Proposed replacement windows to front (north) elevation
Start Date: 20 May 2025

Procedure:
Written reps.

Questionnaire Due Date: 27 May 2025
Statement Due Date: 24 June 2025

App.No: 24/2618/FUL
Appeal Ref: APP/U1105/W/25/3364947
Appellant: Mr R Eley
Address: Land Adjacent to River Sid Fortescue Road Sidmouth
Proposal; Bridge over the river on private land
Start Date: 21 May 2025

Procedure:
Written reps.

Questionnaire Due Date: 28 May 2025
Statement Due Date: 25 June 2025

App.No: 24/1268/LBC
Appeal Ref: APP/U1105/Y/25/3365308
Appellant: Mr & Mrs Martin and Ali Kolaszynski
Address: Jackmoor Cottage Upton Pyne EX5 5HY
Proposal; Demolish existing annexe and rear extension, proposed new 2 story extension with link Replacement of all windows, and front door
Start Date: 21 May 2025

Procedure:
Written reps.

Questionnaire Due Date: 28 May 2025
Statement Due Date: 25 June 2025

App.No: 24/1267/FUL
Appeal Ref: APP/U1105/W/25/3365953
Appellant: Mr & Mrs Martin and Ali Kolaszynski
Address: Jackmoor Cottage Upton Pyne EX5 5HY
Proposal; Demolish existing annexe and rear extension, proposed new 2 storey extension with link.
Start Date: 21 May 2025
Procedure:
Written reps.
Questionnaire Due Date: 28 May 2025
Statement Due Date: 25 June 2025

App.No: 25/0134/LBC
Appeal Ref: APP/U1105/Y/25/3366515
Appellant: Miss Joanne Nosworthy
Address: 3 School Cottages Woodbury Salterton Exeter EX5 1PG
Proposal; Install 6no. solar panels on rear southeast elevation
Start Date: 2 June 2025
Procedure:
Written reps.
Questionnaire Due Date: 9 June 2025
Statement Due Date: 7 July 2025

App.No: 25/0742/FUL
Appeal Ref: APP/U1105/D/25/3366050
Appellant: Michelle Oldfield
Address: 4 Hillside Axmouth Seaton EX12 4BA
Proposal; Construction of rear extension and removal of outside store to be replaced with a new patio, terraced garden, retaining wall and new garden steps.
Start Date: 5 June 2025
Procedure:
Written reps.
Questionnaire Due Date: 12 June 2025

App.No: 25/0459/FUL
Appeal Ref: APP/U1105/W/25/3366940
Appellant: Jane D'Arcy Evans
Address: 4 Peek Mead Rousdon Devon DT7 3XW
Proposal; Retrospective planning permission for construction of shed, log store and raised beds constructed from timber sleepers to front (south) of property, and installation of timber sleeper retaining structures from to the rear (north) of property
Start Date: 9 June 2025
Procedure:
Written reps.
Questionnaire Due Date: 16 June 2025
Statement Due Date: 14 July 2025

App.No: 23/1770/AGR
Appeal Ref: APP/U1105/A/25/3367089
Appellant: L Lush
Address: Blackenfields Farm Luppitt EX14 4UB
Proposal; Erection of a general-purpose agricultural building
Start Date: 9 June 2025
Procedure:
Written reps.
Questionnaire Due Date: 16 June 2025
Statement Due Date: 14 July 2025

App.No: 24/1052/FUL
Appeal Ref: APP/U1105/W/25/3367103
Appellant: Mr and Mrs R and J Courtney
Address: Oak Lodge Whimble EX5 2PD
Proposal; Siting of timber static unit as annexe for use by commercial business visitors to Courtneys of Whimble only
Start Date: 9 June 2025
Procedure:
Written reps.
Questionnaire Due Date: 16 June 2025
Statement Due Date: 14 July 2025

App.No: 25/0770/FUL
Appeal Ref: APP/U1105/D/25/3367700
Appellant: Keith and Anne Hide
Address: 27 Scalwell Mead Seaton Devon EX12 2DW
Proposal; Creation of raised terrace to side and rear gardens to create level amenity area and construction of 2m fence (retrospective)
Start Date: 17 June 2025
Procedure:
Householder
Questionnaire Due Date: 24 June 2025

App.No: 25/0296/ADV
Appeal Ref: APP/U1105/Z/25/3368112
Appellant: Mr Oliver Bridge
Address: Unit 6 And 7 Sideshore Queens Drive Exmouth EX8 2GD
Proposal; Proposed 2no. illuminated signs
Start Date: 25 June 2025
Procedure:
Commercial
Questionnaire Due Date: 2 July 2025

App.No: 25/0649/CPL
Appeal Ref: APP/U1105/X/25/3368421
Appellant: Mr John Sidhu
Address: Bridewell Cottage Hawkchurch Axminster EX13 5XL
Proposal; Certificate of lawfulness for proposed repairs to Cottage as already approved per undertaking given in 1972 and since in detailed communications
Start Date: 2 July 2025
Procedure: Written reps.
Questionnaire Due Date: 9 July 2025
Statement Due Date: 6 August 2025

App.No: 25/0583/FUL
Appeal Ref: APP/U1105/W/25/3368734
Appellant: Mr Stoykov
Address: Pitney Water Storage Tank Broadhembury
Proposal; The conversion and extension of the existing building to provide a two-bedroom dwelling and the erection of a double garage.
Start Date: 8 July 2025
Procedure: Written reps.
Questionnaire Due Date: 15 July 2025
Statement Due Date: 12 August 2025

App.No: 25/0539/PDMA
Appeal Ref: APP/U1105/W/25/3368560
Appellant: Mr Kevin Morley
Address: The Pharmacy Fore Street Beer Seaton EX12 3JJ
Proposal; Prior approval for the change of use of the ground floor from commercial, business, and services (Class E) to 1no. self-contained flat (Use Class C3) - resubmission of ref. 25/0219/PDMA.
Start Date: 9 July 2025
Procedure: Written reps.
Questionnaire Due Date: 16 July 2025
Statement Due Date: 13 August 2025

Ref.No: 22/F0373
Appeal Ref: APP/U1105/C/25/3368794
Appellant: Daren Richards
Address: Valley View Paddock, land adj. Huntsland Farm, Church Hill, Pinhoe
Proposal; Appeal against enforcement notice served in respect of unauthorised operational development and the material change of use of the land from agricultural use to a mixed use of agriculture and residential and storage.
Start Date: 11 July 2025
Procedure: Inquiry
Questionnaire Due Date: 25 July 2025
Statement Due Date: 22 August 2025
Inquiry Date: 4 November 2025

App.No: 24/2707/OUT
Appeal Ref: APP/U1105/W/25/3369108
Appellant: Mr Rory Bristow
Address: Springfield Oil Mill Lane Clyst St Mary Exeter EX5 1AG
Proposal; Outline proposal for a single detached dwelling, associated parking, garage and garden with all matters reserved other than access
Start Date: 16 July 2025
Procedure: Written reps.
Questionnaire Due Date: 23 July 2025
Statement Due Date: 20 August 2025

App.No: 24/2091/FUL
Appeal Ref: APP/U1105/W/25/3369195
Appellant: Edward Fane Trefusis
Address: Land east side of Oak Hill East Budleigh
Proposal; Change of use of land for the siting of three holiday cabins and conversion of existing forestry building to provide for holiday use, creation of parking area, bat building, bin storage and landscaping.
Start Date: 18 July 2025
Procedure: Written reps.
Questionnaire Due Date: 25 July 2025
Statement Due Date: 22 August 2025

App.No: 24/2174/VAR
Appeal Ref: APP/U1105/W/25/3369422
Appellant: Mr Gary Burns
Address: Salcombe Regis Camping and Caravan Park Salcombe
Regis Sidmouth EX10 0JH
Proposal; Variation of condition no.2 of planning permission ref.
88/P1063 to allow all year-round holiday use of caravans

Start Date: 21 July 2025

Procedure:
Written reps.

Questionnaire Due Date: 28 July 2025

Statement Due Date: 25 August 2025

App.No: 25/0162/FUL
Appeal Ref: APP/U1105/D/25/3368947
Appellant: Mr Robert Davis
Address: The Cottage 9 Withycombe House Hillcrest Gardens
Exmouth EX8 4FF
Proposal; Retrospective application to retain wooden boundary fence
Start Date: 22 July 2025

Procedure:
Householder

Questionnaire Due Date: 29 July 2025

App.No: 24/2515/PIP
Appeal Ref: APP/U1105/W/25/3369603
Appellant: Mr Simon Wagemakers (Ambergate Planning &
Development)
Address: Land At Slade Farm Slade Road Ottery St Mary
Proposal; Permission in principle for residential development of up to 9
dwellings
Start Date: 24 July 2025

Procedure:
Written reps.

Questionnaire Due Date: 31 July 2025

Statement Due Date: 28 August 2025

App.No: 24/0096/MFUL
Appeal Ref: APP/U1105/W/25/3369854
Appellant: Clearstone Energy
Address: Land south of Hazelhurst Raymonds Hill Axminster
Proposal; Proposed construction, operation and maintenance of a Battery Energy Storage System (BESS) with associated infrastructure and works including highway access, landscaping and biodiversity enhancements.
Start Date: 25 July 2025
Procedure: Written reps.
Questionnaire Due Date: 1 August 2025
Statement Due Date: 29 August 2025

App.No: 24/2067/MFUL
Appeal Ref: APP/U1105/W/25/3369953
Appellant: Root Power (South) Ltd
Address: Land to the west of Wareham Road Scouse Farm Blackpool Corner Axminster EX13 5UE
Proposal; The installation of 50MW battery clusters with ancillary equipment, including inverter units, 132kV transformer compound, site welfare and switch room, and two water tanks to provide standby, emergency electricity to support and facilitate renewable and low carbon energy projects
Start Date: 28 July 2025
Procedure: Written reps.
Questionnaire Due Date: 4 August 2025
Statement Due Date: 1 September 2025

App.No: 24/1798/FUL
Appeal Ref: APP/U1105/W/25/3369499
Appellant: MA & EJ Bennett
Address: Higher Ponchydown Farm Blackborough Devon EX15 2HE
Proposal; Retrospective siting of a temporary agricultural workers dwelling
Start Date: 29 July 2025
Procedure: Hearing
Questionnaire Due Date: 5 August 2025
Statement Due Date: 2 September 2025
Hearing Date: 19 November 2025

App.No: 23/2574/TRE
Appeal Ref: APP/TPO/U1105/10036
Appellant: Deborah Whiston
Address: 5 Kingsholme Colyford Devon EX24 6RJ
Proposal; Fell one Ash Tree.
Start Date: 6 August 2025
Procedure:
Written reps.
Questionnaire Due Date: 20 August 2025

App.No: 25/0996/FUL
Appeal Ref: APP/U1105/D/25/3370945
Appellant: Mr & Mrs David & Heather Triggs
Address: Gledhow Hand And Pen Lane Whimble Devon EX5 2PX
Proposal; Construction of detached double garage (partially retrospective)
Start Date: 13 August 2025
Procedure:
Householder
Questionnaire Due Date: 20 August 2025

App.No: 25/0287/LBC
Appeal Ref: APP/U1105/Y/25/3370721
Appellant: Mrs Martha Loak
Address: Stafford Barton House Swan Hill Road Colyford EX24 6HE
Proposal; Create 1no. door opening in south gable elevation with stone reveals using limestone lintel and stone quoins with 2no. stone steps leading to the patio. Install new partition wall to create new boot room.
Start Date: 19 August 2025
Procedure:
Written reps.
Questionnaire Due Date: 26 August 2025
Statement Due Date: 23 September 2025

App.No: 25/0456/FUL
Appeal Ref: APP/U1105/W/25/3371346
Appellant: Mr Jeff Slade
Address: Land and buildings at Barton Farm Village Way Aylesbeare
Proposal; Change of use from agricultural building to 2no. dwellings, including associated works, parking and landscaping
Start Date: 20 August 2025
Procedure:
Written reps.
Questionnaire Due Date: 27 August 2025
Statement Due Date: 24 September 2025

App.No: 25/0820/FUL
Appeal Ref: APP/U1105/W/25/3371049
Appellant: Mr Simon Blissett
Address: 7 Chapel Street Budleigh Salterton EX9 6LX
Proposal; Change of use of a fish and chip shop (ground floor) (use Class E) to one dwelling (Use Class C3), including the demolition of the rear outbuildings.
Start Date: 26 August 2025
Procedure:
Written reps.
Questionnaire Due Date: 2 September 2025
Statement Due Date: 30 September 2025

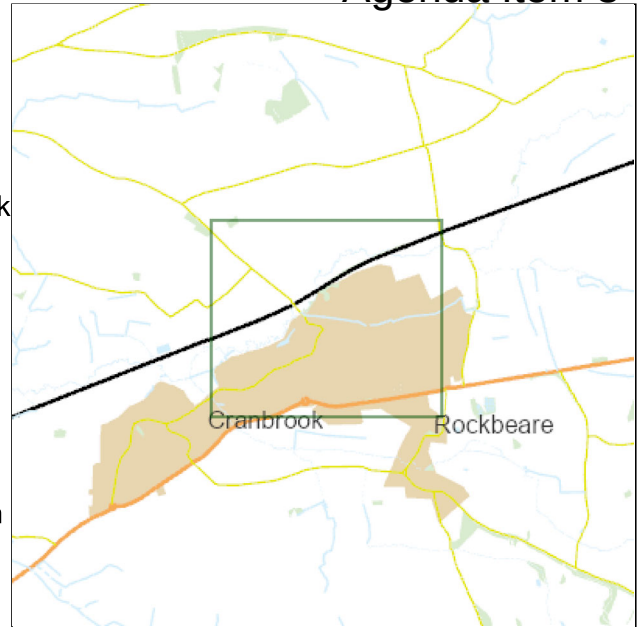
Ward Cranbrook

Reference 22/2306/MRES

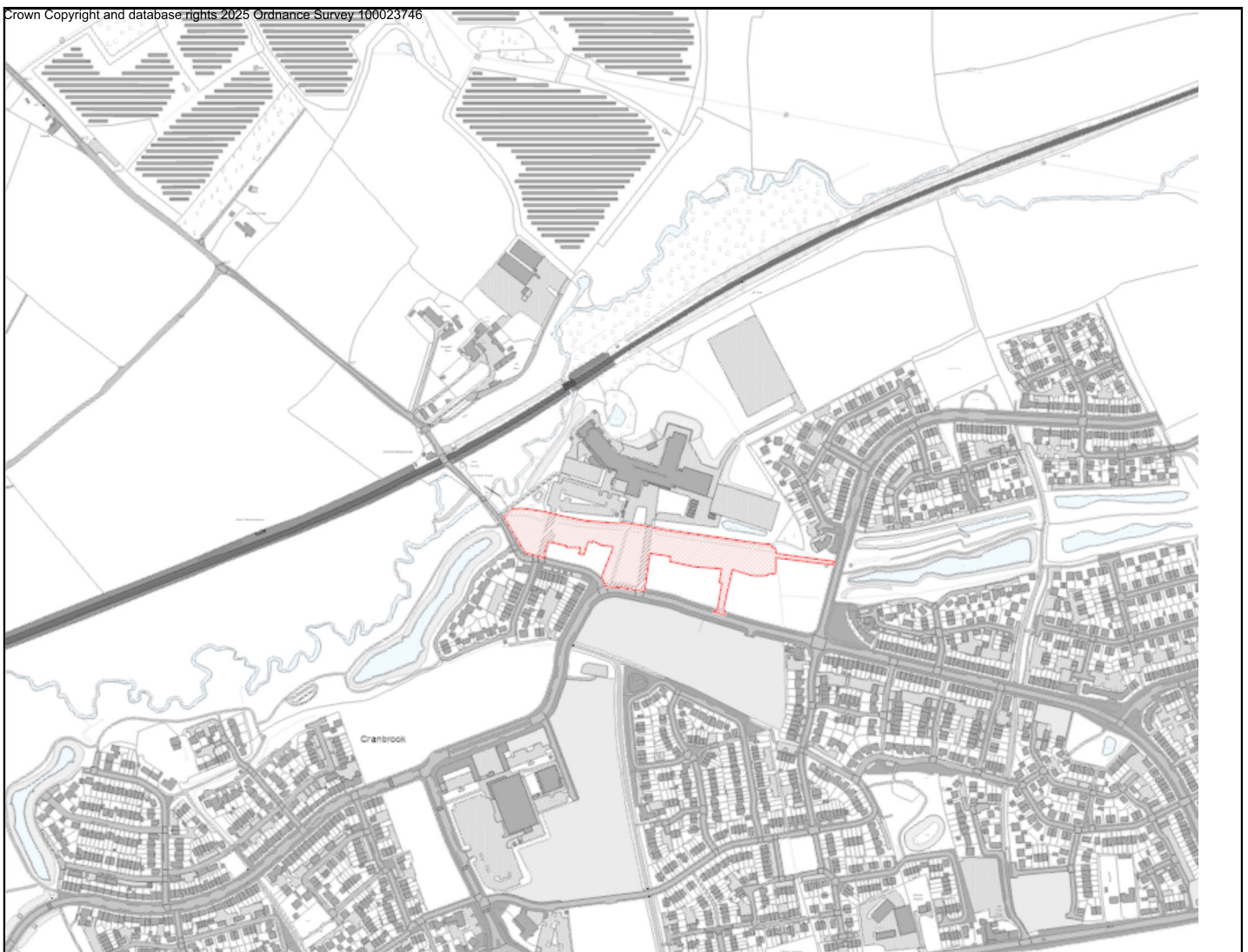
Applicant East Devon Community Partners

Location Land To The North Of Tillhouse Road Cranbrook Town Centre Devon

Proposal Application seeking approval of the reserved matters (access, appearance, landscaping, layout and scale) for the construction of 31 dwellings including affordable housing, parking, roads, footpaths, landscaping, open space, associated site infrastructure, and all other associated works (including ground modelling and utilities). This is a subsequent application in respect of outline permission 03/P1900 which was accompanied by an Environmental Statement and seeks the discharge of the relevant conditions of the outline permission (6, 11, 14, 17, 20, 22, 23, 24, 28, 36 and 37).



RECOMMENDATION: Approval with conditions



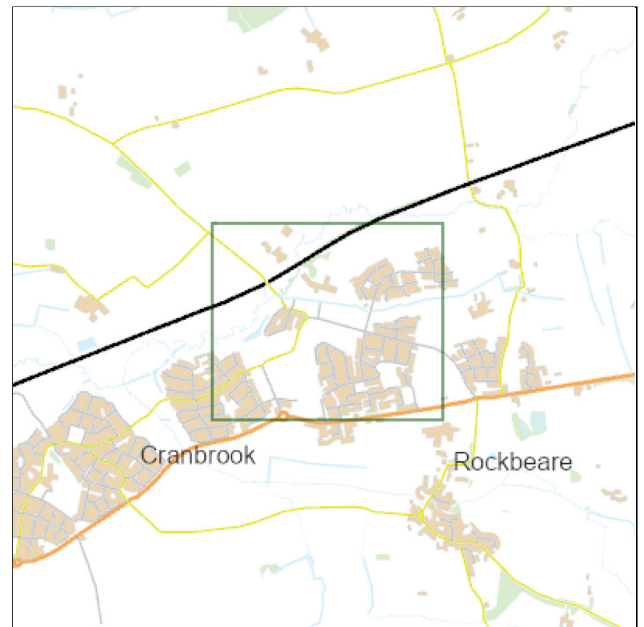
Ward Cranbrook

Reference 22/2354/MFUL

Applicant Josh Stevenson (Persimmon Homes SW)

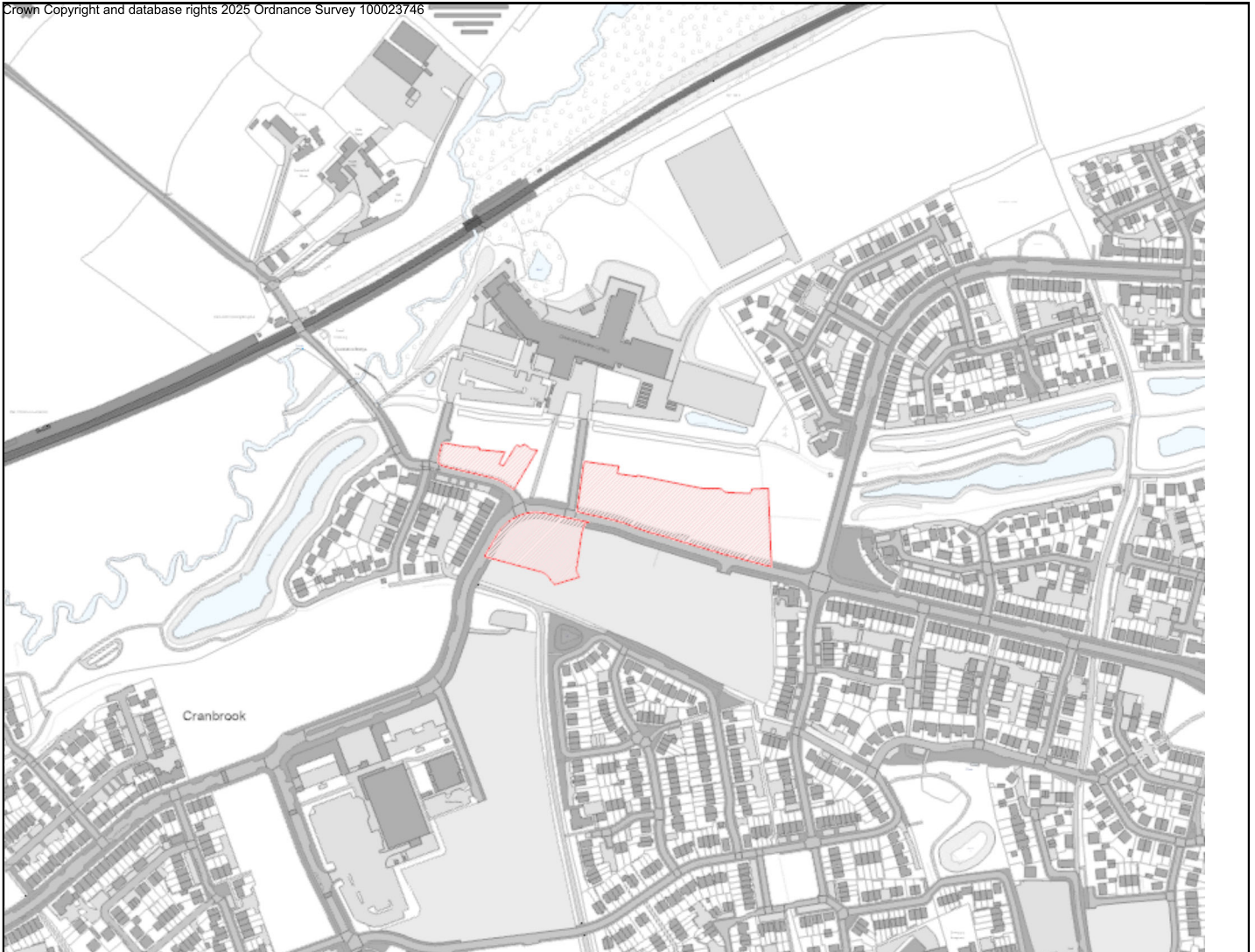
Location Parcels Tc5a, Tc6 & Tc7a Tillhouse Road
Cranbrook Town Centre

Proposal Development of residential dwellings and associated car parking, roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities).



RECOMMENDATION: Approval with conditions

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		Committee Date: 23.09.2025
Cranbrook (Cranbrook)	22/2306/MRES & 22/2354/MFUL	Target Date: 16.02.2023 (22/2306/MRES) 10.02.2023 (22/2354/MFUL)
Applicant:	22/2306/MRES – East Devon Community Partners. 22/2354/MFUL – Persimmon Homes South West.	
Location:	Parcels Tc5a, Tc6 & Tc7a, Tillhouse Road, Cranbrook.	
Proposal:	22/2306/MRES - Application seeking approval of the reserved matters (access, appearance, landscaping, layout and scale) for the construction of 31 dwellings including affordable housing, parking, roads, footpaths, landscaping, open space, associated site infrastructure, and all other associated works (including ground modelling and utilities). This is a subsequent application in respect of outline permission 03/P1900 which was accompanied by an Environmental Statement and seeks the discharge of the relevant conditions of the outline permission (11, 22, 23, 28, 36 and 37). 22/2354/MFUL - Development of residential dwellings and associated car parking, roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities).	

RECOMMENDATIONS:

- 1) ADOPT the Appropriate Assessment (as set out in Appendix 1).**
- 2) APPROVE application 22/2306/MRES subject to a S106 legal agreement relating to affordable housing, and subject to conditions (final wording delegated to the Development Manager).**
- 3) APPROVE application 22/2354/MFUL subject to a S106 Legal Agreement and conditions (final wording delegated to the Development Manager).**

EXECUTIVE SUMMARY

This application is before members as the recommendation to approve would be a departure from Adopted Policies in relation to planning obligations.

This report considers two applications which, if approved, would form a single area of residential development, totalling 92 residential units. Of those, 31 would be within application 22/2306/MRES, with the remaining 61 within application 22/2354/MFUL. Seven affordable units would be provided within the development.

The site to which these applications relate is located predominately on the northern side of Tillhouse Road, adjacent to the Cranbrook Education Campus. Additionally, a small part of the application site is located on the opposite side of Tillhouse Road, adjacent to the junction between Tillhouse Road and Crannaford Lane. Currently undeveloped, the site lies wholly within the Cranbrook Built-up Area Boundary, as defined by the Cranbrook Plan, and is not impacted by any landscape designations.

Among the material considerations relevant to this application is the signed Memorandum of Understanding (MOU) dated 11 May 2022, which set out that the East Devon New Community Partners (EDNCp) shall be free to develop parcels TC3, TC5a, TC5b, TC6, TC7a, TC7b and TC8b for residential development (Areas TC5a, TC5b, TC6 and TC7a form the application site for the proposal to which this report relates). The MOU set out payments which are due for additional housing in the Town Centre, and also the principles of development in that area.

The application sites are considered to be in a sustainable location. The design and layout of the proposed development is supported in principle. It would be higher density than much of Cranbrook, which is supported by Officers and policy.

The applications have been assessed in terms of all the key considerations, and have been deemed to be acceptable overall, subject to the imposition of relevant conditions if the applications are approved.

However, there would be some areas where the proposals are contrary to policy, such as with regard to adaptable ground floor space, parking provision and garage size. Whilst these conflicts weigh against the proposal in the planning balance, there are elements of the proposal which weigh in favour of the proposals; in particular, the provision of affordable housing, and making the development of public facilities in the Town Centre easier to achieve, through financial contributions. Those facilities may include Town Council Offices, Children's Centre, Youth Centre and a Library.

The reserved matters application (22/2306/MRES) also seeks to discharge some conditions from the initial outline approval for Cranbrook (03/P1900). It is considered that sufficient details have been provided to discharge these.

There is clearly a need to balance development which is not fully in accordance with the adopted Local Plan and Cranbrook Plan but still delivering an acceptable form of development, against the need for housing within the district and material considerations which are relevant in the determination of this application.

In this instance, and having regard to all planning matters, given the need to bolster housing supply for the longer term, the sustainable location of the site, and the wider benefits for the existing and future residents of Cranbrook and surrounding villages as a result of unlocking the town centre for essential commercial, retail and community uses, Officers consider that the material considerations would, on balance, justify a recommendation for approval.

Officers acknowledge that there are conflicts with adopted policies. However, these conflicts do not result in a development whereby the harm would significantly and demonstrably outweigh the benefits, and officers consider that the proposed development would overall align with the principles of sustainable development.

Therefore, it is recommended that the Appropriate Assessment is adopted, and that the applications are approved subject to a S106 Legal Agreement and conditions.

CONSULTATIONS

The following consultation replies with respect to application 22/2306/MRES have been received from Cranbrook Town Council and Ward Members:

Clerk To Cranbrook Town Council

15/11/22 - resolved to recommend refusal and object on the following grounds:

- a. The proposed parking is inadequate and will lead to conflict at school drop off and pick up. The town council seeks assurances from the planning authority that there is a redesign of the parking strategy for residential and visitor parking to make adequate provision and that it will take account of future plans to expand the Education Campus.
- b. The design of the estate road that runs east / west along the northern border will lead to conflicts between vehicles and those walking and cycling especially to and from school.
- c. The housing is inappropriate and will further contribute to an unbalanced community.
- d. Clarity is sought on the prevention of damage to green spaces and verges by unauthorised parking. This should be designed out as far as possible to prevent impacts on the street scene and visual amenity.
- e. Adoption needs to be clarified, particularly any public open space that might be adopted by the Town Council including ensuring that it is accessible over public land.
- f. The Council is concerned about the design of the parcel as to how the integrity of the gas main is protected.

Clerk To Cranbrook Town Council

14/07/25 - The Town Council raises no objection to the principle of the development but seeks consideration to the following points:

- a) The inclusion of Town Centre Controlled Parking Zone (CPZ) as part of the application or as a condition requiring implementation prior to occupation of the site.
- b) Clarity is sought on the prevention of damage to green spaces and verges by unauthorised parking. This should be designed out as far as possible to prevent impacts on the street scene and visual amenity. Areas of green space and landscaping separating parking areas need to be demised to residents;
- c) Adoption needs to be clarified, particularly any public open space that might be adopted by the Town Council including ensuring that it is accessible over public land;
- d) Clarity is sought on the responsibility proposed for the Town Council regarding management of drainage;
- e) Further consideration of waste collection specifically in respect of plots 52-54 and 55-58 is needed.

Cranbrook - Cllr Kevin Blakey

29/11/22 -

In principle I agree with development of this site. However, I object to some aspects of this application.

There is Inadequate parking provision which will lead to conflict between residents and will result in overspill into town centre roads causing increasing congestion, particularly at start and finish times at the Education Campus. The situation is already difficult there, and inadequate provision will make it worse. Attempting to force people to walk

or cycle everywhere by reducing the number of parking spaces is doomed to fail and will result in more social unrest, poor parking is already the dominant subject of residents' complaints.

The estate road design that runs east/west along the northern border will lead to conflicts between vehicles and those walking and cycling especially to and from Cranbrook Education Campus. The crossing point will be dangerous to use.

The size and types of dwellings proposed would add to the delivery of an unbalanced community in Cranbrook, there is already too high a proportion of smaller houses in the town and a mix with some larger dwellings is needed.

How will the damage to green spaces and verges, by unauthorised parking, be dealt with? This issue has been raised many times throughout the delivery of Cranbrook. This should be designed out as far as possible to prevent the impact on street scene and visual amenity. Previously delivered areas in Cranbrook are already suffering from damage to verges, due to parking.

Adoption needs to be clarified prior to approval - particularly any public open space that might be adopted by Cranbrook Town Council including ensuring that any areas to be maintained as public open space are accessible over public land. With the required improvement in parking provision, design changes should ensure that as much land as possible is conveyed to individual property owners rather than being left in isolated pockets to be adopted by the town council.

The adoption of the drainage (including the attenuation tank in the public open space at the western front of the education campus) also needs to be clarified prior to approval.

Cranbrook - Cllr Kim Bloxham

28/11/22 - In principle I agree with development of this site. I do, however, have some concerns regarding this application.

Inadequate parking which will lead to conflict at school drop off and pick up.

The estate road design that runs east/west along the northern border will lead to conflicts between vehicles and those walking and cycling especially to and from Cranbrook Education Campus.

A greater balance of house types would be appreciated as the types currently proposed continue to deliver an unbalanced community in Cranbrook.

How will the damage to green spaces and verges, by unauthorised parking, be dealt with? This issue has been raised many times throughout the delivery of Cranbrook. This should be designed out as far as possible to prevent the impact on street scene and visual amenity. Previously delivered areas in Cranbrook are already suffering from damage to verges, due to parking.

How will the integrity of the gas main be protected?

Adoption needs to be clarified prior to approval - particularly any public open space that might be adopted by Cranbrook Town Council including ensuring that any areas to be maintained as public open space are accessible over public land.

The adoption of the drainage (including the attenuation tank in the public open space in front of the education campus) also needs to be clarified prior to approval.

Should this application be presented to the planning committee, I reserve my final opinion until all the information is available.

Kim

Cranbrook - Cllr Sam Hawkins

28/11/22 - In principle I agree with development of this site. I do, however, have some concerns regarding this application and therefore wish to object at this time.

Inadequate parking which will lead to conflict at school drop off and pick up.

The estate road design that runs east/west along the northern border will lead to conflicts between vehicles and those walking and cycling especially to and from Cranbrook Education Campus.

Whilst I agree with the goal to reduce reliance on private vehicles the design must reflect the reality of the current situation. Until public transport and other methods are able to facilitate a minimal car environment it is several stages too early to plan as though it has already happened.

A greater balance of house types would be appreciated as the types currently proposed continue to deliver an unbalanced community in Cranbrook.

How will the damage to green spaces and verges, by unauthorised parking, be dealt with? This issue has been raised many times throughout the delivery of Cranbrook. This should be designed out as far as possible to prevent the impact on street scene and visual amenity. Previously delivered areas in Cranbrook are already suffering from damage to verges, due to parking.

How will the integrity of the gas main be protected?

Adoption needs to be clarified prior to approval - particularly any public open space that might be adopted by Cranbrook Town Council including ensuring that any areas to be maintained as public open space are accessible over public land.

The adoption of the drainage (including the attenuation tank in the public open space in front of the education campus) also needs to be clarified prior to approval.

The following consultation replies with respect to application 22/2354/MFUL have been received from Cranbrook Town Council and Ward Members:

Cranbrook Town Council

07/12/22 - At meeting held on 5th December 2022 the Town Council Planning Committee resolved to recommend refusal and Object on the following grounds:

- a. The proposed parking is inadequate and will lead to conflict at school drop off and pick up. The town council seeks assurances from the planning authority that there is a redesign of the parking strategy for residential and visitor parking to make adequate provision and that it will take account of future plans to expand the Education Campus;
- b. Rear parking courts are not supported as they are generally unpopular and underused leading to on street parking;

- c. The housing is inappropriate and will further contribute to an unbalanced community. Whilst greater density is expected in the town centre this does not mean that all of the properties need to be small.
- d. Clarity is sought on the prevention of damage to green spaces and verges by unauthorised parking. This should be designed out as far as possible to prevent impacts on the street scene and visual amenity. Areas of green space and landscaping separating parking areas need to be demised to residents;
- e. Adoption needs to be clarified, particularly any public open space that might be adopted by the Town Council including ensuring that it is accessible over public land;
- f. Adoption of drainage needs to be clarified particularly future responsibility for the drainage tank located in the public open space in front of the education campus.

Cranbrook Town Council

14/07/25 - The Town Council raises no objection to the principle of the development but seeks consideration to the following points:

- a) The inclusion of Town Centre Controlled Parking Zone (CPZ) as part of the application or as a condition requiring implementation prior to occupation of the site.
- b) Clarity is sought on the prevention of damage to green spaces and verges by unauthorised parking. This should be designed out as far as possible to prevent impacts on the street scene and visual amenity. Areas of green space and landscaping separating parking areas need to be demised to residents;
- c) Adoption needs to be clarified, particularly any public open space that might be adopted by the Town Council including ensuring that it is accessible over public land;
- d) Clarity is sought on the responsibility proposed for the Town Council regarding management of drainage;
- e) Further consideration of waste collection specifically in respect of plots 52-54 and 55-58 is needed.

Cranbrook - Cllr Kim Bloxham

12/12/22 -

I have read Cranbrook Town Council's concerns regarding the above application. Having looked at the application, I agree and I am raising the same comments/questions.

- The proposed parking is inadequate and will lead to conflict at school drop off and pick up. What assurances are there that there is a redesign of the parking strategy for residential and visitor parking to make adequate provision and that it will take account of future plans to expand the Education Campus?
- Rear parking courts continue to raise concerns as they are generally unpopular and underused leading to on street parking;
- The housing is inappropriate and will further contribute to an unbalanced community. Whilst greater density is expected in the town centre this does not mean that all of the properties need to be small.
- Clarity is sought on the prevention of damage to green spaces and verges by unauthorised parking. This should be designed out as far as possible to prevent impact on the street scene and visual amenity. Areas of green space and landscaping separating parking areas need to be demised to residents;
- Adoption needs to be clarified, particularly any public open space that might be adopted by the Town Council including ensuring that it is accessible over public land;

- Adoption of drainage needs to be clarified particularly future responsibility for the drainage tank located in the public open space in front of the education campus.

These comments/questions are not unique to this application as the town council and ward members appear to be asking the same questions across the wider development.

Should this application be presented to the planning committee, I reserve my final opinion until all the information is available.

Cranbrook - Cllr Sam Hawkins

13/12/22 - I would like to object to the above application based in the following:

I have read Cranbrook Town Council's concerns regarding the above application. Having looked at the application, I agree and I am raising the same comments/questions.

- The proposed parking is inadequate and will lead to conflict at school drop off and pick up. What assurances are there that there is a redesign of the parking strategy for residential and visitor parking to make adequate provision and that it will take account of future plans to expand the Education Campus?

- Rear parking courts continue to raise concerns as they are generally unpopular and underused leading to on street parking;

- The housing is inappropriate and will further contribute to an unbalanced community. Whilst greater density is expected in the town centre this does not mean that all of the properties need to be small.

- Clarity is sought on the prevention of damage to green spaces and verges by unauthorised parking. This should be designed out as far as possible to prevent impact on the street scene and visual amenity. Areas of green space and landscaping separating parking areas need to be demised to residents;

- Adoption needs to be clarified, particularly any public open space that might be adopted by the Town Council including ensuring that it is accessible over public land;

- Adoption of drainage needs to be clarified particularly future responsibility for the drainage tank located in the public open space in front of the education campus.

Other Consultations

Responses from other consultees in respect of both applications are summarised in the table below, and are shown in full in Appendix 2 (for application 22/2306/MRES) and Appendix 3 (for application 22/2354/MFUL) at the end of this report:

Consultee	22/2306/MRES comments	22/2354/MFUL comments
Contaminated Land Officer	No objection, but recommend a condition requiring works to stop for a remedial plan to be agreed if any contamination is found.	No concerns relating to contaminated land are anticipated.
County Education	No comments received.	No objections, subject to the provision of suitable financial contributions toward education provision.

County Highway Authority	No objections subject to a condition to secure works to the MLR, in addition to conditions relating to estate roads, cycleways, and paths details, the construction of parking and turning spaces prior to occupation, tandem parking space width, cycle storage, and retaining garages for parking.	No objections, but it is noted that single or pairs of unallocated parking spaces may not be acceptable for adoption. Also, subject to conditions relating to estate roads, cycleways, and paths details, the construction of parking and turning spaces prior to occupation, tandem parking space width, cycle storage, and retaining garages for parking.
County Flood Risk Team	Concerns raised about some elements of the proposal with regard to drainage. However, the County Flood Risk Team has confirmed that conditions would be appropriate to address those matters and ensure that the relevant details are provided and assessed prior to development.	Concerns raised about some elements of the proposal with regard to drainage. However, the County Flood Risk Team has confirmed that conditions would be appropriate to address those matters and ensure that the relevant details are provided and assessed prior to development.
County Waste Management	No comments received.	Major applications need to be accompanied by a Waste Audit Statement. As one has not been supplied, a condition to seek one is recommended if the application is approved.
Devon and Somerset Fire Service	The proposals satisfy the necessary safety criteria.	The proposals satisfy the necessary safety criteria.
Health and Safety Executive	Works to improve the gas pipeline near the site have resulted in a blast zone being reduced in size. Consequently, the HSE's Land Use Planning advice team does not advise , on safety grounds, against the granting of planning permission.	Works to improve the gas pipeline near the site have resulted in a blast zone being reduced in size. Consequently, the HSE's Land Use Planning advice team does not advise , on safety grounds, against the granting of planning permission.
Housing Strategy/Enabling	Support the proposed affordable housing provision.	Support the proposed affordable housing provision.
Police Crime Prevention Officer.	No specific objection, but recommendations made for how the proposal could be included. The comments were based on the original plans, and some of them	No specific objection, but recommendations made for how the proposal could be included. The comments were based on the original plans, and some of them

	were incorporated into the updated proposal.	were incorporated into the updated proposal.
EDDC Ecologist	Initial comments stated that Some further details are required in order to discharge conditions 6,17 and 22. Sufficient details have been provided to discharge condition 21. More recent comments confirm that the proposal will not be compliant with Cranbrook Plan Policy CB26, as the site does not deliver 10% BNG gain. However, it is acknowledged that it is not possible to request more due to the requirements of the MOU. Therefore, a condition is recommended requiring a LEMP, CEMP and other related matters.	No objections, but some additional ecological recommendations in addition to those detailed in the submitted Ecology report are recommended. More recent comments confirm that the proposal will not be compliant with Cranbrook Plan Policy CB26, as the site does not deliver 10% BNG gain. However, it is acknowledged that it is not possible to request more due to the requirements of the MOU. Therefore, a condition is recommended requiring a LEMP, CEMP and other related matters.
EDDC Landscape Architect	Some concerns about the proposed landscaping and boundary treatment.	Some concerns about the proposed landscaping and boundary treatment.
EDDC Trees	No comments received.	Following an objection to the initial proposals, the amended proposals are considered acceptable, subject to a tree protection condition should the application be approved.
Environment Agency	After initially objecting to the proposal on the grounds of some properties being at risk of flooding, the applicants provided updated details. The Environment Agency subsequently confirmed that the amended details demonstrated that the development would not pose a flood risk, and removed its objection.	After initially objecting to the proposal on the grounds of some properties being at risk of flooding, the applicants provided updated details. The Environment Agency subsequently confirmed that the amended details demonstrated that the development would not pose a flood risk, and removed its objection.
Environmental Health	The CEMP required for condition 6 can be discharged.	No objections or concerns.
National Grid	No objections.	No objections.
National Highways	No comments received.	No objections to the proposed additional housing.

Natural England	No objection due to the mitigation which is proposed.	No objection due to the mitigation which is proposed.
Network Rail	No comments received.	Objection raised due to the potential for increased use of Crannaford level crossing.
South West Water	No objection to the discharge of conditions 6, 11 and 14.	No comments received.
Urban Designer	No objection in principle, but some improvements recommended.	No objection in principle, but some improvements recommended.
Wales and West Utilities	No comments received.	There is a high-pressure gas pipeline close to the site.

THIRD-PARTY CONSULTATION

Across the two applications, a total of 14 objections have been received. These are summarised below:

- The proposal will exacerbate parking problems around the Education Campus during drop off/pick up times.
- The proposal will increase danger for children walking to the Education Campus.
- The proposal will be detrimental to highway safety.
- Inadequate parking provision.
- Potential conflict between vehicles, pedestrians and cyclists.

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) (updated February 2025) 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 was adopted in October 2022 and for sites within the Cranbrook Plan Area, 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 development at Cranbrook.

Cranbrook Plan DPD

CB1 (Cranbrook Health and Wellbeing)
CB6 (Cranbrook Infrastructure Delivery)
CB8 (Cranbrook and Broadclyst Station Built Up Area Boundaries)
CB10 (Cranbrook Affordable Housing)
CB12 (Delivering Zero Carbon)
CB14 (Delivery of Suitable Alternative Natural Green Space)
CB16 (Amenity of Future Occupiers)
CB19 (Plug-In and ultra-low Emission vehicle charging)
CB20 (Parking at Cranbrook)

CB22 (Residential Development in the Town Centre and Neighbourhood Centres)
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 37 (Community Safety)
Strategy 43 (Open Space Standards)
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)
EN14 (Control of Pollution)
EN16 (Contaminated Land)
EN22 (Surface Run-Off Implications of New Development)
TC2 (Accessibility of New Development)
TC4 (Footpaths, Bridleways and Cycleways)
TC7 (Adequacy of Road Network and Site Access)

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 (Spatial strategy)
Strategic Policy DS01 (Design and local distinctiveness)
Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites)
Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport)
Strategic Policy AR01 (Flooding)
Strategic Policy CC02 (Moving toward net-zero carbon development)
Strategic Policy SP07 (Delivery of infrastructure)
Policy OL07 (Contaminated land)
Policy OL09 (Control of pollution)
Policy OS02 (Sport, recreation and open space provision in association with development)
Policy PB07 (Ecological enhancement and biodiversity in the built environment)
Policy PB08 (Tree, hedges and woodland on development sites)
Policy HE04 (Archaeology and Scheduled Monuments)

Government Planning Documents

National Planning Policy Framework 2024 (as amended)
National Planning Practice Guidance

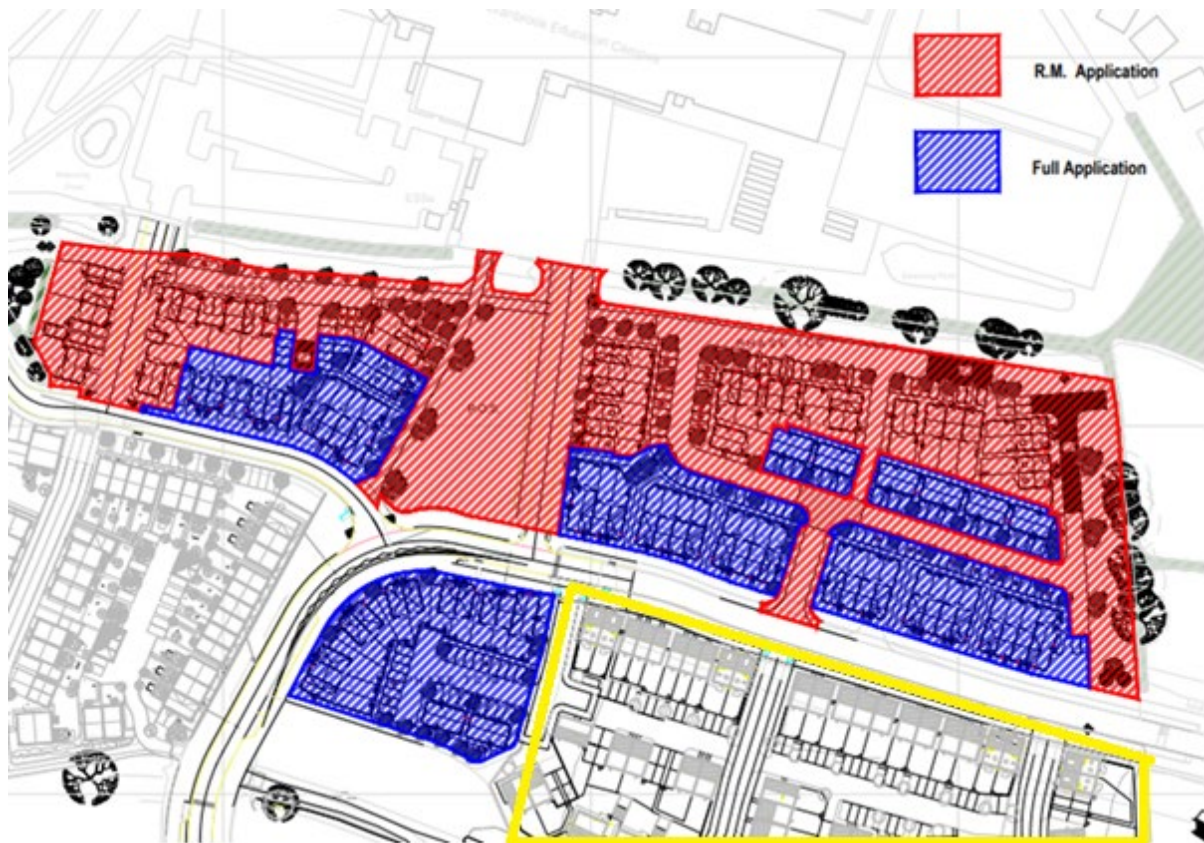
OFFICER REPORT

SITE LOCATION

The site to which these applications relate is located predominately on the northern side of Tillhouse Road, adjacent to the Cranbrook Education Campus. Additionally, a small part of

the application site is located on the opposite side of Tillhouse Road, adjacent to the junction between Tillhouse Road and Crannaford Lane.

The applications combine to make one area of development, as demonstrated in the submitted plan below (note that the area outlined in yellow indicates development which has been resolved to grant consent but, at the time of writing this report, has not been developed):



Currently, the site is undeveloped, except for two access routes across it to the Education Campus. There is a bank of trees adjoining the eastern edge of the northern part of the site, and a hedgerow running adjacent to the minor watercourse which runs along the northern edge of the site. There is also some woodland/scrubland at the western end of the site. Other than the Education Campus, the only existing area of development in the immediate vicinity of the site is that to the south-west of the site, which is a residential parcel known as Stone Barton.

The site lies wholly within the Cranbrook Built-up Area Boundary, as defined by the Cranbrook Plan, and is not impacted by any landscape designations. It is located to the north of the central part of the town centre where the shops, supermarket and nursery are situated.

The application site is not located within a Conservation Area and there are no Listed Buildings on or adjacent to the site. There are some trees protected by a Tree Preservation Order (TPO) close to the site; these are in the form of two groups (one on the eastern edge of the site, and other on its northern boundary), and three individual TPO's at the western edge of the site.

PLANNING HISTORY

The site has the following relevant planning history:

- 03/P1900 | A new community comprising up to 2,900 residential dwellings; a town centre and a local centre including retail, residential and employment; assembly and leisure uses; non-residential institutions (including two primary schools and one secondary school); sports and recreation facilities; a country park; a railway station; landscaping; engineering works; associated infrastructure; and car parking for all uses | APPROVAL (29 October 2010)

The following applications are relevant to this application:

- 23/0554/MFUL | Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) | Parcels TC3 And TC8b Land Off Court Royal And Badger Way Cranbrook | PENDING CONSIDERATION
- 23/0511/MFUL | Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) | Parcel TC7B Land To The South Of Tillhouse Road Cranbrook | PENDING CONSIDERATION (with a resolution to approve in place).

BACKGROUND TO CRANBROOK'S TOWN CENTRE

The original application for Cranbrook (ref. 03/P1900) was granted in October 2010 for the new community of Cranbrook comprising up to 2,900 residential dwellings and including a town centre. The location of the town centre was identified within the Development Framework Plan and the Section 106 Legal Agreement (known as the S106 agreement) defined the Town Centre and required the Town Centre Land to be identified and marketed. The S106 agreement also required the construction of 5 High Street Units as well as other community and Town Council facilities within the Town Centre.

Application 13/1752/MFUL was approved in November 2014 for an additional 587 dwellings bringing the total number of dwellings to just under 3500 dwellings. This application resulted in an amendment to the Town Centre Land identified within the Development Framework Plan to reflect the updated town centre boundary, moving it to its currently identified position.

Within the Town Centre, the Cranberry Farm pub opened in early summer 2017 and in late summer 2022, construction started on the Morrisons Supermarket, Children's Nursery, Town Square and Phase 1 of the High Street retail/commercial units with residential apartments above. At present, five high street units are occupied and open with the other units in the process of being let and/or fitted out, 17 residential apartments are now occupied, and the Morrisons Supermarket opened in December 2024. An opening date for the nursery is not yet known, although the building is externally complete.

The need to deliver the town centre of Cranbrook is of ever-increasing importance to ensure that existing and future residents have access to the facilities, services and jobs needed to support it as the town continues to grow. In late 2018/early 2019 discussions took place with the East Devon New Community partners (EDNCp), Cranbrook Town Council and Devon County Council on how to approach the delivery of the town centre, which led to the EDNCp making it known that they had interest from a developer to bring forward a scheme for a supermarket, shops and nursery. These discussions progressed but alongside, concerns were raised by the EDNCp around viability and their wish to retain town centre parcels for housing delivery. This led to protracted debate and negotiation which was reported to several council meetings, as detailed in the following paragraphs.

Strategic Planning Committee - 22nd October 2020

At the Strategic Planning Committee meeting of 22nd October 2020, Members considered two options for the delivery of Cranbrook Town Centre. The first was to agree in principle to proposals brought forward by the East Devon New Community Partners (EDNCp) by signing a Memorandum of Understanding (MOU) to give the EDNCp comfort to invest in bringing their proposals through the formal planning process. The alternative was to move forward with the production of a Supplementary Planning Document (SPD) detailing proposals for the town centre based on the requirements of the Local Plan and the then emerging Cranbrook Plan. The committee resolved that the proposals had been considered and that the council was not minded to enter into a MOU based on the terms tabled at that time but were open to further negotiation. This further negotiation duly took place between October and the subsequent Strategic Planning Committee on 15th December.

Strategic Planning Committee - 15th December 2020

At this meeting, Members considered an updated offer for town centre development from the EDNCp alongside a draft of a Supplementary Planning Document. Members sought to defer a decision for further negotiations to take place and for these to be reported to Cabinet.

Cabinet - 6 January 2021

On 6 January 2021, a report to Cabinet provided an update on progress with negotiations with the EDNCp over the delivery of Cranbrook Town Centre. Cabinet agreed the updated offer from the EDNCp and agreed in principle to the MOU. At that time, the fundamental principles to be set out in the MOU were as follows:

- The EDNCp able to bring forward housing on a number of identified parcels in the town centre, with nil affordable housing on housing numbers over and above the existing outline planning permission. The additional housing to pay a reduced S106 contribution of £5,370 per dwelling.
- District heating connections to all residential properties provided a connection charge of not in excess of £5,000/dwelling.
- Offer to transfer all existing S106 town centre land obligations upon the MoU being signed (earlier than some of the current S106 triggers).
- Agreeing a financial contribution to be paid toward the construction of the Town Council Offices, Children's Centre, Youth Centre and Library in lieu of direct provision by the EDNCp.
- Give EDDC the option to purchase one or more of parcels TC3, TC4d & TC4e at a market residential value.

Cabinet - 5 January 2022

A report to Cabinet on 5 January 2022 set out that negotiations have been under way in respect of the precise wording of the MOU and that the EDNCp have been working toward the submission of applications for planning permission for residential development on parcels TC3, TC4d&e, TC5a&b, TC6, TC7a&b and TC8b totalling circa 341 dwellings.

Signing of MOU

On 11 May 2022, the MOU was signed between East Devon District Council, Devon County Council, Cranbrook Town Council, HDD Cranbrook Limited, Persimmon Homes, Hallam Land Management and Taylor Wimpey and set out that the EDNCp shall be free to develop parcels

TC3, TC5a, TC5b, TC6, TC7a, TC7b and TC8b (Areas TC5a, TC5b, TC6 and TC7a form the application site for the proposal to which this report relates) for residential development and the following additional contributions shall be paid in respect of the Additional Residential Dwellings to be constructed:

- £2,551 per Additional Residential Dwelling towards Habitat Mitigation
- £1,742 per Additional Residential Dwelling towards the provision of additional primary school places
- £1,045 per Additional Residential Dwelling towards sustainable travel
- £72 per Additional Residential Dwelling towards car sharing schemes and e-bikes.

The MOU also set out, under Paragraph 11.1, that “*no further obligations or requirements are envisaged under s106 or otherwise in addition to those obligations and requirement set out in this Memorandum*”. This means that the LPA shall not seek to secure any additional contributions or obligations as part of the Town Centre Residential Applications. It is also noted that the MOU was stated not to fetter the discretion of the Local Planning Authority in considering any planning application for the development of the town centre land.

The MOU also includes agreement to a Statement of Design Principles for the Town Centre setting out the principles for each parcel, density requirements and design appearances. This document was intended to discharge the existing S106 obligation for a design code for the town centre.

The tables below compare the relevant land/building and financial S106 obligations at the time the MOU was signed with the provisions agreed in principle in the MOU, or in the case of the DCC facilities, as subsequently legally secured through a deed of variation to the S106 agreement.

In addition to the details as set out in the table overleaf, it is important to note in making provision for the offer to transfer the whole of parcel TC2, the MOU would also result in 0.64ha more land in the town centre to be transferred than the current S106 obligations provide for. In making the offer to transfer TC2, it brings forward the transfer of land for the town council offices/facility. At present the Town Council facilities are a requirement for a building to be constructed and transferred. However, this is only due for delivery and transfer prior to the occupation of 3450 homes. To-date 3,420 dwellings have been built or received reserved matters approval. There is one application which is the subject of this report (22/2306/MRES) (part of TC5a&b), which would take the number of dwellings to 3,451. However, there is also a live S73 application (ref. 25/0087/VAR) to reduce the number of dwellings from a previous reserved matters approval. If both of these live applications are approved without a variation to the original S106 agreement, then only 3,447 dwellings may be built, below the trigger for the delivery of the Town Council facilities.

Summary table of MOU against S106 obligations in place at the time the MOU was finalised					
Use/Item	Area of land required (ha)	Delivery of building	Final trigger	Requirement comprises	Included in MOU
Class A uses (now included in Class E)	5 High street units	500 sq. m	2000 homes	Land and building	To be built by HDD on TC4a
Youth facilities	0.2	480 sq. m	3450 homes	Land and building	NOTE: This text is a summary of the land and

Library	0.1	450 sq. m	3450 homes	Land and building	financial obligations in the DCC Deed of Variation (DOV) from December 2023 rather than what had been included in the MOU. TC4b (0.4ha) to be offered for transfer to DCC for £1 within 14 days of the DOV being completed. £3m financial contribution for Youth, Library & Children's Centre or other social and community facilities: • £742k (index linked from Q4 2023) to be paid within 14 days of the completion of the DCC DOV • £1.548m (index linked from Q4 2023) 14 days after the commencement of development of an Additional Planning Permission (being a permission or permissions which results in planning permission for more than 200 additional dwellings on the land*) or prior to the occupation of the 3450th dwelling, whichever is the earlier. • The balance of £3m, less the two payments already paid shall be payable upon the commencement of the first Additional Planning Permission *Note – The current live full planning applications that would fall within the definition of Additional Planning Permission total 232 dwellings.
Children's Centre	0.1	250 sq. m (£432,000 Index linked)	2500 homes	Land and building	

Police and ambulance	0.25 Police + Parking for 2x Ambulances		2500 homes	Serviced land	TC2 to be offered for transfer to the council for £1 within 7 days of the completion of the MOU.
Health and well being	0.7		2500 homes	Serviced land	TC4c to be offered for transfer for £1 upon the first outline or full planning permission for dwellings on any of Tc3, Tc5a&b, TC6, TC7a&b and TC8b becoming challenge free.
Town Council Facility	0.05	237 sq. m	3450 homes	Land and building	Pay Cranbrook Town Council the following sums towards the cost of construction of the Town Council Facility: • £250,000 upon the transfer of parcel TC2 • £342,500 within 18 months following the grant of the first outline or full planning permission for dwellings on any of Tc3, Tc5a&b, TC6, TC7a&b and TC8b becoming challenge free. Parcels TC2, TC4b and TC4c to be transferred allowing EDDC, DCC and/or CTC (as appropriate) to be free to use the land as it sees fit (provided no bad neighbourly uses) Note – Cranbrook Town Council have been in discussions with the EDNCp and have agreed that the definition of the Town Council Facilities will be amended to delete the reference to the building having a size of 237sq.m., making the financial contribution in one payment and the total of £592,500 being index linked from May 2022.

Public Conveniences	N/A	Only if not within a commercial building	2000 homes	Land and building or commuted sum of £200k (if not within a commercial building)	To be provided within a public building. No commuted sum or capital contribution for construction.

S106 obligations for additional housing on TC3, TC5a&b, TC6, TC7a&b, TC8b set out in MOU

Item	EDDC/DCC request (per dwelling unless stated) during MOU negotiation	Finalised in MOU
Hab Regs Mitigation	Payment of £499 per dwelling for non-infrastructure mitigation Payment of £2,052 per dwelling for costs associated with delivery and maintenance of SANGS, including estimated land purchase costs. Total per dwelling: £2,551	No direct SANG provision Financial contribution of £2,551 per dwelling
Formal play	£107,366 in total	Nil – monies used to increase contribution toward Town Council Office delivery
Allotments	£50,930 in total	
Bowling Green Provision (off-site)	£3,441 in total	
Primary Education	£3,449	£1,742 per dwelling for Primary Education £1,045 per dwelling for Sustainable Travel £72 per dwelling for shared cars & e-bikes
Sustainable Transport	£2,219	
Shared Cars & E Bikes	£71.94	
Affordable Housing	15% based on Cranbrook Plan	Nil
Formal Open Space	£423	Nil
Amenity Open Space	£122.30 (note officers indicated that could likely nil rate due to existing provision)	Nil
Natural/semi natural open space	£333.30 (note officers indicated that could likely nil rate due to existing provision)	Nil
Sports pitches	£841.32	Nil
Leisure Centre	£942.45	Nil
Cricket (off-site)	£74.33	Nil
Health & Wellbeing Hub	£2102.97	Nil

Off-site walking & cycling infrastructure	£606.71	Nil
AGP contribution (off-site in Broadclyst)	£67.14	Nil

Following the signing of the MOU three planning applications were submitted for the supermarket, shops with homes above, town square and nursery. In addition, the offer to transfer TC2 to the council was made, and the council also exercised its option to purchase land parcels TC4d&e, which was completed in November 2022.

The signing of the MOU also led to the EDNCp working up its proposals for the residential parcels. The three residential applications that are pending consideration, as detailed under the planning history section of this report, are those that cover the other town centre parcels intended for retention by the EDNCp.

The 'Town Centre (DCC) Provisions' S106 deed of variation

As detailed in the preceding table, in December 2023 Devon County Council entered into a deed of variation to the principal S106 agreement with the EDNCp. The variation dealt with the County Council specific MOU provisions for the children's centre, library and youth provision, seeking to see them addressed in advance of the 'additional residential developments' in the town centre being consented. The Deed of Variation (DOV) secured the offer for land transfer and commuted some of the previous obligations for facility delivery into a financial payment. This was considered beneficial by the county council; however, this is only the case should the triggers be reached for the majority of the financial payments, which are linked to permission for additional town centre housing being granted. Essentially, the DOV was completed on the basis that the MOU would be honoured.

Plan of the Town Centre Parcels (note, there have been some minor changes to the boundaries between TC1 and TC2 and TC4b and TC4c since this plan was produced)



The Cranbrook Plan Development Plan Document (The Cranbrook Plan) was adopted in October 2022 and includes policies for the town centre of Cranbrook and indicates where applications/changes to what is already permitted or existing may be positively encouraged and supported to assist delivery of a healthy and sustainable new town. Policy CB21 specifically addresses the development of the town centre and sets out a holistic vision for it:

"An enterprising, vibrant, innovative, exciting, and sustainable town centre that develops a strong economic and cultural identity that comes from, brings together and supports the community of Cranbrook."

On 29 October 2024, EDDC's Strategic Planning Committee endorsed the Cranbrook Town Centre Masterplan as an evidence document for use by project teams looking to develop facilities on the town centre land and by the local planning authority as a material consideration of planning applications. The Masterplan sets out that housing in the town centre will increase activity and surveillance and support the creation of a vibrant, busy place. It follows the MOU by recognising that parcels TC3, TC5a&b, TC6, TC7a&b and TC8b will be purely residential in nature. The Masterplan identifies land on TC4e for a health and wellbeing hub to be constructed in a campus together with a leisure centre; this is a land parcel owned by the council already (purchased in 2022 following the signing of the MOU). The decision to site the health and wellbeing hub on TC4e was capable of being made as the MOU states that the transfer of TC2 as a whole, together with TC4b and c will represent the honouring of the EDNCp obligations for town centre facilities and the local authority is free to use the parcels as they see fit. The current S106 does not include such provisions and therefore should the 0.7ha land required for the health and wellbeing uses be transferred under the existing legal provisions there is potential for the EDNCp to seek to restrict the use of the land for this use. This would be problematic as a project has been established for the health and wellbeing hub, working to locate it on TC4e. Identified uses for TC2 are presently the Town Council facility and Cranbox (planning application pending consideration and to be delivered using devolution grant funding).

THE APPLICATIONS

Between the two applications to which this report relates, a total of 92 residential units are proposed. Of those, 31 would be within application 22/2306/MRES, with the remaining 61 within application 22/2354/MFUL. Within those numbers, a total of seven affordable houses are proposed, with those forming part of the MFUL application. Two applications have been submitted as the total number of units proposed exceeds the 'capacity' remaining in the outline application for Cranbrook (03/P1900), which 22/2306/MRES is pursuant to. Therefore, the remaining units proposed needed to be submitted under a separate full application (22/2354/MFUL).

The proposed mix of housing across the applications would comprise of 2, 2.5 and 3 storey buildings, with a mixture of 1, 2 and 3 bedroom properties proposed. Twelve maisonettes are proposed within the aforementioned numbers of units. Various materials and boundary treatments would be used within the development, as detailed on the submitted plans. The applications do not include the Public Open Space (POS) shown on the plans, in any respect other than for landscaping and because pipework to the attenuation in that area (approved under application 21/2509/MRES), would also be present. In due course play equipment will be delivered on that land by Cranbrook Town Council (under an existing S106 legal agreement).

A total of 142 parking spaces would be provided, with 112 of those being private spaces and 30 being unallocated spaces. Additionally, 25 garages are proposed, with many of those being situated underneath properties which are 'Flats Over Garages' (FOGs).

The proposal also includes bin storage, landscaping highways and pavements.

ASSESSMENT

1) THE PRINCIPLE OF DEVELOPMENT

At this time, the Local Planning Authority (LPA) is unable to demonstrate a 5 Year Land Supply meaning that paragraph 11(d) of the NPPF (2024) is engaged and currently applicable to planning decision making within East Devon. For applications relating to housing development, this means that the presumption in favour of sustainable development applies, and permission should be granted for sustainable development unless:

- i. the application of policies in this Framework [NPPF] that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework [NPPF] taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Strategy 1 (Spatial Strategy for Development in East Devon) of the adopted Local Plan (2016) sets out the planned provision (including existing commitments) will be made in East Devon for: 1. A minimum of 17,100 new homes in the 2013 to 2031 period; and 2. Development on around 150 hectares of land for employment purposes.

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: conserving and enhancing the environment; prudent natural resource use; promoting social wellbeing; encouraging sustainable economic development; and taking a long-term view of our actions.

Policy CB1 (Health and Wellbeing at Cranbrook) of the Cranbrook Plan (2022) sets out that the Council will require all developers and applicants to demonstrate how proposals meet the objectives of this policy to embed positive health and wellbeing outcomes in the planning process.

Policy CB8 (Cranbrook and Broadclyst Station Built-up Area Boundaries) of the Cranbrook Plan (2022) sets out that the Cranbrook and Broadclyst Station Built-up Area Boundaries are defined on the Cranbrook policies map. Within the built-up area boundaries, development will be permitted if:

1. It would be compatible with the character of the site and its surroundings;
2. It would not lead to unacceptable pressure on infrastructure or services;
3. It would not adversely affect the risk of flooding on or off-site;
4. It would not damage, and where practical, it will support promotion of wildlife, landscape, townscape or significant heritage assets;
5. It would not involve the loss of land of local amenity importance or of recreational value;
6. It would not impair highway safety or traffic flows;
7. It would not prejudice the development potential of an adjacent site.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that residential development will be expected within the

town centre and neighbourhood developments in Cranbrook and planning applications for development in such centres will be required to demonstrate:

1. That they deliver residential development and achieve the highest appropriate density, which will be not less than 55-60 dwellings per hectare;
2. Residential development that shall be so designed and located as to ensure that it does not prejudice the vitality and viability of the respective centre;
3. Good levels of amenity for each unit of residential accommodation incorporating naturally lit rooms with views out to the streets, and access to shared and private outdoor space;
4. Proposals which are of high quality design for the character of the area and designed to ensure that future residents are not adversely affected by other uses and activities.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that where it can be demonstrated that land in the town centre area is not required for, commercial or community uses, some high density residential accommodation may be permitted at ground floor level provided that such uses demonstrate adaptability of the ground floor of dwellings to allow conversion to units that could be used for business activities in the future if required. The policy also sets out that new proposals for residential development in the Town Centre will be required to make contributions to on and/or off-site infrastructure in and around the town to mitigate for the likely additional pressure that would result from the increased occupation associated with the development.

Strategic Policy SP01 (Spatial strategy) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that new development will be directed towards the most sustainable locations in East Devon, by: A. Focusing new development at the West End of the district, including a further new community, on-going development of Cranbrook and other major strategic developments close to Exeter. This emerging policy carries limited weight at the time of determination.

The application site is located within the Built-Up Area and Town Centre of Cranbrook whereby residential development is supported and expected within the emerging town centre. The application site is not allocated within the adopted Local Plan, where the site falls within the generic allocation for phase 1 of Cranbrook). In the Adopted Cranbrook Plan, the site is not specifically allocated for residential uses, although it does fall within the allocation for Policy CB21 (Cranbrook Town Centre), which does not rule out residential uses in that area, and Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) permits residential development subject to certain criteria which are considered elsewhere in this report. However, the site was identified for residential development as part of the MOU agreed between the Council and EDNCp, to bring forward the delivery of the town centre. The time limit for the submission of reserved matters applications under the outline application for Cranbrook lapsed in October 2022. However, the full application was also required, as the development as a whole would result in additional housing over and above the permitted housing numbers. The principle of residential development within the Town Centre is also supported by Policy CB8 and Policy CB22 subject to the development meeting the identified criteria.

Whether the proposal would be compatible with the character of the site, the impact on infrastructure, flood risk, ecology, heritage assets and highways will be assessed later in this report. However, the proposal is considered to comply with the broad principle of Cranbrook Plan Policy CB8.

In relation to Policy CB22, the two applications combined would result in the development of 92 dwellings at a density of 61 dwellings per hectare. This complies with Policy CB22 which requires a density of 55-60 dwellings per hectare.

In relation to Policy CB22, point 2, the site was identified as part of the MOU for residential development. Whilst it would have been preferable for a larger town centre, the proposal would increase housing and resident numbers within the town centre, and, therefore, would not prejudice the vitality and viability of the emerging town centre. Whilst the proposal is considered to broadly comply with the principle of Policy CB22, points 3 and 4 of the policy will be considered in detail later in this report.

Notwithstanding the above, Policy CB22 also sets out that residential accommodation may be permitted at ground floor level but any proposals for such uses demonstrate adaptability of the ground floor of dwellings to allow conversion. The proposed dwellings as part of this application would all fail to include adaptable uses at ground floor. As part of the application process, it was considered that the proposed dwellings as part of this scheme would not need to demonstrate that the ground floor can be adaptable or convertible as adaptable ground floors would be more suitable within other parcels of the Town Centre which are closer and better related to the existing town centre uses. The design principals document that is appended to the MOU and was produced to discharge an existing S106 requirement for a town centre Design Code identifies parcels for adaptable ground floor uses and does not include the application site. The conflict with this policy would also be minor and will be addressed as part of the overall planning balance.

Policy CB22 sets out that new proposals for residential development in the Town Centre will be required to make contributions to mitigate for the likely additional pressure that would result from the increased occupation associated with the development. The Cranbrook Plan (2022) seeks to provide around 4,170 new dwellings within the identified expansion areas to meet the growing population and to assist the delivery of a healthy and sustainable new town. Whilst residential development is expected within the town centre, the proposed development would be excess housing within Cranbrook, as the town centre is not part of an overt residential allocation. It is acknowledged that excess housing can put pressure on some of the planned services and infrastructure especially the local and strategic road network which must be weighed up in the planning balance.

Policy CB6 of the Cranbrook Plan sets out that residential development on non-allocated sites within the Cranbrook Plan Area which seek to deliver excess housing numbers shall make proportionate contributions to on and/or off-site infrastructure in and around the town to mitigate for the increased occupation associated with the development.

The expected contributions set out in the MOU are as follows:

- Affordable Housing to meet expectations of the existing s106 (including making up a shortfall from the high street shops residential provision)
- Connection To the District Heat Network subject to connection charge costs
- £2,551 Per Dwelling for Appropriate Habitat Mitigation
- £1,742 Per Dwelling for Primary School Places
- £1,045 Per Dwelling for Sustainable Travel
- £72 Per Dwelling for Car Sharing/E-Bikes

The proposed contributions based on the above would fall short of the contributions required by the Cranbrook Plan and adopted Local Plan especially in relation to Affordable Housing Provision (15% at Cranbrook) and Open Space Provision as well as meeting the excess housing infrastructure requirements of Policy CB6. Officers acknowledge that the contributions would fail to comply with adopted policies, and this was the subject of significant debate both

with the council's Strategic Planning Committee and Cabinet during 2020 to 2022. Cabinet ultimately resolved that the benefits of the MOU when taken as a whole outweighed the harm arising from this and the other parcels becoming purely residential and making only limited infrastructure contributions. Of course, neither the Strategic Planning Committee nor the Cabinet were discharging the council's obligations as Local Planning Authority in the respect of determining planning applications.

The application site being located within the Town Centre of Cranbrook, located on a bus route with bus frequencies throughout the day of around 1 every 15 minutes in each direction and within walking and cycling distance of a wide range of services, is given weight as the proposal would align with the overarching principles of delivering sustainable development. The proposal, therefore, has support from Strategy 3 of the adopted Local Plan and the NPPF which supports sustainable development. Furthermore, the adopted Local Plan seeks to direct housing delivery towards the West End and major towns of East Devon meaning that the proposal whilst not allocated for development would have support from Strategy 1 and 2 of the East Devon Local Plan (2016). The site is also supported by emerging Strategic Policy SP01 which seeks direct new development towards the most sustainable locations including Cranbrook.

A material consideration in the determination of this application is the current inability of the council to demonstrate a 5-year land supply for housing. There is, therefore, a presumption in favour of sustainable development and the need to boost the supply of housing is given significant weight in the balance. The site is in a sustainable location, and the proposal has policy support from Policy CB8 and Policy CB22 in land use terms.

In summary, the proposed development in principle would comply with Policy CB22 which supports residential development in the town centre, and the density of development proposed complies with policy. However, the proposed development would fail to meet several of the criteria of Policy CB22 such as adaptable ground floors and the infrastructure contributions required. The proposed density and lack of adaptable ground floors would be a minor conflict, and the contributions required were agreed as part of the MOU to help progress the delivery of the town centre. The proposed development would be in a sustainable location and would provide much needed residential accommodation in a suitable location.

2) AFFORDABLE HOUSING PROVISION

Policy CB10 (Cranbrook Affordable Housing) of the Cranbrook Plan (2022) sets out that affordable housing will be required on residential developments within the built-up area boundaries of Cranbrook at a rate of not less than 15% of total dwelling numbers.

The MOU set out that the requirement for Affordable Housing within the additional residential land applications would be removed and that the three application(s) for additional residential dwellings would make up the shortfall of the affordable housing requirement permitted by the reserved matters application in Parcel TC4a (Ref. 21/2020/MRES) which granted permission for 26 dwellings and southern high street shops in May 2022. That application was accompanied by a Deed of Variation (DOV) which allowed it to be developed without a S106 affordable housing obligation, as this then enabled LiveWest to use grant funding to deliver the housing as a 100% affordable housing scheme. To-date 17 homes have been built and occupied on a rent-to-buy tenure. It was also agreed between EDDC and the EDNCp that the affordable housing dwellings required by 21/2020/MRES and 22/2306/MRES (one of the applications to which this report relates) would be distributed across the different town centre applications parcels such as this one.

This application includes seven of the 17 affordable dwellings required in the Town Centre developments, and their location is shown on the submitted plans; three would be delivered

through the reserved matters application (22/2306/MRES), with the remaining four being within the full application (22/2354/MFUL). These would be two- and three-bedroom houses, with an appearance similar to that proposed in the rest of the proposed development. The Councils Housing Enabling Officer supports this provision.

Whilst the proposed level of affordable housing is not in accordance with the Cranbrook Plan DPD, the level of affordable housing would be in accordance with the agreed MOU to bring forward the town centre at Cranbrook, which requires any reserved matters applications to deliver the existing s106 compliant 28.675% affordable housing plus the residual affordable housing numbers from application 21/2020/MRES. Together these amount to 17 affordable dwellings. So, when the affordable housing provision in the other residential proposals in the town centre are taken into account, the required amount of affordable housing would be met. Furthermore, the proposals would comply with Policy CB10 in relation to design and location of dwellings.

3) DESIGN, SCALE AND LAYOUT

Section 12 of the NPPF, Strategy 48 and Policy D1 of the Adopted Local Plan and Policy CB22 are all key considerations in discussing these matters.

The latter of those states that dwelling within the town centre area must not be at a density of less than 55-60 dwellings per hectare (DPH). When both applications are considered together, the development to which this report relates achieves a density of 61 DPH. Therefore, the proposal complies with one of the key elements of Policy CB22.

The proposed housing would be in three separate blocks. The smallest of those, in TC7A, would front onto Tillhouse Road, and would have three storey properties facing the road, in line with other areas of existing residential development facing onto Tillhouse Road. Behind those properties would be a parking area, and two properties each in the form of a flat above garages (two storeys high in total).

The proposed development in TC5 would consist primarily of 3 or 2.5 storey buildings where the plot would be visible from Tillhouse Road, with two storey properties in as the area extends out toward Crannaford level crossing. This is considered to be a suitable and acceptable approach to the house types in this area, as the taller buildings are necessary in the area closer to the Tillhouse Road, and smaller properties are appropriate as the site extends out towards the edge of Cranbrook; a suitable transition would be created. Car parking would be provided adjacent to some properties and also within a parking area to the rear of the site.

Area TC6 is the largest of the parcels within the application site. This also fronts onto Tillhouse Road, and those properties are also proposed to be three stories high. Some other properties on the edge of that area are also proposed to be either 3 or 2.5 stories high, whilst all other properties inside the development area are proposed to be two storey. Car parking would be provided through a combination of parking adjacent/within properties and also a parking area adjoining the street.

It is considered that the design and layout of each area is the most suitable, given the constraints of the site its location within the Town Centre area and the need for taller properties adjoining Tillhouse Road. With that in mind, the layout is considered to respect the area, especially given other development in the vicinity which either has consent or is constructed.

A variety of materials would be used, with red, yellow and black bricks being used, along with white render, and brown, red or grey roof tiles. On some property types, interest would be added by the use of protruding bricks. These materials and the design of their appearance are considered to be acceptable in principle. They are similar to those used in other parts of

Cranbrook, particularly along Tillhouse Road. However, samples have not been provided and it is considered reasonable to request samples of the materials in order to be certain of their suitability.

In terms of boundary treatments, all external boundaries within the plots would consist of a brick wall, with the exception of the garden boundary at the front of properties facing onto Tillhouse Road, Crannaford Lane of the Public Open Space (POS) between TC5 and TC6, which would be vertical railings at a height of 1.2 metres – these would also have a hedge behind them. Boundaries between gardens will be marked by 1.8 metre high wooden fences.

No specific details have been provided of the proposed hardsurfacing to be used. However, it is presumed that much of it will be black in colour, with the exception of the private drive areas, which plans indicate will have a different surfacing. This detail can be secured by condition to ensure that the materials used are suitable.

Given the above, comments it is considered that the design and layout of the proposed development is such that it would be acceptable and in compliance with Local Plan Policy D1 (Design and Local Distinctiveness) where it seeks to ensure that developments are well designed and are compatible with the surrounding area. Furthermore, the density of the proposed development is sufficient to meet criteria 1 of Cranbrook Plan Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centre), where it seeks to ensure that density is at least 55 DPH.

4) AMENITY.

With regard to the amenity of those occupying the proposed properties, the layout and density of the site is such that there would be a degree of mutual overlooking between properties; particularly into garden areas. However, this is to be expected in most modern development, and it is considered that the level to which this would arise is such that it would not be harmful, and not in excess of that found in developments elsewhere. Critically, the layout of window openings, combined with the distance between properties, is such that it is considered that there would not be a harmful level of overlooking between windows. Furthermore, whilst there are some areas where the properties would be situated fairly close together, it is considered that, on balance, there is sufficient distance between plots to ensure that properties do not have an overbearing impact on another property. This is by virtue of no garden area being completely surrounded by other properties, and each property benefiting from at least one elevation with unobstructed views of the street scene available from it.

Also relevant to the amenity of those occupying the properties which are proposed is the space within the dwellings, the size of gardens and whether rooms would have sufficient natural lighting. In this respect, each of the dwelling types proposed comply with the requirements of the Nationally Designated Space Standards (NDSS) – this ensures that there will be sufficient space within the dwellings.

The design of each property is such that the windows openings are located to ensure that there is no serious overlooking between properties. However, the size and location of windows is also considered sufficient to ensure that there would be suitable levels of natural light in rooms, with the exception of bathrooms/toilets in some properties, which would not have any openings. However, that is considered to be acceptable, given the use of those rooms. Amendments were made to the proposal to introduce additional windows or rooflights into the Redhill houses to ensure that there was sufficient lighting within those properties.

The vast majority of the properties within the proposed development would benefit from some form of outside space. The exception to this is plots 59, 74, 75, 76 91 and 92. Each of those properties are Redhills, which are flats above garages. Whilst it would be preferable for those

plots to benefit from an outdoors area, the density and layout of the scheme does not allow for this. However, given the nature of those properties, the location of the site in the Town Centre, and its proximity to open space, and as those properties include a Juliet Balcony on them, it is considered that, when balanced against the need to provide housing and to meet the density requirements of Policy CB22, the small number of properties impacted by this is acceptable in this instance. All other properties would benefit from outside space; whilst, in some cases, this is modest in size, it would be proportionate to the size of the dwelling it serves. The smallest of the gardens provided would be on plots 49 and 50, which are also Redhills; so, whilst their gardens are particularly small, given that other Redhill properties do not have any outside space, this is considered to be acceptable.

With regard to the impact of the development on the amenity of the occupiers of other properties – either existing or with consent - outside the development site, the two main areas to consider are the frontages onto Tillhouse Road and Crannaford Lane. Taking the former of those first, the proposed properties in TC6 would be three stories high and face toward a development which has a resolution to approve. However, the properties in that development facing Tillhouse Road would also be three stories high and, at this point, Tillhouse Road is wide and has a pavement on either side. In TC7A, the proposed development would face towards existing properties which are either two or three stories high – again, Tillhouse Road is wide at this point, as is the pavement on both sides of the road. In both of these instances, Tillhouse Road would provide a reasonable level of separation between the properties, such that the development would not be overbearing or give rise to unacceptable overlooking.

The proposed properties adjoining Crannaford Lane, in TC5, would be between 2 and three stories high, and would face toward mainly 2 storey high dwellings. However, Crannaford Lane, whilst not as wide as Tillhouse Road, would provide a reasonable level of separation between the properties, such that the development would not be overbearing or give rise to unacceptable overlooking.

Given the comments above, it is considered that the proposed development would be acceptable in terms of amenity of the occupiers of the proposed properties and those occupying existing properties in the vicinity. This is in accordance with the provisions of Local Plan Policy D1, in addition to Cranbrook Plan Policies CB22 and CB16, where they seek to ensure that properties provide sufficient amenity for the occupiers, and are not harmful to the amenity of those occupying existing properties.

E) CAR PARKING, GARAGES & CYCLE STORAGE.

The proposed layout of the development includes 142 car parking spaces. Of these spaces, 30 are unallocated and 112 are allocated to dwellings. The unallocated spaces can be used by residents or visitors and provide flexibility in parking numbers. The spaces also allow for deviation in the vehicle numbers per dwelling and ensure that parking levels are appropriate for the development. 25 garages are also provided – mainly under the Redhill properties – although these do not count towards the parking figures to the site, as detailed in Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan.

The parking in area TC5 would be mainly within the parking area contained in that part of the proposal, although some unallocated roadside parking bays are provided in this plot, in addition to some on plot parking for around half the units in TC5.

In TC6, the majority of the parking is proposed to be provided as roadside parking, situated along the main roadway within that area of the site. Some properties within this section will have on plot parking.

In TC7A, all parking would be in a parking area to the rear of the properties facing onto Tillhouse Road.

In all cases, the parking area, are overlooking by properties, which will provide a level of security/observation of those areas. The parking spaces would be 4.8 metres deep and 2.4 meters wide, which complies with the requirements of the Manual For Streets. The parking bays in TC5 would be 6.8 meters long and 2.3 meters deep; these also comply with the requirements of the Manual For Streets.

Overall, the number of parking spaces proposed falls short of the 156 that would be required to comply with Policy CB20 of the Cranbrook Plan, even if the garages provided were included. However, the site is located in the Town Centre, where there is easy and quick access to key services, such as the supermarket and Education Campus, with a nursery and other facilities due to be provided in the future. Furthermore, the Country Park is close-by, and there are very regular bus services along Tillhouse Road. It is considered that these factors reduce the need for higher numbers of parking to be provided. It is also noteworthy, that to increase the parking provision would result in a reduction in the number of residential units provided, which would be less than ideal in an area where higher density development is preferred. Given that, it is, on balance, considered that the numbers of parking spaces proposed is acceptable.

The proposed garages would fall short of the requirements set out in Policy CB20, as they would only be 3 meters wide (as opposed to the 3.3 metres required by CB20). However, they would exceed the 6 metres in length required by the policy. Whilst this is unfortunate, the width proposed would be sufficient to park a vehicle in the garage, and a width of three metres is recommended in the Manual for Streets. To require the developers to increase the width of the garages would, clearly, have implications for the number of residential units which could be accommodated on the site and, consequently, reduce the density of the development. Given the location in the Town Centre, this would not be appropriate. Therefore, it is considered that the slightly narrower garages are, on balance, acceptable in this instance.

With regard to cycle storage, those properties which benefit from a garage would have some provision within those, given that the garages would be just over 6 metres long - longer than most cars. Cranbrook Plan Policy CB20 states that garage space counts as the cycle storage for a dwelling with a garage. For properties without a garage, CB20 states that 1 cycle storage space per bedroom must be provided. No specific details of this have been provided with either application. However, details of these can be sought by condition, with the agreed storage to be installed prior to first occupation of each dwelling. With such a condition in place if this application is approved, it is considered that the proposal is acceptable in terms of cycle storage.

Given the above comments, on balance, parking provision and cycle storage is considered to be acceptable.

5) COMPLIANCE WITH TOWN CENTRE DESIGN PRINCIPLES

The MOU included a Statement of Design Principles for the Town Centre intended to discharge the S106 requirement for a town centre design code. The document included guidance on the road layout, density, building heights, frontages, car parking and materials. The road layout and design of 'Connector Streets' is considered to comply with the Design Principles. The density and building heights are acceptable and continuous frontage along Tillhouse Road is proposed and supported. The proposal includes dual frontage dwellings on corners and car parking to the rear of Tillhouse Road is proposed.

The materials and design of dwellings is broadly reflective of the text within the document, and overall, the proposal represents a consistent design approach which is supported by the Statement of Design Principles.

6) VISUAL IMPACT, LANDSCAPING AND TREES.

The proposal in terms of its impact on the surrounding area would be acceptable. The site would be visible within the local area. However, this site is within Cranbrook, where development is overtly supported by planning policy. The proposal would be visible in the surrounding area and glimpses of the development could be viewed from the Killerton Estate, Ashclyst Forest and other viewpoints; although, these would be read in context with surrounding development at Cranbrook and, therefore, are not considered to harm the character and appearance of the landscape.

The Council's Landscape Architect has raised some concerns about the proposed landscaping and some elements of the proposed boundary treatment. As the applicants have now agreed to alter the conditions which they are seeking to discharge through the reserved matters application, meaning that landscaping details are no longer among the details to be discharged, these details can be sought by way of a pre-commencement condition with respect to both applications to which this report relates, notwithstanding any landscaping or boundary treatment details submitted. With suitable conditions in place, it is considered that the proposals can be considered acceptable with regard to the landscaping and boundary treatments.

The Council's Arboricultural Officer initially raised concerns about the impact of the proposal on a group of trees on the eastern edge of the site which are protected by a TPO. This was on the basis of a highway and, in particular, some parking bays in the Root Protection Area (RPA) of the trees. The amended version of the plans removed those elements of the development. Consequently, the Arboricultural Officer has confirmed that he is now content with the application, subject to the imposition of a condition to secure a Tree Protection Plan (TPP), in addition to other matters to ensure the protection of trees, such as not allowing burning in the vicinity of trees. Whilst this condition has been recommended specifically for the full application, it is considered reasonable to impose it on both applications, as the TPP submitted with the reserved matters application does not reflect the amended layout of the site. Furthermore, the other elements of the condition are relevant to both applications in question.

Given these comments, it is considered that the development could take place without causing harm to tree on the site, subject to the imposition of the condition mentioned above. With that condition in place, the development would accord with the provisions of Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the Local Plan, where they seek to protect and retain trees.

Overall, the proposal is considered to be acceptable in terms of its impact on the wider landscape. Conditions are recommended for imposition in the event that the application is approved and subject to these, the scheme is in accordance with adopted Policy D1 and Policy CB22 as well as the NPPF and emerging Strategic Policy DS01.

7) OPEN SPACE PROVISION

Strategy 43 (Open Space Standards) of the adopted Local Plan (2016) states that developments proposing net new dwellings will be expected to provide for open space on-site where there is a demonstrable need for such open space in the vicinity. Developments will be

expected to provide open space on-site through a Section 106 Agreement in line with the following thresholds:

- o 9 dwellings or less will not be required to provide any specific open space typologies onsite, however developers may choose to make such provision.
- o 10 - 49 dwellings will be required to provide amenity open space on-site.
- o 50 - 199 dwellings will be required to provide amenity open space, and children's and youth play space on-site.
- o 200+ dwellings will be required to provide for all open space typologies on-site.

Policy OS02 (Sport, recreation and open space provision in association with development) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that between 21 and 100 homes should provide on-site Local Areas of Play (LAPs) and amenity green space. This emerging policy carries limited weight at the time of determination.

As part of the MOU, it was agreed that the applications would not include additional open space in accordance with Strategy 43 and that the applications would not be required to provide financial contributions to address the shortfall of on-site open space as a result of the development. This is set against the backdrop of the Cranbrook Country Park, which at just under 30ha in size, provides for significant over-provision of some open space typologies. In addition to the Country Park, there are other areas of formal and informal open space throughout the town, including the ecology park, play areas for children, the nearby skatepark and a pump track. These facilities are within a 5 to 10-minute walk of the application site and a LEAP is due for provision outside the Cranbrook Education Campus, which is on the opposite side of Tillhouse Road.

As part of the application, no formal open space or play space is proposed. As detailed earlier in the report, the applications do not include the Public Open Space (POS) shown on the plans, in any respect other than for landscaping and because pipework to the attenuation in that area (approved under application 21/2509/MRES), would also be present. In due course play equipment will be delivered on that land by Cranbrook Town Council (under an existing S106 legal agreement).

Notwithstanding that, there are areas of amenity planting and landscaping. However, these areas would not be of significant size. The maintenance and management arrangements for areas of open space/vegetation was included as part of a Landscape Management Plan submitted with the application and further details of adoption will be secured via a condition.

8) HIGHWAY IMPLICATIONS

Devon County Council, in its role as the County Highway Authority has assessed the proposals, and has not raised an objection. However, this is subject to the imposition of a number of conditions, should the applications be approved. These would relate to ensuring improvements to the MLR, in addition to matters such as the estate roads and footways, lighting, provision of parking spaces and surface water. It is considered that these conditions would be reasonable to impose should be applications be approved.

National Highways (NH), which is responsible for major highways in England, has provided comments on the proposals. In this instance, their main area of consideration is the impact on the A30 and the M5. NH has not raised an objection to either application. This is on the basis of the impacts of the outline application being considered under initial outline consent, as they are content that the additional housing proposed under the full application would not have a detrimental impact on the safe operation of the highways they manage. Consequently, it is considered that the applications which this report relates to would not have a detrimental impact on the safe operation of highways which NH is responsible for.

9) DRAINAGE AND FLOODING

The applications have been assessed by both the County Council, in its role as the Lead Local Flood Authority (LLFA) and the Environment Agency (EA).

The LLFA has raised some concerns regarding the drainage elements of the proposal. However, they have confirmed that these details can be sought by condition, should the applications be approved.

This means that, in respect of the reserved matters application, as it is not proposed to discharge condition 14 (which relates to drainage), the key details are still required by that. However, the LLFA also wishes to receive details of above-ground drainage features (such as SUDS) to be included within the scheme.

In respect of the full application, the LLFA is content that the required details can be sought through a pre-commencement condition. In particular, the LLFA has said that a condition will need to include details of which swale/pond the proposal would drain into, whether the existing connections for parcel TC7a will remain, the MicroDrainage model outputs for basin 2c to include upstream flows from the attenuation tank and swale, and how the flows entering the basin have been assessed.

In both regards, it is considered that it is reasonable to seek these details by condition, and the applicants have indicated that they are willing to accept this approach. Therefore, with these conditions in place, it is considered that the proposals are acceptable in terms of their impact on drainage. Consequently, the proposals can accord with the provisions of Local Plan Policy EN22 (Surface Run-Off Implications of New Development), where it seeks to ensure that suitable drainage is provided for development.

With regard to flood risk, the EA initially objected to the proposal on the grounds of some properties being at risk of flooding. Consequently, the applicants provided updated details. The EA assessed the updated details and subsequently confirmed that it had been demonstrated that the development would not pose a flood risk. This is on the basis that the floor levels would be a minimum of 600mm above the 1 percent AEP (Annual Exceedance Probability) plus climate change flood levels. Therefore, the EA removed its objection to the proposal.

Given that, it is considered that the proposal is acceptable in terms of flood risk, and that it would comply with the provisions of Local Plan Policy EN21 (River and Coastal Flooding), and also the National Planning Policy Framework with regard to flood risk and climate change.

10) ECOLOGY, HABITAT MITIGATION AND BIODIVERSITY NET GAIN.

The Council's Ecologist has indicated that he is broadly content with the application but has noted that some additional mitigation measures such as the inclusion of bird and bee bricks and the creation of wildlife holes required, as these details are not provided fully (or at all) in the submitted details. Such information can be sought by condition, with the information needing to be approved in writing by the LPA prior to development above foundation level (in the case of the bricks) or the installation of the boundaries (in the case of the wildlife holes). On the basis of the Ecologist comments, it is considered that this application would comply with the provisions of Local Plan EN5 (Wildlife Habitats and Features), where it seeks to ensure that development is not detrimental to wildlife.

As mentioned earlier in the report, a financial contribution toward habitat mitigation is secured through the MOU and legal process. Natural England has assessed both applications and has confirmed that it is content that the development would not have an adverse impact on the protected landscapes of the Pebblebed Heaths or the Exe Estuary, subject to appropriate financial mitigation being secured.

Additionally, an Appropriate Assessment was submitted to Natural England with respect to the full application (22/2354/MFUL), as seen in appendix 1. This concluded that, with the financial mitigation payments, there would be no detrimental impact on the protected landscapes. Natural England confirm that it agreed with that conclusion. It was not necessary to complete an Appropriate Assessment for the reserved matters application (22/2306/MRES), as those matters were dealt with during the consideration of the outline application which the reserved matters application is pursuant to (as the housing proposed in the reserved matters application is part of that proposed in the outline application).

Therefore, it is considered that both applications to which this report relates are acceptable in terms of providing sufficient mitigation to ensure that they would not result in a detrimental impact on the aforementioned protected landscapes. This is in accordance with Cranbrook Plan Policies CB6 (Cranbrook Infrastructure Delivery) and CB14 (Habitat mitigation and Delivery of Suitable Alternative Natural Green Space (SANGS)) and Local Plan Strategy 47 (Nature Conservation and Geology), where they seek to ensure that proposals provide adequate mitigation against harm to the Pebblebed Heaths and Exe Estuary.

With regard to Biodiversity Net Gain (BNG), it is important to note that this only relates to the full application. This is because the reserved matters application relates to the original outline application for Cranbrook (03/P1900), which did not have BNG secured against it.

The full application is not subject to the statutory BNG requirements, as it was submitted prior to that legislation being enacted. However, there is a requirement under Cranbrook Plan Policy CB26 (Landscape, Biodiversity and Drainage Strategy) for a Landscape, Biodiversity and Drainage Strategy (LBDS) to be prepared to ensure conformity with landscape character, biodiversity and sustainable drainage guidance, and to deliver at least 10% biodiversity net gain.

The proposal does not result in a 10% BNG gain. In isolation this would be a conflict with Policy CB26 of the Cranbrook Plan. In such circumstance, were the statutory obligation relevant, it would be expected that either mitigation is provided off site or units/credits are purchased. However, the requirement in this instance is a policy consideration and therefore the conflict with policy is to be considered in the wider planning balance. It is noted that the MOU did not include expectations/provisions for any specific obligations in respect of BNG. Therefore, it is considered that it would not be reasonable/possible to request the purchase of units or the provision of mitigation off site.

The Council's Ecologist has considered the proposal in this context and has not raised an objection, subject to the imposition of relevant conditions should these applications be approved. The condition, or conditions would relate to the submission of a Landscape and Ecological Management Plan (LEMP), an updated Construction Environmental Management Plan (CEMP), an ecological enhancement feature plan, and a pre-occupation ecological compliance condition be imposed, to secure the establishment and maintenance of habitats and to ensure that protected and notable species are protected during construction, and that proposed species enhancement features are installed.

11) CONDITION DISCHARGES

Application 22/2306/MRES is a reserved matters application. It is proposed to discharge several conditions from the outline application (03/P1900) which are relevant to the proposal to which this report relates. These are conditions 11, 22, 23, 28, 36 and 37, and comments regarding whether these conditions can be discharged on the basis of the details submitted for 22/2306/MRES are as follows:

- Condition 11 (Sewage Treatment): South West Water have confirmed that they are content for this application to be discharged, on the basis of the submitted details. As this condition related to the disposal of sewage, this confirmation from South West Water is considered to be sufficient to allow condition 11 to be discharged.
- Condition 22 (Walls & Fences): This condition seeks details of the walls and fences proposed within the development. The materials plan indicates the type of boundary treatments to be used, in addition to some other basic information about each type of boundary, and the submitted elevations of the boundaries show their appearance. Consequently, it is considered reasonable to discharge this condition.
- Condition 23 (Refuse Storage): The details supplied show where bin storage will be located on each plot, and that these will be on plot for each unit with collection points at the front or rear of properties, other than those on private drives or facing onto the POS, which will have a bin collection point. These details are considered to be acceptable. Therefore, it is possible to discharge this condition.
- Condition 28 (Parking): Details of the proposed parking have been provided and, as detailed elsewhere in this report are considered acceptable to discharge this condition.
- Condition 36 (High-Pressure gas pipeline): As detailed in the next section of this report, the Health and Safety Executive (HSE) has provided updated advice regarding this proposal, in which it states that *"HSE's Land Use Planning advice team **does not advise, on safety grounds, against the granting of planning permission.**"*

Wales and West Utilities (WWU), which owns/maintains the pipeline has stated that the applicants must notify them if any works are taking place within 10 metres of the pipeline, but has not objected to the proposal.

Therefore, it is considered that this condition can be discharged.

- Condition 37 (Materials): The proposed materials are considered to be acceptable, and broadly in accordance with the design code submitted with the MOU. However, no samples have been provided of the proposed materials, so this condition cannot be fully discharged, as it is considered that samples are required to ensure that the materials are suitable.

12) OTHER MATTERS

In addition to the other key matters discussed above, the following points are also considered pertinent to the determination of these applications:

- **High-pressure Gas Pipeline:** During the consultation on this application an initial response was received from the Health and Safety Executive (HSE) which advised against development owing to the proximity of the housing to a high-pressure gas pipeline. However, they subsequently updated their advice to confirm that, due to strengthening works which have been undertaken to the pipeline, the danger zone has

reduced in size to three metres. Consequently, the HSE has advised that its “*Land Use Planning advice team does not advise, on safety grounds, against the granting of planning permission.*”

Additionally, as stated earlier in this report, WWU has not objected to the proposal.

Therefore, the proposal is considered acceptable in this regard.

- **Environmental Health and Contaminated land:** With regard to the reserved matters planning application, the Council’s Environmental Health Officer (EHO) has recommended that condition 6, relating to a CEMP, of the outline application can be discharged, on the basis of the submitted details. In relation to contaminated land, no objections are raised, but a condition relating to temporarily suspending work whilst a resolution is sought, should any contaminated land be found on site, is recommended in the event that the application is approved.

In respect of the full application, the EHO had not raised any concerns. Although, given the proximity of the sites, it is considered sensible/practical to impose the contaminated land condition on the full application too, should this application be approved.

Given the above, it is considered that the application is acceptable with regard to the provisions of Local Plan Policies EN14 (Control of Pollution) and EN16 (Contaminated Land), where they seek to prevent issues relating to those matters.

- **Railway impacts:** Whilst the site does not adjoin the railway between Exeter and London Waterloo, Network Rail, which manages the railway, has raised concerns about the full application. This is on the basis of additional vehicles using the level crossing on Crannaford Lane. Whilst these comments are noted, it is considered that a high percentage of journeys from the proposed dwellings would be likely to use routes other than Crannaford Lane (exiting Cranbrook via London Road (the former A30), to access the A30, M5 or Exeter, or to travel east on the A30), rather than using the level crossing on Crannaford Lane. Whilst acknowledging that, inevitably, some additional traffic is also likely use Crannaford level crossing as a consequence of the proposed dwellings, it is considered that, as there is a level crossing in place at Crannaford, and as many journeys from the proposed dwellings are not likely to involve Crannaford Crossing, it would be unreasonable to withhold planning permission on the basis of increased use of the Crannaford level crossing.
- **Archaeology:** Condition 8 of the original outline consent for Cranbrook (03/P1900), states that no work shall take place until a Written Scheme of Archaeological Investigation has taken place for any development within four areas specified in the report submitted with that application. The site to which this report relates is not within one of those areas. Therefore, it is considered that the proposal can take place without giving rise to any concerns about the loss of archaeological evidence, in accordance with Local Plan Policy EN7 (Proposals Affecting Sites Which May Potentially Be Of Archaeological Importance).
- **Financial contributions:** The financial contributions which are due as a consequence of the MOU are detailed earlier on in this report. Also as detailed above, financial contributions towards Habitat Mitigation will be secured should this application be approved.
- **Waste management and bin storage facilities:** With regard to the full application, the County Council has recommended that a condition should be imposed if the application is approved to seek details of how waste will be managed both during the

construction and operation phases of the development, in order to ensure that the development is sustainable in that regard. It is considered that this would be a reasonable condition to impose and that doing so would align with the sustainability principles of both the Cranbrook and Local Plans.

With regard to the provision of bin storage facilities for each property, these are shown on the submitted drawings, and are considered to be acceptable. No objections to the submitted details have been received by the Council's Waste and Recycling Team.

- **Police comments:** The comments raised by the Police are noted, and amendments to the scheme have been made since the comments were submitted. The comments overcame some of the issues raised by the police, particularly those relating to surveillance. However, parking areas are still included in the proposal, but it is considered that the proposed arrangement in that regard is the most suitable/practical in that respect. Given that, and as each parking area would receive some overlooking, it is considered that the proposal is acceptable with regard to the comments raised by the Police. As many houses will be accessed from the rear parking areas, garden gates should be lockable on both sides and this will be secured via planning condition.
- **Emerging Local Plan:** East Devon District Council is currently in the process of producing a new Local Plan. This is currently at an early stage, and there are objections to some of the policies, or issues relating to them to be resolved. Consequently, those policies currently carry little weight. Other policies within the draft Local Plan document are very similar to those within the existing Adopted Local Plan, so a greater level of weight can be afforded to those policies.

On balance, whilst the Emerging Local Plan currently carries little weight when considering planning applications, it is considered that, on balance, the proposals to which this report relates are broadly compliant with the Emerging Local Plan policies which are similar to those in the Adopted Local Plan.

- **Town Council and Ward Member comments:** The comments raised by the Town Council and Ward Members are noted. Whilst the Ward Member comments are negative, the Town Council's most recent comments are in support of the principle of the applications. However, clarification is sought regarding some matters. It is understood that discussions between the Town Council and the developers are ongoing with regard to the matters where the Town Council requires clarification. From the perspective of the Local Planning Authority, it is considered that many of the clarifications sought by the Town Council are either not directly connected to the determination of these applications, or can relate to details which can be sought by conditions, should these applications be approved.

CONCLUSION AND PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan relevant to this application site is the East Devon Local Plan 2013-2031, The Cranbrook Plan DPD and Devon Waste Plan, with the relevant policies of each having been discussed throughout this report.

The council is unable to demonstrate a 5-year supply of deliverable housing land and therefore the presumption in favour of sustainable development as set out in Paragraph 11d of the National Planning Policy Framework is engaged. For this application it means that permission should be granted unless policies in the NPPF relating to habitat sites (including the Pebblebed Heaths and Exe Estuary), archaeological interest or areas at risk of flooding provide a strong reason for refusal or any adverse impacts of granting permission would

significantly and demonstrably outweigh the benefits. This second element of the presumption requires an assessment against the policies in the NPPF taken as a whole, having regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The application sites are located within the Town Centre of Cranbrook and has in principle policy support from Policy CB22 which supports residential development in the town centre of Cranbrook. The site is in a highly sustainable location with access to public and active transport, the Country Park, Education Campus and the emerging Town Centre of Cranbrook and therefore is supported by Strategy 1 and Strategy 3 of the East Devon Local Plan as well as the National Planning Policy Framework.

The proposals would result in 92 residential dwellings including 7 affordable dwellings and the overall scale and density is in accordance with the Cranbrook Plan. The appearance and materials are acceptable and are in keeping with the overall design principles seen in the town, and with the town centre design principles document which is appended to the signed MOU. The proposed landscaping scheme is reflective of the higher density form of development, although, as detailed above, the Council's Landscape Architect requires some amendments to the scheme to ensure that it is suitable in terms of the variety and size of species used, in addition to some other matters. These details can be sought by condition should these applications be approved (by way of not-discharging the landscaping condition on the reserved matters application, and by the imposition of a condition on the full application).

The proposed dwellings would meet the Nationally Described Space Standards, and the majority of units would include private amenity spaces. The proposal is not considered to result in harm to neighbouring properties and the proposed dwellings would offer good levels of sunlight and daylight for future residents.

The proposals have been assessed from a Drainage and Flood Risk, Transport, Land Contamination, Archaeology and Sustainability perspective and is acceptable. The proposal would retain existing trees and hedgerows and would include ecological mitigation measures, although some of these need to be secured by condition, should the applications be approved.. As noted above the proposal would result in an overall biodiversity net gain, but would fail to meet the 10% gain required by the Cranbrook plan.

The development is acceptable in many regards but would conflict with several adopted policies. Conflict with Policy CB10 in relation to affordable housing, and Strategy 43 in relation to Open Space Provision all stem from the in-principle agreement set out between the EDNCp and the Council within the MOU and town centre design principles document. Conflict with Policy CB20 in relation to unallocated car parking being lower than required is a result of form of development proposed, but is far higher than has been seen elsewhere within Cranbrook to-date.

The proposed development would provide a number of public benefits; in particular, the delivery of much needed housing, including affordable homes within the district (albeit at a rate lower than policy requirement), in addition to helping unlock the development of Cranbrook Town Centre and aid the provision of other facilities in that area (such as the Town Council Offices, Children's Centre, Youth Centre and Library). The proposal would include economic benefits from construction to operation and benefits to local businesses and services by increasing footfall in the Town Centre.

There is clearly a need to balance development which is not in accordance with the adopted Local Plan and Cranbrook Plan against the need for housing within the district and material considerations which are relevant in the determination of this application.

In this case, the need to bolster housing within East Devon is a material consideration and the NPPF supports the delivery of sustainable development in principle. The need to bolster housing supply is given significant weight in the decision. In addition, the provisions of the MOU are given significant weight.

In this instance, and having regard to all planning matters, given the need to increase housing supply for the longer term, the sustainable location of the site and the MOU, officers are of the view that the material considerations justify a recommendation for approval. Officers acknowledge that there are conflicts with adopted policies. However, these would not result in a development whereby the harm would significantly and demonstrably outweigh the benefits. Furthermore, it is considered that the proposed development would overall align with the principles of sustainable development.

Consequently, it is recommended that the appropriate assessment is adopted, and that the applications are approved subject to a S106 Legal Agreement and conditions where necessary.

The recommendation does not set a precedent for the approval of development which fails to fully comply with the development plan and, in any case, the precise context and material considerations for each site differs. So, each planning application must be determined on its own merits.

RECOMMENDATIONS

- 1) ADOPT the Appropriate Assessment (as set out in Appendix 1).
- 2) APPROVE application 22/2306/MRES subject to S106 legal agreements relating to affordable housing, and subject to conditions (final wording delegated to the Development Manager).
- 3) APPROVE application 22/2354/MFUL subject to S106 Legal Agreements, and subject to conditions (final wording delegated to the Development Manager).

The heads of terms for the s106 Legal Agreements for both recommendations 2 and 3 above are detailed below. It should be noted that one or more of the legal agreements will cover multiple planning applications, including the additional obligations for application 23/0511/MFUL previously resolved for approval by Planning Committee.

1. To discharge the application sites from the obligations within the principle s106 agreement and to impose a new set of planning obligations, detailed in the following points.
2. To provide 3 affordable houses through application 22/2306/MRES and 4 affordable houses through application 22/2354/MFUL.
3. Offer to transfer land parcel TC2 to EDDC within seven days of the grant of the additional planning permissions (being those for TC3, TC5a & b, TC6, TC7a & b and TC8b). EDDC to be allowed to develop the land for uses appropriate in a town centre.
4. Offer to transfer land parcel TC4c for £1 to EDDC when the first of the additional planning permissions becomes free from an application for Judicial Review
5. The dwellings are to connect to the District Heating Network provided connection charges are no more than £7,000 per dwelling and the network provides for the dwellings to comply with Parts L and F of the Building Regulations without the need for additional low carbon energy generation or energy recovery.
6. Pay £592,500 index linked from May 2022 to Cranbrook Town Council for the Town Council Facilities. The definition of this to remove the minimum floor space to be delivered.

7. Pay £72 per dwelling for car-sharing and e-bikes
8. Pay £2,551 per dwelling toward the cost of habitat mitigation measures
9. Pay £1,742 per dwelling towards the cost of providing primary education places
10. Pay £1,045 per dwelling toward the cost of sustainable travel measures at Cranbrook

The conditions, informatives and plans relating to application 22/2306/MRES are as follows:

1. East Devon District Council as Local Planning Authority HEREBY APPROVE THE FOLLOWING RESERVED MATTERS of the above described development for construction of 256 dwellings and associated infrastructure as identified in the plans and drawings attached thereto, copies of which are attached to this notice, relating to:-
 - a) access;
 - b) appearance
 - c) layout
 - d) scale
 - e) landscaping

This Reserved Matters application reference 22/2306/MRES is made pursuant to the Outline Planning Permission referenced 03/P1900/MOUT granted on 29 October 2010.

The following reserved matters in respect of the current sub phase of development have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref 03/P1900) referred to above and which relate to the part of the site covered by this reserved matters application are hereby discharged, have previously been discharged or remain to be complied with onsite but without the need for the submission of details or separate agreement:

- 1 - Reserved Matters
- 2 - Details required by the reserved matters
- 3 - Timescales for submission
- 4 - Timescales for commencement
- 5 - Development framework
- 7 - Design Codes
- 8 - Archaeology
- 9 - Archaeological recording
- 10 - Contaminated Land Remediation
- 11 - Sewerage Treatment
- 12 - Flood alleviation
- 13 - Provision of essential infrastructure
- 15 - Storage of oils, fuels or chemicals
- 16 - Discharge of sewage or trade effluent
- 19 - Means of water course protection
- 20 - Protection of existing trees
- 21 - Protection of existing hedgerows
- 22 - Details of means of enclosure
- 23 - Refuse storage
- 25 - Railway station
- 26 - Railway safety
- 27 - Railway safeguarding
- 28 - Parking

- 29 - Provision of on plot parking
- 31 - Noise pollution measures
- 32 - Changing facilities
- 33 - Commercial premises
- 35 - Infrastructure
- 36 - Gas Pipe location restrictions

The following Conditions attached to the Outline Planning Permission referred to above remain to be complied with where details are required to be submitted prior to the commencement of development in so far as they relate to the site covered by application 22/2306/MRES:

- 6 - Construction Environmental Management Plan
- 14 - Drainage (SUDS)
- 17 - Landscaping
- 18 - Development within 7m of a watercourse
- 20 - Protection of existing trees
- 24 - Schedule of works - insofar as details of the following remain to be approved: Street lighting; Street furniture
- 30 - Cycle parking
- 34 - External plant and machinery if being provided
- 37 - Materials - in respect of samples

For the avoidance of doubt, where such conditions require actions prior to commencement of development or construction within each sub-phase, the definition of sub-phase shall include any smaller part of the development parcels or areas of strategic landscaping or infrastructure for which reserved matters details are hereby approved.

(Reason: To clarify the parameters of the approval and to ensure that the development hereby approved is implemented in accordance with the terms and objectives of national and local planning policy, namely guidance contained within the National Planning Policy Framework 2018 and Strategies 3 (Sustainable development), 4 (Balanced Communities), 5 (Environment), 5B (Sustainable Transport), 11 (Integrated Transport and infrastructure provision at East Devon's West End), 12 (Development at Cranbrook), 37 (Community Safety), 38 (Sustainable Design and Construction), 40 (Decentralised Energy Networks), 43 (Open Space Standards), 46 (Landscape Conservation and Enhancement and AONBs), 47 (Nature Conservation and Geology), 48 (Local Distinctiveness in the Built Environment), 49 (The Historic Environment) and 50 (Infrastructure Delivery) and Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements), D3 (Trees and Development Sites), EN18 (Maintenance of Water Quality and Quantity), EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System), EN22 (Surface Run Off Implications of New Development), H2 (Range and Mix of New Housing Development), RC2 (New Open Space, Sports Facilities and Parks), TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the Adopted East Devon Local Plan 2013 - 2031)

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development shall commence until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the Site phasing plan, unless otherwise agreed in writing with the Local Planning Authority.

A pre-commencement condition is required to ensure that sufficient detail and understanding of the phasing is confirmed prior to works commencing.

(Reason: To ensure the proper development of the site and to satisfy Policies TC2 (Accessibility of New Development) and TC7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2013 - 2031 and with the guidance contained within the National Planning Policy Framework 2018

4.

(a) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a scheme for the protection of the retained trees, hedges and shrubs shall be produced in accordance with the principles embodied in BS5837 :2012, which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, [including trees which are the subject of a Tree Preservation Order currently in force], shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

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

d) 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.

e) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

f) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

g) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

A pre-commencement condition is required to ensure that trees are adequately protected prior to the commencement of development.

(Reason: To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031).

5. Prior to the commencement of any works on the development hereby approved, and notwithstanding the details shown in the submitted drainage drawings, details of the following have been submitted to, and approved in writing by, the Local Planning Authority:
- aboveground SUDS (Sustainable Urban Drainage System) features;
 - details of provisions within the site for the disposal of surface water to prevent its discharge onto the highway

Development shall be carried out in accordance with the agreed details, and shall be retained for the lifetime of the development.

A pre-commencement condition is required to ensure that drainage matters are fully considered prior to works starting on site.

(Reason – To ensure that adequate drainage is in place, in accordance with the provisions of Policy CB26 (Landscape, Biodiversity and Drainage) of the Cranbrook Plan 2013 – 2031 and Policies EN22 (Surface Run-Off Implications of New Development) and TC7 –(Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 – 2031).

6. Prior to the commencement of development, a waste audit statement shall be submitted to, and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:

- o Identify measures taken to avoid all waste occurring.
- o Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- o The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- o Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- o The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

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

A pre-commencement condition is required and the details sought by this condition need to be assessed prior to development starting.

(Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation).

7. A Landscape and Ecology Management Plan (LEMP) for a minimum 30-year period following completion of the development (or relevant phase thereof) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement

of the development. The Plan shall be based on the submitted Ecological Assessment (produced by Ecology Solutions, dated September 2022, the Biodiversity Net Gain Statement and Assessment, produced by GE Consulting Services, dated 29th august 2025, and the comments provided by East Devon District Council's District Ecologist on 3rd September 2025 and the hard and soft landscape plans and associated details (approved through other conditions attached to this consent) and shall include the following:

- a. Details of the body or organization responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/ maintained.
- b. Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
- c. A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- d. Landscape and ecological management aims and objectives for the site.
- e. A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- f. Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
 - i. Existing trees, woodland and hedgerows/banks.
 - ii. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgelink guidance.
- g. New trees, woodland areas, hedges and amenity planting areas.
- h. Grassland, wildflower and any other habitat areas proposed.
- i. The location and design of biodiversity features including integrated bird boxes, integrated bat boxes, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.
- j. Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- k. Arrangements for inspection and monitoring of the site and maintenance practices.
- l. Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
- m. The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved Plan shall be implemented in accordance with the approved details.

A pre-commencement condition is required to ensure these matters are fully considered to ensure that ecological harm during construction is minimised.

(Reason - To secure the establishment and maintenance of habitats and to ensure that protected and notable species are protected during construction, that proposed species enhancement features are installed, and to ensure ecological impacts are mitigated for (given the constraints of the site) in accordance with Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031 and to ensure the successful protection and establishment of trees in accordance with Policy D3 (Trees

and Development Sites) of the East Devon Local Plan 2013-2031 and Policy CB15(7) (Design Codes and Place Making) of the adopted Cranbrook Plan 2013-2031.

8. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CEcoMP) relevant to the development areas has been submitted to and approved in writing by the local planning authority. The CEcoMP shall include the following.
- a. Risk assessment of potentially damaging construction activities.
 - b. Identification of "biodiversity protection zones".
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d. The location and timing of sensitive works to avoid harm to biodiversity features.
 - e. The times during construction when specialist ecologists need to be present on site to oversee works.
 - f. Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
 - g. Details regarding the proposed reptile translocation, including receptor site details in accordance with .GOV guidance
 - h. The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements, e.g., for reptiles, dormice and bats.
 - i. Use of protective fences (including buffer distances), exclusion barriers and warning signs.

The approved CEcoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

A pre-commencement condition is required to ensure these matters are fully considered to ensure that ecological harm during construction is minimised.

(Reason - To secure the establishment and maintenance of habitats and to ensure that protected and notable species are protected during construction, that proposed species enhancement features are installed, and to ensure ecological impacts are mitigated for (given the constraints of the site) in accordance with Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031 and to ensure the successful protection and establishment of trees in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031 and Policy CB15(7) (Design Codes and Place Making) of the adopted Cranbrook Plan 2013-2031.

9. No development shall commence until detailed plans at an appropriate scale of the proposed highway mitigation measures on Tillhouse Road to reduce vehicular speeds at and around the proposed access points have been submitted to and approved in writing by the Local Planning Authority in consultation with DCC Highway Authority. The approved mitigation measures shall be installed prior to the first occupation of any dwelling or in accordance with a programme agreed in writing with the Local Planning Authority.

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

(Reason - This is a pre-commencement as insufficient information has been submitted to satisfy the Local Planning Authority regarding the above to ensure that the

development is acceptable in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)

10. The development shall be carried out in strict accordance with the Ecological Assessment (produced by Ecology Solutions, dated September 2022, the Biodiversity Net Gain Statement and Assessment, produced by GE Consulting Services, dated 29th august 2025, and the comments provided by East Devon District Council's District Ecologist on 3rd September 2025, in particular the ecological mitigation and enhancement measures detailed in these documents. The development shall not be first occupied until the local planning authority has been provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features, including:
- a. integrated bat boxes
 - b. integrated bird boxes (1 per dwelling)
 - c. insect bricks (1 per dwelling)
 - d. hedgehog highways [13 cm² holes at ground level every 10 m]

have been installed/constructed, and compliance with any ecological method statements, Construction and Ecological Management Plan (CECoMP) and Landscape and Ecological Management Plan (LEMP).

(Reason - To ensure that the development makes provision for wildlife, in accordance with the provisions of Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).

11. Prior to the first occupation of the development hereby permitted, details of the necessary on site infrastructure, which ensures that systems within the property connect at the plot boundary to the decentralised energy network (and including a timetable for all connections) shall have been submitted to and agreed in writing by the Local Planning Authority.

For the avoidance doubt, the development shall be connected to the Decentralised Energy Network in the locality and the buildings shall be constructed so that the internal systems for space and water heating are connected to the decentralised energy network prior to their first occupation for their permitted use. Works shall be carried out in accordance with the agreed details

(Reason: In the interests of sustainable development in accordance with Strategy 38 (Sustainable Design and Construction) and Strategy 40 (Decentralised Energy Network) of the Adopted East Devon Local Plan 2013-2031).

12. Notwithstanding the details set out on the approved plans, which are otherwise hereby approved, and prior to the first occupation of the development hereby permitted, full details, comprising design and, where necessary, internal layouts, of the bin stores and waste collection points identified, shall have been submitted to and agreed in writing by the Local Planning Authority and the respective stores and points laid out in accordance with the agreed details.

(Reason: To ensure a coordinated and manageable approach is provided in respect of waste and recycling collection in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan).

13. 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, in accordance with the provisions of Policy EN16 (Contaminated Land) of the East Devon Local Plan 2013 - 2031).

14. Prior to the installation of any wall or fence boundary treatment, and notwithstanding the details shown on the submitted boundary treatment plans, details of wildlife holes to be installed in the boundary treatments shall be submitted to, and approved in writing by, the Local Planning Authority. Works shall be carried out in accordance with the agreed details, and shall be retained for the lifetime of the development.

(Reason - To ensure that the development makes provision for wildlife, in accordance with the provisions of Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).

15. Prior to the first occupation of any dwelling hereby approved, details of cycle storage facilities for each property shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details, and the agreed cycle storage shall be installed prior to the first occupation of any dwelling.

(Reason - To ensure that adequate cycle storage is provided, in accordance with the provisions of Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan 2013 - 2031).

16. The roads, footpaths and turning spaces shown on the plans hereby approved, shall be constructed in such a manner as to ensure that, before it is occupied, each dwelling is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway. Furthermore, the parking space/s for each dwelling shall be constructed and available for use prior to first occupation of the units to which it is associated. The gradient of the proposed drives shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

(Reason - To ensure that each property has adequate and suitable access and parking available prior to occupation, in accordance with the provisions of Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan 2013 - 2031, and Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031).

17. All garden gates shall be fitted with a method of locking them from both sides, prior to the first occupation of the property which they provide access to.

(Reason - To ensure that the garden areas are capable of being secured, in accordance with the provisions of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013- 2031).

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no boundary treatments including walls, fences, railings or other means of enclosure shall be erected, altered or removed without the prior written approval of the Local Planning Authority.

(Reason - In the interests of preserving and enhancing the character and appearance of the area and/or protecting the privacy of local residents in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

19. All meter boxes shall be sited and treated/coloured to match the proposed immediately surrounding wall colour to minimise visibility from the public realm.

(Reason - In the interests of visual amenity in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

20. Prior to the commencement of development above slab level, a Conveyance and Adoption Plan depicting to whom the following assets are proposed for transfer of ownership and/or maintenance shall be submitted to and approved in writing by the Local Planning Authority. Conveyance and Adoption shall take place in accordance with the agreed plans unless otherwise agreed in writing by the Local Planning Authority:

- o Highways and Private Drives
- o Car Parking Spaces (Private and Unallocated)
- o Pedestrian and Cycle Paths
- o Existing Trees and Hedgerows
- o Public Open Spaces (Hard and Soft Landscaped)
- o Private Dwellings
- o Affordable Housing

(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 inappropriate disposal of key assets and connecting routes.)

21. Prior to the installation of below ground infrastructure, details of the infrastructure and a timetable for its installation shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the design and layout (with positions, dimensions and levels) of service trenches, ditches, drains, pipes, cabling, electric vehicle charging points and other excavations. Ducting for electronic communications shall be provided that shall be capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to connect freely between the boundary of the site and the inside of all buildings. The relevant infrastructure shall be installed in accordance with the approved details.

(Reason: To facilitate the development of high speed broadband communication networks for the development, and in the interests of amenity, to ensure that above ground landscaping is not compromised by arrangements for below ground infrastructure in accordance with Strategy 3 (Sustainable Development), Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End), Strategy 12 (Development at Cranbrook) and 38 (Sustainable Design and Construction) and policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013 - 2031 and with paragraph 42 of the National Planning Policy Framework 2018).

22. Prior to the installation of the final wearing course on all footways, footpaths and roads, details including design and finished appearance of the respective materials shall be submitted to and approved in writing by the local Planning Authority. The development shall only proceed in accordance with the agreed material/s.

(Reason: To ensure a high quality finish that enhances the character of the area in accordance with Policy D1 (Design and Local Distinctiveness of the adopted East Devon Local Plan).

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

gradients, materials and method of construction shall be submitted to the Local Planning Authority.

(Reason – To ensure the safe operation of highways within the development site, in accordance with Policies CB8 (Cranbrook and Broadclyst Station Built-up Area Boundaries) and CB21 (Cranbrook Town Centre) of the Cranbrook Plan 2013 – 2031, and Policy TC7 (Adequacy of Road Network and Site Access) of the Cranbrook Plan 2013 – 2031).

24. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway. Furthermore, there shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

(Reason – To ensure the safe operation of highways within the development site, in accordance with Policies CB8 (Cranbrook and Broadclyst Station Built-up Area Boundaries) and CB21 (Cranbrook Town Centre) of the Cranbrook Plan 2013 – 2031, and Policy TC7 (Adequacy of Road Network and Site Access) of the Cranbrook Plan 2013 – 2031).

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

(Reason – To ensure the adequate provision of parking within the development site, in accordance with Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan 2013 – 2031).

26. Notwithstanding the submitted details and prior to the installation or construction of the relevant element, detailed plans, elevations and sectional drawings at an appropriate scale of the following items shall be submitted to and approved in writing by the Local Planning Authority:

- o Front Canopies
- o Windows and Doors (including brick detailing)
- o Boundary Treatments

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

(Reason - This is prior to the relevant element as insufficient information has been submitted to satisfy the Local Planning Authority regarding the above to ensure that the development is acceptable in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

27. Notwithstanding the submitted layout, prior to the first occupation any dwelling within the development, a revised layout to identify the location of unallocated spaces and a scheme to identify unallocated car parking spaces within the development shall be submitted to and be approved in writing by the Local Planning Authority. The unallocated spaces shall be provided in blocks of 4 unless otherwise agreed by the Local Planning Authority. The method of identification for each space must be installed prior to first use of each unallocated car parking space and must be retained for the lifetime of the development.

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

(Reason - To ensure unallocated spaces are suitably located and to reduce conflict between private and visitor car parking spaces in accordance with Strategy 37 and Policy D1 of the adopted Local Plan and Policy CB20 of the Cranbrook Plan DPD.)

28. Prior to the first occupation of the development hereby permitted, details of a scheme to facilitate the control of parking on the highways within this development shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of all relevant steps necessary for its implementation, clearly setting out which organisation is responsible for each step together with a proposed timetable for the implementation of the relevant steps. The implementation of the agreed scheme shall be carried out in accordance with the approved proposed timetable unless otherwise agreed in writing by the Local Planning Authority.

(Reason – To ensure that adequate parking provision is provided and to reduce inappropriate parking in accordance with Strategy 37 of the Adopted Local Plan and Policy CB20 of the Cranbrook Plan (2022).)

29. There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type. Furthermore, any tandem parking spaces must be a combined minimum of 11.5 metres in length (as measured from the nearside edge of the highway to the edge of the building/garage door where the doors are of an up-and-over type.).

(Reason – To ensure that adequate space is provided for garages and parking spaces to be used without detriment to highway safety, including that of pedestrians, and to accord with the provisions of Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan 2013 - 2031, and Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031).

30. Prior to any development above foundation level taking place, samples of the external materials to be used on all build structures, including boundary treatment, shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

(Reason – To ensure that the materials used are appropriate, in order to ensure an acceptable character and appearance of the site, in accordance with the provisions of Policies CB15 (Design Codes and Place Making) and CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan 2013 – 2031, and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031).

31. In addition to the landscaping details required to discharge condition 17 of outline planning application 03/P1900, the landscaping details provided shall include details of sort and hard landscaping, including boundary treatments for the public open space situated between parcels TC5 and TC6. These details shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of any dwelling to which this permission relates. The landscaping shall be carried out in accordance with the agreed details.

(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).

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Biodiversity Net Gain Informative:

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will **not require the approval of a biodiversity gain plan** before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemption 1 from the list below is considered to apply:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- (i) the application for planning permission was made before 2 April 2024;
- (ii) planning permission is granted which has effect before 2 April 2024; or
- (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Plans relating to this application:

102 P5 : storey heights - phase 5/6/7A	Other Plans	20.08.25
104 P5 : EV charging - phase 5/6/7A	Other Plans	20.08.25
105 P5 : refuse collection - phase 5/6/7A	Other Plans	20.08.25
106 P7 : Phase 5,6,7A	Street Scene	20.08.25
164723 C.120-01 P6 : planning levels parcel 5	Other Plans	20.08.25
164723 C.120-02 P6 : planning levels parcel 6	Other Plans	20.08.25
164723 C.120-03 P6 : planning levels parcel 7A	Other Plans	20.08.25
164723 C.200-01 P6 : drainage parcel 5	Layout	20.08.25
164723 C.200-02 P6 : drainage parcel 6	Layout	20.08.25
164723 C.200-03 P6 : drainage parcel 7A	Layout	20.08.25
CTC-501 P2 : Alnmouth plots 31/32	Proposed Combined Plans	20.08.25

CTC-502-1 P2 : Redhill plots 91/92	Proposed Combined Plans	20.08.25
CTC-502-1 P3 : redhill	Proposed Combined Plans	20.08.25
CTC-503 P2 : Charndale plots 01	Proposed Combined Plans	20.08.25
CTC-504-1 P3 : Barndale plot 22	Proposed Combined Plans	20.08.25
CTC-504-2 P4 : Barndale plots 35/51	Proposed Combined Plans	20.08.25
CTC-505 P3 : Addleboroug h plots 02/05/06/30/ 34	Proposed Combined Plans	20.08.25
CTC-506 P3 : deepdale plots 03/04/07/29/ 33	Proposed Combined Plans	20.08.25
CTC-508 P3 : Thorncombe plots 12/13/14/46/ 47/48/60/61/ 62/88/89/90	Proposed Combined Plans	20.08.25
CTC-509-1 P3 : Saunton plots 18/19/20/212	Proposed Combined Plans	20.08.25
CTC-509-2 P2 : Saunton plots 10/11/23/24/ 25/55/56/57/ 58	Proposed Combined Plans	20.08.25
CTC-510 P3 : Ashdown plots 26/39/40/43/ 44/65/66/69/	Proposed Combined Plans	20.08.25

70/79/80/81/ 82/83/84/85/ 86		
CTC-511-1 P3 : Ashdown plot 16	Proposed Combined Plans	20.08.25
CTC-511-2 P3 : Ashdown plots 15/37/38/63/ 64/67/68/71/ 72	Proposed Combined Plans	20.08.25
CTC-511-3 P2 : Ashdown plots 09/27/42/45/ 67/87	Proposed Combined Plans	20.08.25
CTC-512-1 P3 : Ashdown plot 17	Proposed Combined Plans	20.08.25
CTC-512-2 P3 : Ashdown plots 08/28/36/41/ 43/77	Proposed Combined Plans	20.08.25
CTC-513-1 P1 : garage plot 1	Proposed Combined Plans	20.08.25
CTC-522-1 P1 : Wareham plots 52/54	Proposed Combined Plans	20.08.25
CTC-522-2 P1 : Wareham plot 53	Proposed Combined Plans	20.08.25
SD-0110 : projecting brick detail panel	Other Plans	20.08.25
107 P6 : material plan phase 5/6/7A	Other Plans	01.09.25
100 P15 : Planning Layout Phase 5,6,7A	Layout	02.09.25

101 P6 : affordable layout	Layout	02.09.25
SD-0110: Brick Wall 1.8m Detail	Other Plans	02.09.25
SD-0111: Rear Garden Fence 1.8M Detail	Other Plans	02.09.25
SD-0113: Brick Wall 1.5m + 0.3m Trellis	Other Plans	02.09.25
SD0112: Metal Railings 1.2m Detail	Other Plans	02.09.25
112 P4	Location Plan	08.09.25
Cranbrook Hydraulic Modelling Persimmon Phases 5A, 5B and 7A (10634 TN01 Rv0)	Additional Information	04.09.25

The conditions, informatives and plans relating to application 22/2354/MFUL are as follows:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development shall commence until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the Site phasing plan, unless otherwise agreed in writing with the Local Planning Authority.

A pre-commencement condition to required to ensure that sufficient detail and understanding of the phasing is confirmed prior to works commencing.

(Reason: To ensure the proper development of the site and to satisfy Policies TC2 (Accessibility of New Development) and TC7 (Adequacy of Road Network and Site

Access) of the Adopted East Devon Local Plan 2013 - 2031 and with the guidance contained within the National Planning Policy Framework 2018

4. (a) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a scheme for the protection of the retained trees, hedges and shrubs shall be produced in accordance with the principles embodied in BS5837 :2012, which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, [including trees which are the subject of a Tree Preservation Order currently in force], shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.
- b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
- c) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- d) 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.
- e) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- f) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- g) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

A pre-commencement condition is required to ensure that trees are adequately protected prior to the commencement of development.

(Reason: To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031).

5. Prior to the commencement of development, a waste audit statement shall be submitted to, and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:

- o Identify measures taken to avoid all waste occurring.
- o Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- o The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- o Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- o The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

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

A pre-commencement condition is required and the details sought by this condition need to be assessed prior to development starting.

(Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation).

6. Notwithstanding the submitted drainage details, no development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (a) Details of which swale each area will drain into.
- (b) The MicroDrainage model outputs for basin 2c, to include upstream flows from the attenuation tank and swale, and details of how the flows entering the basin have been assessed.
- (c) Details of above ground SUDS (Sustainable Urban Drainage System) proposals for the development
- (d) A plan indicating how exceedance flows will be safely managed at the site.
- (e) details of provisions within the site for the disposal of surface water to prevent its discharge onto the highway

7. Development shall be carried out in accordance with the agreed details, and no dwelling within TC7A shall be occupied until the approved works to Basin 2C and construction of a new surface water feature (ref. 22/2307/MRES) have been completed and approved details have been implemented in accordance with the details under (a) - (d) above.

(Reason - The above conditions are pre-commencement 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, and to accord with the provisions of Policy CB26 (Landscape, Biodiversity and Drainage) of the Cranbrook Plan 2013 – 2031 and Policies EN22 (Surface Run-Off Implications of New Development) and TC7 –(Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 – 2031).

8. A Landscape and Ecology Management Plan (LEMP) for a minimum 30-year period following completion of the development (or relevant phase thereof) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be based on the submitted Ecological Assessment (produced by Ecology Solutions, dated September 2022, the Biodiversity Net Gain Statement and Assessment, produced by GE Consulting Services, dated 29th august 2025, and the comments provided by East Devon District Council's District Ecologist on 3rd September 2025 and the hard and soft landscape plans and associated details (approved through other conditions attached to this consent) and shall include the following:
- a. Details of the body or organization responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/ maintained.
 - b. Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
 - c. A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
 - d. Landscape and ecological management aims and objectives for the site.
 - e. A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
 - f. Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
 - i. Existing trees, woodland and hedgerows/banks.
 - ii. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
 - g. New trees, woodland areas, hedges and amenity planting areas.
 - h. Grassland, wildflower and any other habitat areas proposed.
 - i. The location and design of biodiversity features including integrated bird boxes, integrated bat boxes, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.
 - j. Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
 - k. Arrangements for inspection and monitoring of the site and maintenance practices.
 - l. Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
 - m. The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved Plan shall be implemented in accordance with the approved details.

A pre-commencement condition is required to ensure these matters are fully considered to ensure that ecological harm during construction is minimised.

(Reason - To secure the establishment and maintenance of habitats and to ensure that protected and notable species are protected during construction, that proposed species enhancement features are installed, and to ensure ecological impacts are mitigated for

(given the constraints of the site) in accordance with Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031 and to ensure the successful protection and establishment of trees in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031 and Policy CB15(7) (Design Codes and Place Making) of the adopted Cranbrook Plan 2013-2031.

9. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) relevant to the development areas has been submitted to and approved in writing by the local planning authority. The CECoMP shall include the following.
- a. Risk assessment of potentially damaging construction activities.
 - b. Identification of "biodiversity protection zones".
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d. The location and timing of sensitive works to avoid harm to biodiversity features.
 - e. The times during construction when specialist ecologists need to be present on site to oversee works.
 - f. Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
 - g. Details regarding the proposed reptile translocation, including receptor site details in accordance with .GOV guidance
 - h. The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements, e.g., for reptiles, dormice and bats.
 - i. Use of protective fences (including buffer distances), exclusion barriers and warning signs.

The approved CECoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

A pre-commencement condition is required to ensure these matters are fully considered to ensure that ecological harm during construction is minimised.

(Reason - To secure the establishment and maintenance of habitats and to ensure that protected and notable species are protected during construction, that proposed species enhancement features are installed, and to ensure ecological impacts are mitigated for (given the constraints of the site) in accordance with Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031 and to ensure the successful protection and establishment of trees in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031 and Policy CB15(7) (Design Codes and Place Making) of the adopted Cranbrook Plan 2013-2031.

10. 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, lighting, site furniture, play equipment and signage.
 - b) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
 - c) A detailed site levels plan(s) indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by representative 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) 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.

2) 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.

3) 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.)

11. No development shall commence until detailed plans at an appropriate scale of the proposed highway mitigation measures on Tillhouse Road to reduce vehicular speeds at and around the proposed access points have been submitted to and approved in writing by the Local Planning Authority in consultation with DCC Highway Authority. The approved mitigation measures shall be installed prior to the first occupation of any dwelling or in accordance with a programme agreed in writing with the Local Planning Authority.

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

(Reason - This is pre-commencement as insufficient information has been submitted to satisfy the Local Planning Authority regarding the above to ensure that the development is acceptable in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)

12. The development shall be carried out in strict accordance with the Ecological Assessment (produced by Ecology Solutions, dated September 2022, the Biodiversity Net Gain Statement and Assessment, produced by GE Consulting Services, dated 29th august 2025, and the comments provided by East Devon District Council's District Ecologist on 3rd September 2025, in particular the ecological mitigation and enhancement measures detailed in these documents. The development shall not be first occupied until the local planning authority has been provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features, including:

- a. integrated bat boxes
- b. integrated bird boxes (1 per dwelling)
- c. insect bricks (1 per dwelling)
- d. hedgehog highways [13 cm² holes at ground level every 10 m]

have been installed/constructed, and compliance with any ecological method statements, Construction and Ecological Management Plan (CECoMP) and Landscape and Ecological Management Plan (LEMP).

(Reason - To ensure that the development makes provision for wildlife, in accordance with the provisions of Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).

13. Prior to the first occupation of the development hereby permitted, details of the necessary on site infrastructure, which ensures that systems within the property connect at the plot boundary to the decentralised energy network (and including a timetable for all connections) shall have been submitted to and agreed in writing by the Local Planning Authority.

For the avoidance doubt, the development shall be connected to the Decentralised Energy Network in the locality and the buildings shall be constructed so that the internal systems for space and water heating are connected to the decentralised energy network prior to their first occupation for their permitted use.

Works shall be carried out in accordance with the agreed details

(Reason: In the interests of sustainable development in accordance with Strategy 38 (Sustainable Design and Construction) and Strategy 40 (Decentralised Energy Network) of the Adopted East Devon Local Plan 2013-2031).

14. Notwithstanding the details set out on the approved plans, which are otherwise hereby approved, and prior to the first occupation of the development hereby permitted, full details, comprising design and, where necessary, internal layouts, of the bin stores and waste collection points identified, shall have been submitted to and agreed in writing by the Local Planning Authority and the respective stores and points laid out in accordance with the agreed details.

(Reason: To ensure a coordinated and manageable approach is provided in respect of waste and recycling collection in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan).

15. 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, in accordance with the provisions of Policy EN16 (Contaminated Land) of the East Devon Local Plan 2013 - 2031).

16. Prior to the installation of any wall or fence boundary treatment, details of wildlife holes to be installed in the boundary treatments shall be submitted to, and approved in writing by, the Local Planning Authority. Works shall be carried out in accordance with the agreed details.

(Reason - To ensure that the development makes provision for wildlife, in accordance with the provisions of Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).

17. Prior to any works above foundation level taking place, details of Bat, bird and insect boxes/bricks to be installed on each dwelling shall be submitted to, and approved in writing by, the Local Planning Authority. Works shall be carried out in accordance with the agreed details.

(Reason - To ensure that the development makes provision for wildlife, in accordance with the provisions of Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).

18. Prior to the first occupation of any dwelling hereby approved, details of cycle storage facilities for each property shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details, and the agreed cycle storage shall be installed prior to the first occupation of any dwelling.

(Reason - To ensure that adequate cycle storage is provided, in accordance with the provisions of Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan 2013 - 2031).

19. The roads, footpaths and turning spaces shown on the plans hereby approved, shall be constructed in such a manner as to ensure that, before it is occupied, each dwelling before is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway. Furthermore, the parking space/s for each dwelling shall be constructed and available for use prior to first occupation of the units to which it is associated. The gradient of the proposed drives shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

(Reason - To ensure that each property has adequate and suitable access and parking available prior to occupation, in accordance with the provisions of Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan 2013 - 2031, and Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031).

20. All garden gates shall be fitted with a method of locking them from both sides, prior to the first occupation of the property which they provide access to.

(Reason - To ensure that the garden areas are capable of being secured, in accordance with the provisions of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013- 2031).

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no boundary treatments including walls, fences, railings or other means of enclosure shall be erected, altered or removed without the prior written approval of the Local Planning Authority.

(Reason - In the interests of preserving and enhancing the character and appearance of the area and/or protecting the privacy of local residents in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

22. All meter boxes shall be sited and treated/coloured to match the proposed immediately surrounding wall colour to minimise visibility from the public realm.

(Reason - In the interests of visual amenity in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

23. Prior to the commencement of development above slab level, a Conveyance and Adoption Plan depicting to whom the following assets are proposed for transfer of ownership and/or maintenance shall be submitted to and approved in writing by the Local Planning Authority. Conveyance and Adoption shall take place in accordance with the agreed plans unless otherwise agreed in writing by the Local Planning Authority:

- o Highways and Private Drives
- o Car Parking Spaces (Private and Unallocated)
- o Pedestrian and Cycle Paths
- o Existing Trees and Hedgerows
- o Public Open Spaces (Hard and Soft Landscaped)
- o Private Dwellings
- o Affordable Housing

(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 inappropriate disposal of key assets and connecting routes.)

24. Prior to the installation of below ground infrastructure, details of the infrastructure and a timetable for its installation shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the design and layout (with positions, dimensions and levels) of service trenches, ditches, drains, pipes, cabling, electric vehicle charging points and other excavations. Ducting for electronic communications shall be provided that shall be capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to connect freely between the boundary of the site and the inside of all buildings. The relevant infrastructure shall be installed in accordance with the approved details.

(Reason: To facilitate the development of high speed broadband communication networks for the development, and in the interests of amenity, to ensure that above ground landscaping is not compromised by arrangements for below ground infrastructure in accordance with Strategy 3 (Sustainable Development), Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End), Strategy 12 (Development at Cranbrook) and 38 (Sustainable Design and Construction) and policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013 - 2031 and with paragraph 42 of the National Planning Policy Framework 2018).

25. Prior to the installation of the final wearing course on all footways, footpaths and roads, details including design and finished appearance of the respective materials shall be submitted to and approved in writing by the local Planning Authority. The development shall only proceed in accordance with the agreed material/s.

(Reason: To ensure a high quality finish that enhances the character of the area in accordance with Policy D1 (Design and Local Distinctiveness of the adopted East Devon local Plan).

26. Prior to the commencement of any development above foundation level, samples of the external materials to be used shall be submitted to, and agreed in writing by, the Local Planning Authority.

Development shall be carried out in accordance with the agreed details.

(Reason: In the interests of visual amenity in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

27. Notwithstanding the submitted layout, prior to the first occupation any dwelling within the development, a revised layout to identify the location of unallocated spaces and a scheme to identify unallocated car parking spaces within the development shall be submitted to and be approved in writing by the Local Planning Authority. The unallocated spaces shall be provided in blocks of 4 unless otherwise agreed by the Local Planning Authority. The method of identification for each space must be installed prior to first use of each unallocated car parking space and must be retained for the lifetime of the development.

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

(Reason - To ensure unallocated spaces are suitably located and to reduce conflict between private and visitor car parking spaces in accordance with Strategy 37 and Policy D1 of the adopted Local Plan and Policy CB20 of the Cranbrook Plan DPD.)

28. Prior to the first occupation of the development hereby permitted, details of a scheme to facilitate the control of parking on the highways within this development shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of all relevant steps necessary for its implementation, clearly setting out which organisation is responsible for each step together with a proposed timetable for the implementation of the relevant steps. The implementation of the agreed scheme shall be carried out in accordance with the approved proposed timetable unless otherwise agreed in writing by the Local Planning Authority.

(Reason – To ensure that adequate parking provision is provided and to reduce inappropriate parking in accordance with Strategy 37 of the Adopted Local Plan and Policy CB20 of the Cranbrook Plan (2022).)

29. Notwithstanding the submitted details and prior to the installation or construction of the relevant element, detailed plans, elevations and sectional drawings at an appropriate scale of the following items shall be submitted to and approved in writing by the Local Planning Authority:

- o Front Canopies
- o Windows and Doors (including brick detailing)
- o Boundary Treatments

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

(Reason - This is prior to the relevant element as insufficient information has been submitted to satisfy the Local Planning Authority regarding the above to ensure that the development is acceptable in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

30. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details

to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

(Reason – To ensure the safe operation of highways within the development site, in accordance with Policies CB8 (Cranbrook and Broadclyst Station Built-up Area Boundaries) and CB21 (Cranbrook Town Centre) of the Cranbrook Plan 2013 – 2031, and Policy TC7 (Adequacy of Road Network and Site Access) of the Cranbrook Plan 2013 – 2031).

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

(Reason – To ensure the adequate provision of parking within the development site, in accordance with Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan 2013 – 2031).

32. There shall be an area of hardstanding at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type. Furthermore, and tandem parking spaces must be a combined minimum of 11.5m in length (as measured from the nearside edge of the highway to the edge of the building/garage door when the doors are of an up-and-over type). (Reason – To ensure that adequate space is provided for garages and parking spaces to be used without detriment to highway safety, including that of pedestrians, and to accord with the provisions of Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan 2013 - 2031, and Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031).

33. Notwithstanding the submitted details, prior to any development above foundation level taking place, samples of the external materials to be used on all build structures, including boundary treatment, shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

(Reason – To ensure that the materials used are appropriate, in order to ensure an acceptable character and appearance of the site, in accordance with the provisions of Policies CB15 (Design Codes and Place Making) and CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan 2013 – 2031, and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Biodiversity Net Gain Informative:

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will **not require the approval of a biodiversity gain plan** before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemption 1 from the list below is considered to apply:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - (i) the application for planning permission was made before 2 April 2024;
 - (ii) planning permission is granted which has effect before 2 April 2024; or
 - (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Plans relating to this application:

102 P5 : storey heights Phase 5,6,7A	Other Plans	20.08.25
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105 P5 : refuse collection - phase 5/6/7A	Other Plans	20.08.25
SD-0110 : projecting brick detail panel	Other Plans	20.08.25
164723 C.120-01 P6 : planning levels parcel 5	Other Plans	20.08.25
164723 C.120-02 P6 : planning levels parcel 6	Other Plans	20.08.25
106 P7 : Phase 5,6,7A	Street Scene	20.08.25
164723 C.120-03 P6 : planning levels parcel 7A	Other Plans	20.08.25
164723 C.200-01 P6 : drainage parcel 5	Layout	20.08.25
164723 C.200-02 P6 : drainage Parcel 6	Layout	20.08.25
164723 C.200-03 P6 : drainage parcel 7A	Layout	20.08.25
CTC-502-1 P2 : Redhill plots 91/92	Proposed Combined Plans	20.08.25
CTC-502-1 P3 : redhill plots 49/50/59/747 5/76	Proposed Combined Plans	20.08.25
CTC-503 P2 : Charndale plots 01	Proposed Combined Plans	20.08.25
CTC-504-1 P3 : Barndale plot 22	Proposed Combined Plans	20.08.25

CTC-504-2 P4 : Barndale :plots 35/51	Proposed Combined Plans	20.08.25
CTC-505 P3 : Addleboroug h plots 02/05/06/30/ 34	Proposed Combined Plans	20.08.25
CTC-506 P3 : deepdale plots 03/04/07/29/ 33	Proposed Combined Plans	20.08.25
CTC-508 P3 : Thorncombe plots 12/13/14/46/ 47/48/60/61/ 62/88/89/90	Proposed Combined Plans	20.08.25
CTC-509-1 P3 : Saunton plots 18/19/20/212	Proposed Combined Plans	20.08.25
CTC-509-2 P2 : Saunton plots 10/11/23/24/ 25/55/56/57/ 58	Proposed Combined Plans	20.08.25
CTC-510 P3 : Ashdown plots 26/39/40/43/ 44/65/66/69/ 70/79/80/81/ 82/83/84/85/ 86	Proposed Combined Plans	20.08.25
CTC-511-1 P3 : Ashdown plot 16	Proposed Combined Plans	20.08.25
CTC-511-2 P3 : Ashdown plots 15/37/38/63/ 64/67/68/71/ 72	Proposed Combined Plans	20.08.25

CTC-511-3 P2 : Ashdown plots 09/27/42/45/ 67/87	Proposed Combined Plans	20.08.25
CTC-512-1 P3 : Ashdown plot 17	Proposed Combined Plans	20.08.25
CTC-512-2 P3 : Ashdown plots 08/28/36/41/ 43/77	Proposed Combined Plans	20.08.25
CTC-513-1 P1 : garage plot 1	Proposed Combined Plans	20.08.25
CTC-522-1 P1 : Wareham plots 52/54	Proposed Combined Plans	20.08.25
CTC-522-2 P1 : Wareham plot 53	Proposed Combined Plans	20.08.25
107 P6 : material plan	Other Plans	01.09.25
SD-0113: Brick Wall 1.5m + 0.3m Trellis	Other Plans	02.09.25
SD-0110: Brick Wall 1.8m Detail	Other Plans	02.09.25
SD-0111: Rear Garden Fence 1.8m Detail	Other Plans	02.09.25
SD-0112: Metal Railings 1.2m Detail	Other Plans	02.09.25
100 P15 : planning layout phase 5/6/7A	Layout	02.09.25
101 P6 : affordable phase 5/6/7A	Layout	02.09.25

113 P4	Location Plan	08.09.25
Cranbrook Hydraulic Modelling Persimmon Phases 5A, 5B and 7A (10634 TN01 Rv0)	Additional Information	04.09.25

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, 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.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality 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 1 – Appropriate Assessment.

Appropriate Assessment	
The Conservation of Habitats and Species Regulations 2017, Section (63)	
Application Reference, Brief description of proposal and Location	23/0554/MFUL Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) Parcels TC3 And TC8b Land Off Court Royal And Badger Way Cranbrook
Application Reference, Brief description of proposal and Location	23/0511/MFUL Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) Land To The South Of Tillhouse Road Cranbrook
Application Reference, Brief description of proposal and Location	22/2354/MFUL Development of residential dwellings and associated car parking, roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) Parcels Tc5a, Tc6 & Tc7a Tillhouse Road Cranbrook Town Centre
Site is:	<i>Within 10km of the Exe Estuary SPA site alone (UK9010081)</i> Within 10km of the East Devon Heaths SPA (UK9010121) Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602) Within 10km of the Exe Estuary Ramsar (UK 542) (See Appendix 1 for list of interest features of the SPA/SAC)
Step 1 Screening for Likely Significant Effect on the proposed development on Land Adjacent Old Tithebarn Lane, Clyst Honiton	
Risk Assessment	
Could the Qualifying Features of the European site be affected by the proposal? Consider both construction and operational stages.	Yes - additional housing within 10km of the SPA/SAC will increase recreation impacts on the interest features. The dwellings proposed under these applications are 'extra over' housing in Cranbrook and were agreed via a Memorandum of Understanding (MOU) on 11 May 2022 between the Council and East Devon New Community partners.
Conclusion of Screening	

Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?	East Devon District Council concludes that there would be Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the Exe Estuary SPA, Exe Estuary Ramsar Site, East Devon Pebblebed Heaths SAC and the East Devon Heaths SPA. See evidence documents on impact of development on SPA/SAC at: East Devon District Council - http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf An Appropriate Assessment of the plan or proposal is necessary.	
Local Authority Officer	Liam Fisher	Date: 30 October 2024
Step 2 Appropriate Assessment NB: In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.		
In-combination Effects		
Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.	Additional housing or tourist accommodation within 10km of the SPA/SAC will add to the existing issues of damage and disturbance arising from recreational use. East Devon has an emerging New Local Plan to 2040 which is currently in preparation. This has 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 relative proximity and therefore access to the environments. The Teignbridge emerging Local Plan 2040 completed three Reg. 18 consultations between 2018 and 2021 and undertook Regulation 19 consultation in January 2023. At present, the Local Plan has been submitted for examination. 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. At present, Exeter is consulted on a full draft plan in January 2024.	

Mitigation of in-combination effects.	The Joint Approach sets out a mechanism by which developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership. A Suitable Alternative Natural Green Space (SANGS) has been delivered at Dawlish and a second at South West Exeter has been partially opened to attract recreational use away from the Exe Estuary and Dawlish Warren and Pebblebed Heaths. EDDC have submitted a planning application for 10.24 ha of SANGS at Clyst Meadows, Station Road, Broadclyst however this is still pending consideration.	
Assessment of Impacts with Mitigation Measures		
Mitigation measures included in the proposal.	The mitigation measures are set out in the Cranbrook Plan IPD and MOU which includes the following: • Payment of £499 per dwelling for non-infrastructure mitigation • Payment of £2,052 per dwelling for costs associated with delivery and maintenance of SANGS, including estimated land purchase costs. 23/0554/MFUL: £2,551 x 83 dwellings = £211,733 23/0511/MFUL: £2,551 x 65 dwellings = £165,815 22/2354/MFUL: £2,551 x 84 dwellings = £214,284 No direct SANG provision is provided under these applications.	
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	Yes - the contribution offered is considered to be sufficient. Cranbrook is nil rated for CIL so no additional contributions are to be secured via CIL hence why the contributions within the Cranbrook Plan IPD are higher than the Joint Approach.	
Conclusion		
List of mitigation measures and safeguards	Total contribution of £591,832 will be secured through the legal agreement for these sites.	
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of the Exe Estuary SPA, Exe Estuary Ramsar Site, East Devon Pebblebed Heaths SAC and the East Devon Heaths SPA can be ruled out.	
Conclusion of Appropriate Assessment	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: 30 October 2024
21 day consultation to be sent to Natural England Hub on completion of this form.		

Appendix 1. List of interest features:

Exe Estuary SPA

Annex 1 Species that are a pri reason for selection of this site (under the Birds Directive)::

Aggregation of non-breeding birds: Avocet *Recurvirostra avosetta*

Aggregation of non-breeding birds: Grey Plover *Pluvialis squatarola*

Migratory species that are a pri reason for selection of this site reason for selection of this site

Aggregation of non-breeding birds: Dunlin *Calidris alpina alpina*

Aggregation of non-breeding birds: Black-tailed Godwit *Limosa limosa islandica*

Aggregation of non-breeding birds: Brent Goose (dark-bellied) *Branta bernicla bernicla*

Wintering populations of Slavonian Grebe *Podiceps auritus*

Wintering populations of Oystercatcher *Haematopus ostralegus*

Waterfowl Assemblage

>20,000 waterfowl over winter

Habitats which are not notified for their specific habitat interest (under the relevant designation), but because they support notified species.

Sheltered muddy shores (including estuarine muds; intertidal boulder and cobble scars; and seagrass beds)

Saltmarsh NVC communities: SM6 *Spartina anglica* saltmarsh

SPA Conservation Objectives

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- ☐ ☐ **The extent and distribution of the habitats of the qualifying features**
- ☐ ☐ **The structure and function of the habitats of the qualifying features**
- ☐ ☐ **The supporting processes on which the habitats of the qualifying features rely**
- ☐ ☐ **The population of each of the qualifying features, and,**
- ☐ ☐ **The distribution of the qualifying features within the site.**

Dawlish Warren SAC

Annex I habitats that are a pri reason for selection of this site (under the Habitats Directive): reason for selection of this site (under the Habitats Directive):

Annex I habitat: Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes').

(Strandline, embryo and mobile dunes.)

SD1 *Rumex crispus*-*Glaucium flavum* shingle community

SD2 *Cakile maritima*-*Honkenya peploides* strandline community

SD6 *Ammophila arenaria* mobile dune community

SD7 *Ammophila arenaria*-*Festuca rubra* semi-fixed dune community

Annex I habitat: Fixed dunes with herbaceous vegetation ('grey dunes').

SD8 *Festuca rubra*-*Galium verum* fixed dune grassland

SD12 *Carex arenaria*-*Festuca ovina*-*Agrostis capillaris* dune grassland

SD19 *Phleum arenarium*-*Arenaria serpyllifolia* dune annual community

Annex I habitat: Humid dune slacks.

SD15 *Salix repens*-*Calliargon cuspidatum* dune-slack community

SD16 *Salix repens*-*Holcus lanatus* dune slack community

SD17 *Potentilla anserina*-*Carex nigra* dune-slack community

Habitats Directive Annex II species that are a pri reason for selection of this site: reason for selection of this site:

Petalwort (*Petalophyllum ralfsii*)

SAC Conservation Objectives

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

List of interest features:

East Devon Heaths SPA:

A224 *Caprimulgus europaeus*; European nightjar (Breeding) 83 pairs (2.4% of GB population 1992)

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

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

East Devon Pebblebed Heaths SAC:

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 heath – bog-moss (*Erica tetralix* – *Sphagnum compactum*) wet heath. The dry heaths are characterised by the presence of heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent *Agrostis curtisii*, purple moor-grass *Molinia caerulea*, cross-leaved heath *E. tetralix* and tormentil *Potentilla erecta*. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts of the UK. Populations of southern damselfly *Coenagrion mercuriale* occur in wet flushes within the site.

Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath

H4030. European dry heaths

Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:

S1044. *Coenagrion mercuriale*; Southern damselfly

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

Exe Estuary SPA

Qualifying Features:

A007 *Podiceps auritus*; Slavonian grebe (Non-breeding)

A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)

A130 *Haematopus ostralegus*; Eurasian oystercatcher (Non-breeding)

A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)

A141 *Pluvialis squatarola*; Grey plover (Non-breeding)

A149 *Calidris alpina alpina*; Dunlin (Non-breeding)

A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)

Waterbird assemblage

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

Exe Estuary Ramsar

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).

Appendix 2 - 22/2306/MRES Consultation replies in full.

Contaminated Land Officer

02/02/24 - 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.

County Highway Authority

30/01/23 - I refer to the above-mentioned planning application received by the Highway Authority on 31 October 2022 and have the following observations for the highway and transportation aspects of this proposal. The highway observations, whilst also looked at in isolation, are also considered alongside application 22/2354/MFUL, received by the Highway Authority on 25 November 2022. I apologise for the delay in our responses.

The above Reserved Matters Application is seeking approval for access, appearance, landscaping, layout and scale for the construction of 31 dwellings as denoted in the supporting information. The application also seeks partial DOC for a number of conditions annexed into the decision notice of permitted application 03/P1900. The relevant highway related conditions requested for partial discharge are also addressed by the HA below.

The proposal sites are located north of Tillhouse Road and Crannaford Lane in Cranbrook and lie adjacent to the Cranbrook Education Campus. The vehicular access points proposed off Tillhouse Road and of Crannaford Lane are currently private and not adopted public highway. The Highway Authority note however that a pedestrian access is proposed on the western extremity of the site to tie into the existing non-motorised user crossing arrangement on an adopted part of Crannaford Lane.

Whilst in principle there is no objection from the Highway Authority for the development proposed, there are a number of queries raised that need to be clarified/addressed by the applicant. The queries are as follows:

It is observed that the western section intended to be served by an existing access that currently serves a car park would see alterations to the approach road. Given that there is a live S38 adoption application that captures the above, the applicant needs to ensure, if consented that any alterations are reflected in the S38 drawings. Notwithstanding, such alterations may impact the S38 application and may result in this section remaining under private ownership and responsibility.

It would appear no swept path analysis for refuse vehicles (11.4m in length, tracked on a suitably scaled topographical drawing, 1:200 scale advised) have been provided in support of the application. The Highway Authority would like to understand what capacity there is for such vehicles to enter, manoeuvre and egress from each respective vehicular access points. Furthermore, and with the previous point raised in mind, it would be prudent for the applicant to ascertain at this stage from the local waste management company in writing if they are content with serving the proposal sites and their collection points as denoted in the supporting drawing titled 'Refuse Strategy Plan'. Should this not be the case, the proximity of the refuse collection point may need to be revised.

The eastern section of the layout proposed, where vehicular access would be off Tillhouse Road would be reliant on live application 22/2354/MFUL being approved, in order for such lawful access to be achieved to this element of the site. Notwithstanding, the above queries raised, still remain relevant at this stage. Any future S38 application for the part of the proposal site (subject to approval being granted) cannot be entertained until the outcome of the adjacent application 22/2354/MFUL is understood.

Careful consideration needs to be given for the pedestrian crossings across the private school approach road, which would link the respective parcels of land included as part of this application. Should it be the applicant's intention to offer up any of the site for adoption to DCC through the S38 process, it would be beneficial to understand the extent of this going forward and for any future comments the Highway Authority wish to make.

Discharge Of Conditions

The Highway Authority have the following comments to make for the highway related conditions annexed into consented and associated application 03/P1900, that are requested for partial discharge for this application:

Condition 6

The proposed CEMP is currently under reviewed. Any comments the Highway Authority wishes to make will be provided as the development proposed progresses towards its determination by the LPA.

Condition 14

It is advised, if not already that the LLFA are consulted regarding the request for this partial discharge.

Condition 23

The Highway Authority recommend that this condition is not discharged to satisfy this application until the comments made in the body of the text above are better understood.

Condition 24

This condition is not normally discharged (partially or wholly) until a S38 agreement is in place with DCC. As already raised above, a S38 application for the eastern section of the residential proposal cannot be entertained until the aforementioned, neighbouring application is determined and understood. It should be noted, any associate works carried out are at the developer's risk without S38 approval which may lead to abortive works should they not be to an adoptable standard for the Highway Authority.

Condition 28

The level of parking proposed is a matter for the LPA to address, however the layout and siting of vehicle parking can impact on the S38 process and ability for larger vehicles to navigate within the internal layout.

With the above in mind, the Highway Authority request that the queries raised are appropriately addressed and clarified by the applicant. Once the additional information has been received, further comments can be provided following assessment.

County Highway Authority

22/08/25 - Observations and background

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.

In our previous comments dated 26 January 2023, DCC raised a number of queries regarding the development proposed, where it was advised these were addressed prior to the application being determined, considering adjacent application 22/2354/MFUL at the time.

The applicant has subsequently provided revised information for the proposal. Whilst each application is treated on its own merits, in this case the application will also need to be assessed alongside adjacent application 22/2354/MFUL and vice versa.

Comments provided for application 22/2354/MFUL remain relevant for this application, as do the conditions recommended.

Regarding the request for partial discharge of associated conditions, there is no apparent additional supporting information since our last comments to assess, and therefore they also are still applicable.

Summary

Should members be minded approving the development proposed DCC recommend that a suitably worded condition to ensure highway mitigation on the MLR is implemented and delivered by the applicant/future developer at/around all MLR access points to aid and promote speed reduction along this point of the network.

The following conditions are also recommended to be annexed into any favourable decision notice:

- The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.
- Any tandem parking spaces must be a combined minimum of 11.5 metres in length (as measured from the nearside edge of the highway to the edge of the building/garage door where the doors are of an up-and-over type.).
- Provision shall be made within the site for the disposal of surface water to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be made before commencement and maintained thereafter at all times.

o Prior to first occupation of the development hereby permitted, access to covered cycle and motorcycle parking, numbers, and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

o Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any

existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

o Prior to first occupation of the development hereby permitted, access to appropriate electric vehicle charging points will be committed to being available to all dwellings. This is to be provided within the garages or through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

DCC Flood Risk Management Team

22/11/22 - Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has confirmed that, whilst these areas seem to have been accounted for within the proposed surface water drainage system, the impermeable areas are greater than what was previously accounted for within Basin 2C. Therefore, the applicant has proposed to drain TC6 into an attenuation tank, before flowing into Basin 2C.

Above-ground features should be included throughout the site to provide opportunities for treatment and interception losses.

A detailed design of the surface water drainage system is required for condition 14.

Maintenance details are required for the proposed attenuation tank. The applicant should also confirm who shall be responsible for maintaining the proposed tank.

Exceedance routes are required at this stage.

Devon & Somerset Fire And Rescue Service

08/07/25 - Thank you for consulting Devon and Somerset Fire and Rescue Service regarding the above planning application. I have studied the amended drawings on the planning portal and it would appear (without prejudice) to satisfy the criteria we would require for B5 access under Building Regulations.

Access and facilities for the Fire Service are set out in detail in Approved Document B (Fire Safety) Volume 1: Dwellings. 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 Local Authority Building Control (or a registered building control approver).

Consideration should be given at the design stage for the provision of fire hydrants for this development.

Police Crime Prevention Officer

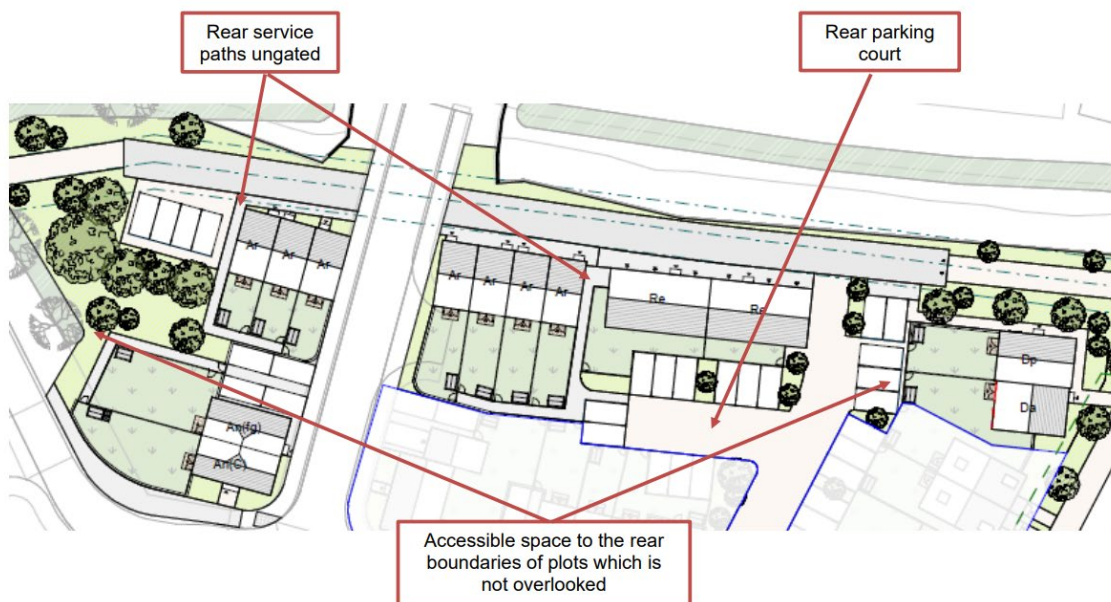
07/11/22 - Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. There are aspects of the scheme that I cannot support as they are proven to increase the opportunity for crime and anti-social behaviour (ASB) as well as the fear of crime and ASB. Such design features also conflict with National Planning Policy Framework guidance and strategies (Strategy 37 - Community Safety) within the East Devon Local Plan.

Secured by design guidance suggests that the security of a development should 'not be compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings, or by providing too many or unnecessary segregated footpaths'.

Additionally rear parking courts are discouraged for the following reasons:

- 'They introduce access to the vulnerable rear elevations of dwellings where the majority of burglary is perpetrated;
- In private developments such areas are often left unlit and therefore increase the fear of crime;
- Un-gated courtyards provide areas of concealment which can encourage antisocial behaviour1'.

Both such features have been incorporated into the scheme, examples of which are highlighted below.



1 Secured by Design Homes 2019

Yours faithfully,

Kris Calderhead

Designing Out Crime Officer

EDDC District Ecologist

28/03/24 -

2. Review of submitted details

1.1. General review

The reserves matter application is supported by an Ecological Assessment report (Ecology Solutions, September 2022) which details the results of several ecological surveys originally commencing in 2011, including the most recent surveys undertaken in 2021. The report is intended to cover several (but spatially close) separate planning applications. The surveys are considered sufficient to inform this proposal.

1.2. Conditions considered

The following conditions above are considered to have some relevance to biodiversity and require comment:

6. Construction, Environmental & Management Plan (CEMP)

The application is supported by a Construction Environmental Management Plan (CEMP), updated in December 2022. The CEMP is intended to cover various planning proposals within Cranbrook Town Centre (CTC).

Section 5.31 makes reference to generic ecological mitigation measures, such as timing works to avoid the bird nesting season, no nighttime working, and use of specialist ecologists.

The CEMP is generalist and doesn't make specific reference to the protected species on the site, in particular dormice and reptiles. However, the submitted Open Space Specification & Management Plan (OSSMP) (FPCR, October 2022) expands on some of the site-specific ecological construction ecological mitigation measures and should be signposted in the CEMP.

Section 7.7 of the ecology report notes that a dormouse mitigation licence will be required for habitat removal. No reference to this is within the CEMP.

The proposed site design includes a pathway through a large area of scrub in the east part of the site, confirmed to be used by nesting dormice. It is recommended that this area of suitable dormouse habitat be retained and protected. This may also have a bearing on whether a licence is required, e.g., if this habitat and no significant hedgerow habitat removal is proposed.

17. Landscaping/Open Space

The OSSMP (FPCR, October 2022) provides details regarding the landscaping and open space requirements for five separate applications within CTC, including the site being considered. Management of publicly accessible open space will be the responsible of a management company, Cranbrook Town Council. As with the CEMP the OSSMP covers several applications and be difficult to interrogate the details for the individual separate application.

The OSSMP and recommendations within the Ecology Assessment Report (Ecology Solutions, September 2022) have some differences. There is a low population of slow worms and grass snake on the site, largely located in the north-east and north-west part of the site. The ecology report (section 7.11) indicates that a watching brief is to be implemented together with a capture/rescue and relocation exercise to ensure no offence is committed in regard to reptiles. This is also based on recommendations within the Landscape, Drainage, and Biodiversity Strategy (LBDS) and comments from Natural England.

The OSSMP (sections 3.6 and 3.10) indicates that grassland would be managed to dissuade reptiles from clearance areas and areas of habitat retained. Therefore, some clarity on the recommended reptile translocation should be provide including details of fencing, translocation method, number of capture visits, and receptor site in accordance with published guidelines, e.g., .GOV standing advice and Herpetofauna Groups of Britain and Ireland (HGBI), 2010.

Section 5.3.35 of the ecology report recommended "areas of tussocky wildflower grassland area be created to the west of parcel TC5b, east of parcel TC6". Section 7.12 states: "the provision of wildflower grassland within areas of open space within the Infrastructure reserved matters application, around the new attenuation area, will enhance opportunities for reptiles post-development".

It is unlikely the area of Public Open Space in the centre of the site would provide functional long-term habitat for reptiles including grass snake, given its location likely subject to frequent disturbance and regular management, i.e., next to a Local Equipment Area for Play (LEAP), surrounded by residential housing and school. The landscape plan also indicates the area of open space in the east of TC5b would be Rowlawn Medallion turf, which is an amenity grassland and questionable value to support reptiles. Therefore, additional enhancement and/or provision of habitat to support reptiles is recommended.

The provision of native species hedges within the site is welcome and use of non-native shrub species around development plots considered acceptable, for the urbanised location. However, native shrubs would be preferred.

21. Retained hedgerows

The OSSMP (FPCR, October 2022) provides details for hedgerow protection including stand-off distances for fencing (section 3.3-3.4). The OSSMP indicates measures to avoid potential nesting bird offences, but no mention of dormice or potential licence requirements are stated.

22. Walls/Fences

Boundary treatment plan Drawing no. 08007 PL_PL01 indicates the provision of 1800 mm close boarded fencing on plot boundaries.

As highlighted in section 4.48 of the OSSMP (FPCR, October 2022) fencing should have access gaps for wildlife provided at ground level consisting of 13 cm x 13 cm holes at 5-10 m intervals to allow movement of wildlife, e.g., hedgehogs.

It is recommended these access gap details are provided on the boundary treatment plan as an elevation drawing to ensure these features are not overlooked by contractors.

3. Recommendations

1.3. Acceptability of the proposals

It is recommended that further clarity is provided to discharge conditions 6, 17, and 22.

It is considered that sufficient information has been provided to discharge condition 21.

William Dommett MSc MCIEEM
District Ecologist
East Devon District Council

EDDC District Ecologist
03/09/25 –

Biodiversity net gain (BNG)

The submitted BNG Statement and Assessment (GE Consulting, August 2025) considers all development parcels subject to planning applications 22/2354/MFUL and 22/2306/MRES collectively.

The submitted assessment and supporting Statutory Biodiversity Metric are thorough and accord with the mandatory BNG framework and BNG Principles. There is a watercourse feature (ditch) within scope of the assessment, but no gains are recommended for this as there are no predicted interventions within the riparian zone. The report also assumes that new hedgerows will be outside of private ownership, but several appear to be adjoining residential plots. The most valued habitats within the site including a ditch, scrub/mature trees, and species-rich hedges are retained within the proposals.

Based on the submitted information, the development would result in a net loss of 4.72 habitat units (-57.37%) and net gain of 0.92 hedgerow units (+35.69%). Given the constraints of the site and the limited areas for landscaping, the predicted BNG outcomes are considered typical for such a site.

Ecological enhancement features for species

The development would result in a quantified biodiversity loss for habitats. However, there are opportunities to provide additional ecological enhancements for protected species including bats, nesting birds, insects, and hedgehogs, through the provision of integrated roost/nest features, and the provision of hedgehog access points in fencing. Integral nest boxes should be installed in accordance with BS 42021:2022. Other measures such as the provision of water butts could also provide enhancements for the development.

Integrated swift bricks (or other integrated bird nest features, e.g., sparrow terraces) and insect bricks, should be installed at a ratio of one per dwelling. This could include clusters of these features in appropriate locations, in accordance with best practice guidance. Integrated bat roost features (minimum 8 no.) should be installed into dwellings adjacent to appropriate habitat, e.g., adjacent to hedges, ditch, woodland, and scrub habitat.

As these features are not included on the detailed elevations or boundary treatment plans, it is recommended that a planning condition be applied to secure these features including the detailed locations and types of these features. A pre-occupation compliance condition is also recommended to provide evidence that the features have been installed.

Other comments

The area of scrub/mature trees in the north-east part of the site supports hazel dormouse, a European protected species. The site design has been modified to avoid the loss of habitats used by hazel dormouse. The retention and protection of these habitats are key mitigation measures during construction.

The area of grassland and scrub to the north of Tillhouse Road supports slow worms and grass snake in low numbers. The development will result in the destruction of these habitats. Previous submission documents including a Construction Environmental Management Plan (CEMP) are generalist in nature as they cover large areas of the Cranbrook development. Specific reptile mitigation measures diverge in different supporting documents, e.g., dissuasion vs translocation. However, the supporting ecological assessment and Landscape, Drainage, and Biodiversity Strategy (LBDS) and comments from Natural England indicated that a translocation should be undertaken under the supervision of an Ecological Clerk of Works (ECoW).

It is recommended that an update CEMP be provided to detail protection measures for dormice and the reptile translocation clearance methodology. This should include the use of an ECoW and specify the details of reptile fencing, translocation method, number of capture visits, and receptor site in accordance with published guidelines, e.g., .GOV standing advice and Herpetofauna Groups of Britain and Ireland (HGBI), 2010.

Summary

The proposal as submitted would not deliver 10% BNG for area habitats or watercourse units and it is not proposed to use biodiversity offsetting to deliver 10% BNG for these habitat types. Therefore, the development is not in accordance with Policy CB26 (Landscape, Biodiversity and Drainage) of the adopted Cranbrook Local Plan 2013-2031. As the site is not subject to the mandatory BNG framework, this consideration will need to be taken into the planning balance.

In terms of delivering successful environmental outcomes, it is considered that the appropriate protection and maintenance of retained habitats and the successful establishment and maintenance of new habitats will be key. In particular, the establishment of woodland, street trees and hedges should have appropriate soil volumes, be planted at appropriate times, and receive sufficient aftercare and maintenance. Existing scrub/mature trees, species-rich hedges should also receive appropriate management. The provision of other ecological enhancement features for species should also be implemented.

Should the application be minded for approval it is recommended that a Landscape and Ecological Management Plan (LEMP), an updated Construction Environmental Management Plan (CEMP), an ecological enhancement feature plan, and a pre-occupation ecological compliance condition be imposed, to secure the establishment and maintenance of habitats and to ensure that protected and notable species are protected during construction, and that proposed species enhancement features are installed.

Reason

To ensure ecological impacts are mitigated for (given the constraints of the site) in accordance with Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031 and to ensure the successful protection and establishment of trees in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031 and Policy CB15(7) (Design Codes and Place Making) of the adopted Cranbrook Plan 2013-2031.

EDDC Landscape Architect

27/02/23 -

2 REVIEW OF SUBMITTED PROPOSALS

2.1 General

The site layout plans lack detail of land-use, land cover and layout of adjoining areas. An overall site plan at 1:500 scale should be provided showing the layout of all areas included in the two applications and adjacent land including existing development to the west of Tillhouse Road and south of Crannaford Lane and the school to the north, in order to show how the proposals will fit and work within their immediate context. Proposed verges, parking and street trees to Tillhouse Road and proposed road crossing, footways and cycle paths should also be indicated. Plot numbers of each dwelling within the application areas should be clearly marked for ease of reference.

Building lines to street frontages should be continuous and avoid random stepping of units. Excessively large, awkwardly shaped parking courts with insufficient planting areas to soften them are an unsatisfactory feature of parcels 5a, 6 and 7a.

There is little thought given to facilitate pedestrian access between parking courts and rear gardens/ entrances.

Insufficient space appears to have been allowed for bin collection points in a number of instances eg plots 23-26, 52/5791/22/110-115, without blocking pedestrian access paths.

The layouts do not make good use of space and there are numerous small areas of open space that serve no apparent function.

Where amenity space is provided in the curtilage of apartments, it generally appears to be awkward left-over space rather than purposefully designed and there is ambiguity as to whether it is intended for communal use or private use of adjacent ground floor residents. The latter is generally preferred for security reasons and appropriate enclosures should be provided as demarcation which ground-floor residents can access directly from their apartments.

2.2 Parcel TC 5b

This small, roughly triangular plot forms the rural edge to the development and gateway approach to the town from Crannaford Lane. The proposed arrangement of dwellings with their backs to Crannaford Lane creates an unwelcoming entry point and a poor quality streetscape. The whole design for this parcel needs reconsideration with a more outward facing solution.

2.3 Parcel TC 5a

The arrangement of parking bays on to the northern boundary in parcel TC 6 makes best use of the 6m gas easement. A similar approach should be adopted for parcel 5a.

2.4 Parcel TC 6

It is understood that design is currently being amended to remove proposed parking bays from the root protection area of the TPO trees to the eastern site boundary.

There is wasted space to either side of the access road passing between plots 50 and 61 and it is unclear whether this space is intended as private or communal. It would be better to omit or reduce this and make better use of the space gained to improve the overall layout.

Tree planting between parking bays to the front of plots 44-50 should be evenly spaced.

There appears to be a pedestrian access linking around the site of plots 80-90 to connect between Tillhouse Road and the parking court to the rear. This appears to compromise both the security and privacy of plot residents and needs to be re-considered.

Plots 44 to 50 should be shifted south to align with the frontages of plots 61-66 and provide planting to their frontages.

The access path in front of plot 50 should be extended to meet the road to the north.

2.5 Parcel TC7a

The apartment block needs to be aligned on the central axis of the Crannaford Lane junction opposite. At present it is shown awkwardly off centre. The geometry of the building also requires amending to reflect and fit with the existing road geometry. The building should be designed as a key building and focal point for the junction and surrounding development and a high quality design is required that is unlikely to be achievable using standard building types. The parcel appears to be over-developed and is dominated to the rear by a large parking court affording poor amenity for residents and offering very little planting to help soften and relieve hard surfacing and elevations and to screen parking.

The layout makes poor provision for access between parking bays and building entrances. A particularly poor example of this is the three rear entrance paths from the apartments which converge on a single parking bay.

2.6 LEAP and surrounding foot/ cycleways

There is an awkward pinch-point in the foot/cycleway immediately to the north side of the road junction crossing of Crannaford Lane, which narrows to 1.8m width at a point where the school pedestrian access and the entrance to the LEAP merge. Given the likely intensity of use in this area, additional foot/ cycle way space should be provided by trimming back the southwest corner of the LEAP to create a continuous 5m width cycle/footway between the pedestrian and cycle access paths to the school.

The access road to the east of the LEAP is shown comprising 5.5m width carriageway with 1.8m footway to either side. As this is to be the main cycle access route to the school the road should be designed as shared use with a maximum carriageway width of 6m. The junction

with Tillhouse Road should incorporate a raised table to give primacy to pedestrians and cyclists over vehicles.

The design of the LEAP as presented is uninspiring, being overly enclosed and carved up by access paths, and misses the opportunity to provide a welcoming and exciting focal point in front of the school. The need for perimeter hedging adjacent to the main pedestrian path to the school seems unnecessary and a more open treatment should be considered which should also better integrate it with adjacent housing to the west. While the detailed design of the LEAP itself could be a matter for later consideration a clearer vision and framework for it should be provided as part of the current applications.

Proposed trees are limes, concentrated around the southern end of the site where they are likely to heavily overshadow the main play space. Elsewhere there is opportunity for further ornamental trees within and around the space.

Provision should be made for seating within and around the LEAP some of which should be arranged in configurations to promote social interaction.

The proposed boundary hedge comprises mixed native species, predominantly hawthorn. Due to its sharp thorns, given its proximity to intensive play areas and expected high levels of activity on the surrounding footways it would be better to omit this species from the proposed mix.

The whole of the open space is likely to be subject to heavy wear especially around the edges of the play equipment. The flowering meadow grass and species rich neutral grassland mixes proposed are unlikely to be robust enough to withstand this pressure except around the northern margins of the site and a more hard wearing grass mix is required for the remainder. Special consideration should be given to drainage and soil specification within this area to ensure that is sufficiently free draining and able to maintain a reasonable structure.

Notwithstanding the submitted details detailed hard and soft landscape plans of the LEAP at 1:100 scale should be required either prior to determination of the application or by condition.

2.7 Boundaries generally

Garden boundaries to public or communal spaces (including parking courts) should comprise brick or rendered walls according to house type or hedges with railings.

Where front gardens/ planting beds are provided they should be protected by railings or walls at the back edge of adjacent footways.

Garden areas to apartments should have appropriate boundary demarcation to clearly define public and private areas.

Construction details for proposed boundary treatments should be provided.

Locations of hedgehog highways to rear gardens referred to in the Open space specification and management plan should be indicated on the boundaries plans.

2.8 Soft landscape generally

More soft landscape is required within parking courts to help soften the hard built form of surfacings and building elevations.

Where tree planting is indicated in parking courts it generally comprises small, slow growing species. Tree planting within parking courts should comprise medium size canopy species. Given the limited size of planting beds underground soil crating systems are likely to be

required to provide sufficient soil volume to sustain healthy tree growth to expected mature size.

Planting comprises a small palette of entirely evergreen shrubby species, which are used throughout the scheme, regardless of aspect. This includes *Skimmia j. Rubella* which is shade loving and should be restricted to eastern/ northern elevations. Proposals should be amended accordingly and additional deciduous and specimen accent plants provided to give added interest.

Proposed shrub planting is of limited wildlife value and greater emphasis should be given to including species of benefit to birds and invertebrates.

Additional interest should be provided by inclusion of bulb planting within open space areas.

2.9 Other general comments

Topsoil to rear gardens should be minimum 300mm deep. Rear gardens should be shown turfed.

A surfaced path should be provided linking between patio areas and rear garden access gates. Appropriately located paths should be provided to link front and rear entrances with roads/ footways to give clear pedestrian access particularly with push/ wheel chairs, wheelie bins etc. Details of locations and design of cycle parking arrangements should be provided particularly for apartments.

E-charging facilities should be provided where parking is not on plot.

Private rear gardens should be provided with water butts to collect roof run off for watering purposes.

2.10 Town centre residential application specification and management plan

A new section should be added setting out details of management responsibilities for the site following completion, such as private plot owners, management company, Town Council, DCC Highways. This should also include a plan showing extent of areas to be managed by each.

Section 3 - add new section 'Post construction management measures'

This should note that existing trees and hedgerows to be retained will not be included in private plot ownerships and will be managed by the management company or appropriate accountable body.

Para. 4.5 - This paragraph should be omitted. Considerations of tree species in proximity to foundations should be addressed at design stage and tree planting must be undertaken in accordance with the approved planting plans.

Para. 4.12 - Details are required regarding sourcing and testing of low nutrient soil.

Para. 4.13 - It should be noted that finished levels of topsoil in relation to surrounding pavings and manholes are after settlement.

Para 4.15 - the list of tree species given does not reflect the submitted planting plans and will require further amendment as noted above.

4.19 - The hedgerow mix given should be noted as typical and may be subject to some variation as noted above.

4.24 - The ornamental planting mix needs some amendment as noted above.

4.47 - Proposed bulb planting should be indicated on the detail soft landscape plans.

Objective 3 - should include details of seating, picnic benches, formal play equipment, safety surfacings, incidental/ natural play features, signage. Include for RosPA sign off inspection of formal play areas.

Section 5 table 1

Existing trees and hedgerow - hedge trimming - include for more frequent trimming where necessary to prevent encroachment over foot/ cycleways. Refer to hedge management cycle. Indicate height range for trimming.

New hedgerow planting - indicate height range for trimming.

Single species hedgerow - Beech hedges are best pruned in late summer. Specify intended height and width range for hedges.

Add section on play equipment, site furniture and pavings

Add section for maintenance of wildlife mitigation measures - bat/ bird boxes, hibernaculae etc. Include plan showing locations of features.

Section 6 - include play equipment inspections.

3 Conclusion and recommendations

The applications as presented are unsatisfactory for the reasons noted above. Layouts do not conform to best practice guidance including the National Design Code and Buildings for a Healthy Life and are considered contrary to NPPF policies 92, 104e, 110c, 112, 130 and 131 and Local Plan Strategy 5 para. 1), and policies D1 and D2. As such the application should be refused.

Should a revised scheme be provided addressing the above points and the application is approved the following conditions should be imposed:

1) No development work shall commence on site until the following information has been submitted and approved:

a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, lighting, site furniture, play equipment and signage.

b) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.

c) A detailed site levels plan(s) indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by representative 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) 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.

2) 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.

3) 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 Landscape Architect

21/08/25 - 1 REVIEW OF AMENDED DETAILS

Site Layout

The private access roads in NE corner of site in vicinity of plots 54 and 55 should be linked and the associated turning head omitted to provide a continuous road. I had understood that this was not possible due to level differences but the Planning drainage layout drawing shows the road ends have proposed levels of 25.00 and 25.38 respectively allowing more or less level access over the 20m or so distance between them. At the very least a pedestrian link is required linking between the two drive ends.

A pedestrian link should be provided between the end of the access road adjacent plots 60-62 and the MLR.

Clarity is needed between private garden areas and communal/ public open space areas. An ownership plan indicating this should be provided.

Narrow triangular planting beds between parking bays 23/24 and 47/48 are too narrow to sustain healthy plant growth and are likely to be over-run by vehicles and their passengers. They should be omitted.

Details of the attenuation basin to the south of parcel TC7a should be included on relevant drawings to evidence proper consideration and integration of design proposals.

Unallocated parking bays opposite plots 4-7 should be joined in to a single run of 6 spaces to make parking easier and make more efficient use of space. The increase in parking spaces here would enable a reduction in the parking court serving plots 8-17.

The parking court serving plots 8-17 is unsatisfactory providing a mass of parking with limited planting to break up the spaces and poor pedestrian links between parking bays and the corresponding rear garden entrances. The thin strip of planting indicated between the rear of the unallocated spaces and parking bays to plot 10 is too narrow to sustain healthy plant growth and should be omitted.

The need for a back alley to rear plots 55-58 is questioned as rear garden access can be arranged for all adjacent plots without this.

It is unclear how the boundary with Crannaford Lane will be treated and additional detail is required to show clearly the road edge, extent of footway and proposed treatment to the edge of this.

It is unclear how the frontage to plots 91-92 will be treated and how this relates to adjacent public access route.

A 1:200 scale detail plan is required to clearly show the proposals for the mini square to the rear of plots 23/43.

Treatment of alleys between plots 43/44; 65/66 and 69/70 is inconsistent with alley widths ranging from 3.5 to 5.5m.

Boundaries - Dwg. 106 P6

Railings are required to front plots 60-62; 55-58; 35; 49; 29;

Access gates should be provided for plot frontages with railings.

Confirm boundary treatments to frontages plots 91-92.

Rationalise rear garden boundaries to plots 55-58.

For consistency a gate should be provided to the rear access alley behind plot 74.

The following garden boundaries should be brick wall rather than c/b fence - southeast boundary plot 1; north boundary plot 3; south boundaries to plots 51-54 and 58; north boundary to plot 55

Reduce v. large private front garden to plot 08 and increase communal area accordingly.

The 1.8m brick wall around the parking bays top plots 55-56 appears unnecessary. If retained reduce height to 1.5m and align along edge of parking bays.

Walls to rear gardens plots 23/24 and 42/43 should follow the edge of the adjacent access path.

Plots 23-28 should have uniform front garden depths. Similarly plots 77-90.

The arrangement of rear gardens to plots 82-83 with the adjacent turning head is unsatisfactory.

Elevational details of proposed boundary details are required.

Construction detail of proposed 300mm high trellis panel on 1.5m high brick wall is required.

Hard landscape treatments and site furniture

Details of proposed external pavings and surfacings should be provided.

It is not clear what is proposed in the way of access and surface finish to the north side of plot 3.

Rear gardens should be provided with paved patio areas and connecting paths from patio to rear access gate.

Locations and details of proposed external lighting should be provided.

Planting generally

Street trees approved/ planted along the MLR outside of the site boundary should be shown.

Proposed street trees are generally too small and slow growing. Medium/ large canopy trees are generally required with appropriate soil volumes.

Planting palette is too monotonous comprising a very limited range of evergreen shrubs. Planting should include a mix of ground cover and specimen plants both evergreen and

deciduous plants to provide seasonal interest, biodiversity value, and differentiation between site areas (character areas) and taking account of aspect, ground floor windows and private/communal space.

In addition to above factors the limited planting palette makes the soft landscape scheme very vulnerable to introduced disease/ climate change factors and greater species diversity is required for future resilience of the scheme.

Rear gardens should be shown turfed on 300mm depth topsoil.

Overly narrow planting beds as noted under Site Layout comments above should be omitted.

2 CONCLUSION & RECOMMENDATIONS

The site layout changes are insufficient to adequately address previous comments and I have concerns about the overall quality of the hard and soft landscape detailing. Amendments and additional details are required as noted above before the scheme can be considered acceptable in terms of landscape design.

Environment Agency

18/11/22 - We object to this proposal on grounds that insufficient information has been submitted to demonstrate that the proposed development will be safe from flooding over its lifetime. It is therefore contrary to the National Planning Policy Framework (NPPF). We recommend that the application is not determined until a satisfactory Flood Risk Assessment (FRA) has been submitted.

The reason for this position is set out below, together with advice relating to the discharge of conditions 14 (drainage) and 6 (CEMP).

Reason - Flood Risk

The red line boundary of this site shown in the location plan is different to that in the design and access statement. The design and access statement states that the development is within flood zone 1, however if considering the site boundary set out in the location plan part of the development along the north of the site is at risk of flooding within flood zone 3.

Assuming that part of the site is located within flood zone 3, a comprehensive flood risk assessment should therefore be provided with flood levels clarified and finished floor levels set minimum of 600mm above the 1% AEP plus climate change flood level. In addition, layout drawings should be provided with the flood zones superimposed with finished floor levels clearly labelled. Building footprints must be entirely out of the flood zone and there must be a minimum 7m easement/buffer zone along the ordinary watercourse. This buffer zone should also be marked on plans and drawings. Ground levels must not be raised within the flood zones and this should be reflected in the levels shown on the plans.

Advice - Condition 14 (Drainage)

We consider that the discharge of condition 14 is acceptable from our perspective, however we recommend that you also consult with your Lead Local Flood Authority (Devon County Council) for them to review the technical details of the surface water management system. While the flood map for planning is not overlaid onto any of the drainage drawings, it appears that the cellular storage tank does encroach into flood zone 2. As a last resort, sealed underground attenuation tanks are suitable in fluvial Flood Zones as long as they can be operational during flood events and are maintainable.

We should however be re-consulted on any changes to the design.

Advice - Condition 6 (CEMP)

Previous works at Cranbrook have resulted in a number of incidents where there has been little regard to the runoff of soil to the watercourse. We would therefore expect to see more details of this within the CEMP before the condition is fully discharged:

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

Advice - Waste Management

All waste arising from the development must be disposed at a site which has an appropriate environmental permit or duly registered waste exemption. The developer must confirm in writing that sites which receive its waste have:

- An appropriate environmental permit or waste exemption
- An appropriate use for the waste
- Appropriate planning permission from the relevant local authority authorising the deposit of waste

Waste from the development may also be reused at a site which has a valid Definition of Waste Code of Practice (DoWCoP). Where waste is reused under a DoWCoP the developer must:

- Satisfy itself that a receiving site has a valid DoWCoP
- Satisfy itself that the reuse of waste at the receiving site meets the conditions of the DoWCoP
- Satisfy itself that the receiving site has appropriate planning permission from the relevant local authority authorising the reuse of waste.

All hauliers who remove waste from the development must be registered with the Environment Agency as upper tier waste carriers and the developer must confirm hauliers are appropriately registered before transferring any waste for removal.

Matters relating to the movement of lorries, dust control, the times lorries can enter or leave the site, the location of the site compound and site parking are matters regulated by the local authority.

Advice to the LPA

We will maintain our objection until the applicant has supplied information to demonstrate that the flood risks posed by the development can be satisfactorily addressed. We would like to be re-consulted on any information submitted to address our concerns and we will provide you with bespoke comments within 21 days of 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

25/07/25 - DC/2022/122853/02-L01

Thank you for re-consulting us on this application.

Environment Agency position

We note the additional documents submitted since our previous consultation response dated 18th November 2022. However, our position remains as an objection. There is insufficient flood risk assessment/technical assessment which demonstrates that the layout and floor levels would comply with our written formal position dated 18 November 2022.

Environment Agency

15/08/25 - Our ref: DC/2022/122853/03-L01

Thank you for re-consulting us on this application. Having reviewed the flood risk assessment report 10822 FRA02 Rev3 dated 2 April 2025 our position remains unchanged from that in our formal response of the 25 July 2025. That response I copied below.

Environment Agency position

We note the additional documents submitted since our previous consultation response dated 18th November 2022. However, our position remains as an objection. There is insufficient flood risk assessment/technical assessment which demonstrates that the layout and floor levels would comply with our written formal position dated 18 November 2022.

Environment Agency

10/09/25

Environment Agency position

Following review of the submitted Hydraulic Modelling Technical Study, we are able to remove our objection to this proposal.

Reason

We have reviewed the submitted Cranbrook Hydraulic Modelling Persimmon Phases 5A, 5B and 7A dated 03.09.25. We are satisfied that the report demonstrates that the floor levels would be a minimum of 600mm above the 1 percent AEP (Annual Exceedance Probability) plus climate change flood levels. Therefore, it is evident that the development, as proposed, would comply with the overriding requirements of the National Planning Policy Framework with regard to flood risk and climate change.

Please ensure that all relevant updated plans and reports are included in the list of 'approved' documents or are conditioned so secure the implementation of the proposal as currently submitted.

Environmental Health

04/11/22 - I have reviewed the CEMP and I am satisfied that condition 6 can be discharged

Health and Safety Executive

02/09/25 –

1. Thank you for your email of 14 August 2025 to HSE's Land Use Planning (LUP) advice team concerning the planning application for a Development of residential dwellings and associated car parking, roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) (ref 22/2354/MFUL) at Parcels Tc5a, Tc6 & Tc7a Tillhouse Road Cranbrook Town Centre.
2. The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines.
3. HSE advised on 14/07/2025 that the proposed developed was in the vicinity of a major hazard accident pipeline, the **Aylesbeare / High Bickington** operated by **Wales and West Utilities**.

HSE have reviewed this advice following the **Aylesbeare / High Bickington** pipeline reassessment in November 2018 which concluded that the HSE consultation zones are mostly reduced to a combined Inner/Middle/Outer zone of 3 metres within the proposed development site.

HSE has superimposed the consultation zones for the pipeline onto the map of landscaped character areas and the illustrative masterplan following the pipeline reassessment. (see Appendix 1).

4. HSE's advice on planning applications is based on HSE's Land Use Planning Methodology (see <http://www.hse.gov.uk/landuseplanning/methodology.pdf>). This uses a decision matrix with a combination of the consultation zones of the major hazard pipeline and the sensitivity level of the development to determine its advice to the planning authority, which will be that HSE either 'Advises Against' (AA) or 'Does Not Advise Against' (DAA) the granting of planning permission for the proposed development.

In providing its LUP advice for this planning application HSE has taken account of the proposed development being:

- partly located in the inner consultation zones of the **Aylesbeare / High Bickington** pipeline.
- residential dwellings
- transport links
- landscaping and associated works

Housing

Housing will be located outside of the consultation zones altogether. HSE does not advise against housing outside of consultation zones.

Transport links

Access roads and pedestrian links are classed as sensitivity level 1 developments and will be located in the inner consultation zones and outside of the consultation zones altogether. HSE does not advise against sensitivity level 1 transport links in the inner consultation zone or outside of the consultation zones altogether.

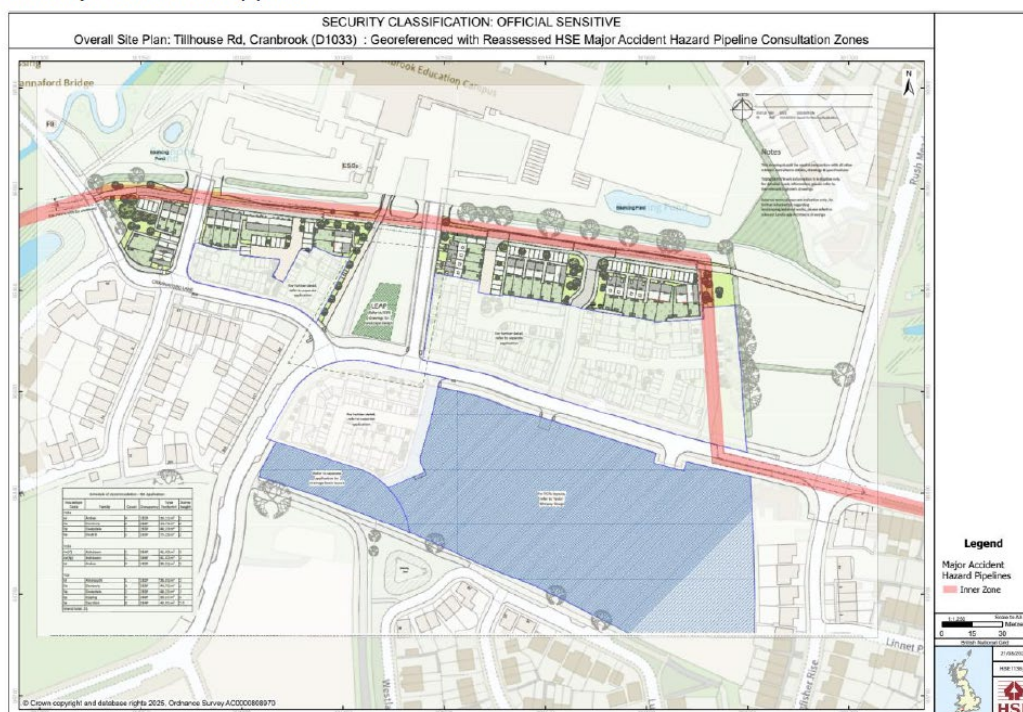
Landscaped and grassed/planted areas

The land for landscaping will be located in the inner consultation zones and outside of the consultation zones altogether. HSE does not advise against landscaping in the inner consultation zones or outside of consultation zones.

5. In summary HSE's Land Use Planning advice team **does not advise**, on safety grounds, against the granting of planning permission.

Please note that HSE must be reconsulted if any changes are made to the planning application. Please do this directly through our land use planning team.

Appendix 1. Map of Landscaped Character Areas superimposed with the combined inner/middle consultation zones and outer consultation zones of the major accident hazard pipeline.



3

Housing Strategy/Enabling Officer - Cassandra Pressling

15/07/25 - The Affordable Housing Enabling team support this application. There are 3 affordable houses on this phase, plots 52 - 54, which are all 2 bedroom, 4 person. Parking is to the front of each plot and each property has rear access.

National Grid

28/07/25 - Regarding planning application 22/2306/MRES, there are no National Grid Electricity Transmission assets affected by the proposal.

If you would like to view if there are any other affected assets in this area, please raise an enquiry with <https://lsbud.co.uk/>. Additionally, if the location or works type changes, please raise an enquiry.

Please note this response is only in reference to National Grid Electricity Transmission assets only. National Grid Electricity Distribution (formerly WPD) and National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.

Natural England

12/02/24 - Thank you for your consultation on the above dated 23 January 2024. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

European sites - East Devon Pebblebed Heaths SAC & East Devon Heaths SPA

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the East Devon Pebblebed Heaths SAC & East Devon Heaths SPA and has no objection to the proposed development due to the mitigation previously secured by S106 agreement.

European sites - Exe Estuary SPA

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Exe Estuary SPA and has no objection to the proposed development due to the mitigation previously secured by S106 agreement.

Exe Estuary Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

East Devon Pebblebed Heaths Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has produced standing advice 1 to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Ancient woodland, ancient and veteran trees The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances. Should the proposal change, please consult us again.

South West Water

08/11/22 - With reference to the planning application at the above address, I would advise that South West Water has no objection to the discharge of conditions, including 6 - Construction & Environmental Management Plan, 11 - Sewage treatment and 14 - Drainage.

Urban Designer

03/03/23 - Introduction

Context is of particular relevance in this location as it neighbours so many different aspects of Cranbrook including existing housing, the education campus, Country Park, town centre and the only road junction within Cranbrook that links it to other communities.

These parcels host the arrival and departure of several hundred pupils and staff each day throughout term time making it all the more important that the proposals properly analyse and respond to what is around them so that this entrance and backdrop to the education campus, town centre and town itself is high quality, forward looking and inspiring.

Comments are based on Building for a Healthy Life 12 and the National Design Guide. Comments are coded to reflect sections that are relevant in the two documents.

Building for a Healthy Life 12		National Design Guide	
1	Natural connections	A	Context
2	Walking, cycling and public transport	B	Identity
3	Facilities and services	C	Built form
4	Homes for everyone	D	Movement
5	Making the most of what's there	E	Nature
6	A memorable character	F	Public spaces
7	Well defined streets and spaces	G	Uses
8	Easy to find your way around	H	Homes and buildings
9	Healthy streets	I	Resources
10	Cycle and car parking	J	Lifespan
11	Green and blue infrastructure		
12	Back of pavement, front of house		

Comments on the proposal

Some points picked up from the drawings:

Overall proposal

- The drawings suggest the layout has used the perimeter of the open space in front of the school in setting out elevations around it but this appears arbitrary when considering the end result where elevations are cranked, creating awkward and unattractive views of end gables. It also appears not to align the apartments on the west side of 7a with anything (5, 6, 7; A, B, C, F)

- The units suffer the usual problem of not being able to negotiate corners that are not at 90 degrees. These are particularly prominent corners so need to have a successful design solution to avoid the approach to the town centre looking a bit silly. Vertical circulation cores could be an opportunity to vary angles so that apartment or house plans are not overly affected (6, 7, 8, 9; B, C, F)

- The parking areas on all parcels dominate the areas behind the road frontage, preventing the areas of green space provided by the developer from becoming the social and communal recreational spaces they potentially could be. This is not helped by the amount of SLOAP created by the layout itself. (5, 6, 7, 8, 9, 10, 12; B, C, E, F)

- The layout on all parcels seems inefficient given the large amount of Space Left Over After Planning (SLOAP), areas that have no discernible purpose, ownership or management, particularly around the apartment buildings. The layout needs to be redesigned to bring these spaces together and allow any left-over space to be designed as social spaces or well

designed and useable private gardens. Areas of unusable or unattractive private garden, such as that between plot 57 and the apartment building next to it, should be avoided (5, 6, 7, 8, 9, 11, 12; B, C, E, F, H)

- Surface water run-off should be managed using attractive swales, rain-gardens, ponds and water-features and connected tree-pits rather than being piped underground to crated attenuation tanks. This would help give purpose to land that is otherwise without purpose and it would help create a more attractive place to live (5, 6, 9, 11; B, E, F, I)

- The public open space in front of the school is a missed opportunity to create an attractive and well-used social space. It is located where there are a lot of homes, where a lot of people are passing through, and should be able to host informal gatherings or more organised events that spill out from the school. It should be a focal point for the community that allows a different sort of gathering to take place from those in the more formal setting of the town square. The proposed design is lacking ambition and purpose and appears to discourage use rather than invite it in as it is surrounded by hedges. It could also do with more tree planting to provide thoughtful shading and spaces that are designed to be social and feel safe (1, 3, 4, 5, 6, 7, 9, 11; B, D, E, F, H)

- The materials for housing and apartments contrast too strongly. Materials and design need to work better with each other to make the housing on these parcels work together while allowing units to retain visual identity. The contrast also risks tenure difference being very visible should apartments be transferred to a housing provider or sold for private rent. (4, 6, 8; A, B, H)

- There is not enough material variety in the houses to create recognisable places. The materials for the houses create fairly neat units individually but together cause the parcels to have a dark and gloomy character that does not help to create identity or help with wayfinding. More material variety introducing lighter elements would be helpful (6, 7, 8, 9, 12; B, D, H)

- The form and massing of the apartment buildings does not manage a successful visual transition between the housing, the school and the buildings coming in the town centre. Using contrasting materials horizontally on the elevations emphasises the scale of the buildings, making them less approachable and lacking in human scale. Vertical design features and articulation would allow units to be more recognisable and create a better sense of place. Balconies would help articulate the facades while providing private out-door space for upper floor units (4, 6, 8, 9; B, C, H)

- The street elevations need more life. The apartment buildings across all parcels have only 6 entrances onto the street front across approximately 120m of elevation and leave the open spaces around them without purpose or clear sense of ownership. A design with ground floor units with direct access to the outdoor spaces in front and / or behind them is necessary here to prevent these areas of dead space around the base of the buildings. This could combine duplex units at ground and 1st floor with apartments above to reduce parking pressure while retaining the necessary storey heights (6, 7, 8, 9, 12; B, C, F, H)

- The apartment buildings on all parcels need to be revised to have ground floor units opening onto the spaces in front of and behind the building so they form private gardens, a sense of place and create defensible spaces. Their overall design is unattractive, particularly with the wide footprint and resulting high pitched roofs that give the buildings unattractive proportions. The window to wall area ratio is also small which combined with the proportions gives the impression of a small jail.

The windows need to be bigger. There needs to be greater façade articulation that breaks up the massing and allows the buildings and the units within them to have greater identity. This could be achieved using inset or cantilevered balconies, expressed boxing or vertical design or material variation that breaks up the façade. The roofs may work better as flat to help with the proportions of the building unless the depth of the footprints can be reduced to avoid badly proportioned pitches (4, 6, 7, 12; B, H)

- The town-houses suffer from poor façade articulation and need revision. The elevations would benefit from gabled fronts to each unit and greater vertical articulation to help differentiate the units. Balconies, where suitable, would also help provide a more lively street-scene as has been used for the apartment units in the town centre itself.

Greater material variety is also needed, as noted above, and it would be good to lighten the tone generally, perhaps being a bit more playful with facades. The current choice of materials is dull and rather sensible (4, 6, 7, 12; B, H)

- The cycle path running east west across the top of 5 and 6 should be on a raised table when crossing roads so cyclists and pedestrians have clear priority over motor-vehicles (2, 9; D)

- The same cycle path should align with the north side of the shared road rather than the middle so there is less conflict with cars reversing from parking spaces (2, 5, 7, 8, 9, 10; D, F)

- The 'coach-houses' would be greatly improved if direct access was provided between garage and the home using an internal fire-door. Access to the garden could also be via the garage and the back-door that currently only opens onto a small area of storage space. This would avoid residents having to exit their home, walk through a car park just to get to their private outdoor space. The existing level of separation will hinder the use of this space (4, 5; C, H)

Parcel 5

- The plots (12 and 13) at the north-eastern corner of 5b are cranked to line through with the northern boundary but appear out of place when seen from the open space in front of the school. They should align with the other buildings on the eastern boundary instead (5, 6, 7, 8, 9; A, B, C, F)

- There is a considerable amount of Space Left Over After Planning (SLOAP) around plots 12-13. This creates issues of defensible space, management and use of these open spaces where these are all lacking definition. Any redesign should reduce this SLOAP to a minimum while providing meaningful and purposeful space for people to socialise within or other uses such as bio-diversity or SuDS (3, 5, 6, 7, 9, 11, 12; B, C, E, F, H, I)

- It would be good to see a foot / cycle link across parcel 5a connecting the existing road serving the housing on the other side of Crannaford Lane. Lack of context drawings make this potential link less evident (1, 2, 5, 9; A, D, F)

- The pedestrian access into 5b between the apartment building and plot 23 goes from nowhere to nowhere else so should be omitted. This gap between buildings is not helpful as it also is next to four parking spaces which creates a very wide opening onto the street where the design should be striving for more enclosure and a better sense of security. The path runs between the parking spaces and a blank gable at the end of the apartment building so has little passive security (1, 6, 7, 8, 12; B, D, F, H)

- The parking next to plot 23 is not well located as the spaces open directly onto the Crannaford Lane and relate poorly to the buildings around them so have a poor sense of ownership. These spaces should be relocated behind the street frontage (6, 7, 9, 10; B, D, H)

- The garden of plot 23 is very poorly resolved as the parking spaces that encroach into it divide it into two narrow areas, neither of which are particularly usable. This needs to be rearranged so the garden becomes useable and parking spaces can relate to the homes they serve (4, 7, 10, 12; C, H)
- Where the cycle path shares the road surface with motor vehicles along the northern boundary the cross section can be designed to include a gulley drain with different coloured surface material on the northern side of the drain to informally indicate the cycle-path. (2, 5, 6, 7, 8, 9; B, D, F)
- The frontage housing on 5a should be re-oriented so the view for people approaching Cranbrook from the Crannaford Lane is improved. At present the plots give views of rear garden walls only. Re-orienting the units would also enable the open space within the floodplain to be better overlooked and to start forming a more meaningful space in its own right. (5, 6, 7, 12; A, B, C, F, H)

Parcel 6

- The pavement behind the parking spaces along the northern boundary could be incorporated into the shared road surface as it effectively forms part of the road already, a pavement runs past the fronts of the houses making this surplus to requirements. If this is retained it should be only as a change in surface material rather than being kerb separated (1, 2, 6, 7, 8, 9, 12; B, D, F)
- When incorporating this footpath the cross section of this northern boundary road can be designed with a gulley drain and use different surface materials to informally indicate the cycle path (1, 2, 6, 7, 8, 9; B, D, F)
- More tree and shrub planting should be incorporated into the strip of parking along this northern boundary to make it less visually intrusive (6, 7, 9, 11, 12; B, E, F, I)
- The pedestrian link to the parking area behind plots 52-57 is narrow and unattractive, appears arbitrary and pointless as these units can access the house from the parking spaces from the rear. The link to the gardens between 76-77 also appears pointless. In both cases the buildings should form a continuous terrace to form a convincing frontage (6, 7, 8, 9, 12; B, C, D, F, H)
- The link between apartments 27-39 and plot 40 is poorly resolved with poor overlooking, too much hard surface and poor integration into the parking and landscaped area behind the frontage. The design of the apartments, the areas of open space around them and their parking needs to be revised (2, 6, 7, 8, 9, 10, 12; B, C, D, H)
- The landscaped area in the parking area next to plot 46 can extend and cut the driveway to reduce vehicular permeability while reducing the visual dominance of parking and improve the attractiveness of this space behind the buildings (4, 5, 6, 7, 9, 11, 12; B, C, E, F, H)
- The link between the apartments and plot 79 creates permeability that is unlikely to be used very much, is poorly overlooked, poorly resolved (as is the parking arrangement), and could form a risk to the security of the parking area behind the apartments (1, 4, 6, 7, 8, 9, 12; B, C, D, F, H)
- The parking and landscaped area behind apartments 80-90 leave a lot of land over as SLOAP, also the case in front of the apartments, and is dominated by parking. This area should be redesigned to reduce the visual dominance of the parking. Vehicle access to plots 69-70 and units on the eastern side of this block could be from the north to remove the need

for the eastern access off Tillhouse Way while enabling landscaping to be brought across the east west driveway behind this frontage to break up this area of parking and hard landscape. This could still be done if the access from Tillhouse Way is retained (5, 6, 7, 9, 10, 12; B, C, M, F, H)

- Although open space is welcome space either side of the access road between plots 50 and 61 appears arbitrary, lacking any purpose and therefore is unlikely to be used for anything. Open space should be well designed to encourage use for social interaction, as an attractive part of a SuDS chain or bio-diversity area or all these purposes and more combined. As it is this appears to be more SLOAP so the layout should be revised to address this (4, 5, 6, 7, 9, 11; B, C, E, F, H, I)

- Access to the rear garden of plot 66 should be from the front, rather than forcing such a long walk to a rear gate down an unattractive alley. The gardens to plots 66-67 include narrow areas that are unattractive and largely unusable so these should be redesigned (4, 11, 12; H)

- Access to the gardens to plots 46 and 51 appears to involve leaping over a high wall rather than more traditional means, like a gate. Access should be direct from within the unit itself which could be made possible with a door into the garden from their garage spaces. As the gardens are so small it is probably inappropriate to have such high walls around them. The gardens should also be made larger and more useful to the residents as there is space available to do so (4, 5, 11, 12; H)

Parcel 7

- There is no drawing to demonstrate how the western apartments on 7a relate to the existing housing opposite. It could contrast or conform with this but needs to demonstrate a design approach that helps to create a built scale and attractive, memorable townscape appropriate to this entrance to the town centre (5, 6, 7; A, B, C, F)

- The view from the Crannaford lane is not well terminated. The apartment building on 7a opposite the junction is offset when it should be central and does not present a vibrant or attractive elevation towards this Cranbrook entrance (5, 6, 7, 8; B, D, F)

- The 7a apartment facing north has been located to be central in the view from the school but the elevation is austere, there is no private outdoor space around its perimeter and the lack of private entrances results in a relatively lifeless street scene (4, 6, 7, 8, 9; B, C, F, H)

- It would be better to have housing facing onto the basin across the southern boundary of 7a rather than having a gap onto parking and access road. A pedestrian link should be retained but designed to be attractive and clearly overlooked from inhabited rooms (1, 2, 4, 5, 6, 7, 8, 9; A, D)

- Units 93-94 share the same issue as so many others by sitting in a sea of SLOAP. Much of this could be incorporated into private garden space, used as part of the SuDS chain or designed as social space rather than being simply left in front of people's homes for no apparent reason (4, 5, 6, 7, 11, 12; B, E, F, H)

Appendix 3 – 22/2354/MFUL Consultation replies in full.

Contaminated Land Officer

12/02/24 - I have considered the application and do not anticipate any concerns in relation to contaminated land.

County Education Dept

16/12/22 - Regarding the above planning application, Devon County Council has identified that a proposed increase of family type dwellings in Cranbrook would have a direct impact on the schools within Cranbrook.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

Our contribution request is based upon the 'Town Centre Memorandum of Understanding' which was signed on 11.5.22, which specifies that contributions of £1,742 per Additional Residential Dwelling will be paid towards provision of additional primary school places.

The documentation associated with this application indicates this application would see an increase of 84 dwellings which would equate to an education contribution to the sum of £146,328. However, we would appreciate confirmation of the number of dwellings and the contribution should be calculated based on the total number of dwellings multiplied by £1,742 as per the agreement stated above.

All contributions will be subject to indexation using BCIS and any indexation applied to the contributions requested should be applied from 11.5.22, the date the 'Town Centre Memorandum of Understanding' was signed.

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 Agreement.

County Highway Authority

30/01/23 - The highway observations, whilst also looked at in isolation, is also considered alongside live application 22/2306/MRES, received by the Highway Authority on 31 October 2022. I apologise for the delay in our response.

The above full planning application is for a residential development, across three parcels of land, totalling 84 dwellings. Consideration is given for consent already granted for application 03/P1900 and the associated vehicle movements that would be generated from this. Whilst this application would see additional vehicular movements from residential practices, it is the view of the Highway Authority that the development proposed, taking into account relevant policies and the sites proximity to local amenities and public transport is unlikely to have an impact on the local highway network that can be considered as severe.

Based on the information received for this application, and accesses thereto the site can be dissected into three sections.

- 13 Dwellings to be served off Crannaford Lane.
- 25 Dwellings south of Tillhouse Road.
- 46 dwellings north of Tillhouse Road.

The parcels of residential development that would see access via an existing arrangement off Crannaford Lane and a new access off the southern side of Tillhouse Road are wholly reliant on other applications coming forward. Both internal layouts proposed would not be adopted

by the Highway Authority and as such would remain under private responsibility to maintain where APC is likely to apply.

With regard to the remaining parcel north of Tillhouse Road which would see the creation of two new vehicular access points and the closure of an existing bellmouth as denoted in the supporting drawings, the layouts proposed would also see private responsibility for their future maintenance should consent be granted which APC likely to be applicable.

The western area of this parcel is also reliant on a separate application coming forward, although it would appear the eastern section could in principle be built out without such reliance.

However, and like neighbouring application 22/2306/MRES, whilst the proposed points of refuse pickups have been highlighted, the submitted information to date doesn't appear to detail a swept pathed analysis for refuse vehicles into the respective parcels that ensures appropriate access can be achieved. This needs to be clearly demonstrated (11.4 refuse vehicle, tracked on a suitably scaled topographical drawing, 1:200 scale advised).

It is advised that the applicant firstly understand and gets confirmed in writing, that the local waste management company would be willing to serve private settlements as presumed by the applicant. In the event that refuse access isn't permitted to all the residential developments for this application, the location of the refuse collection points is likely to require revising.

All dwellings need to appropriately accommodate at least once cycle space per bedroom, EVC access should also made available to all dwellings. The level of vehicular parking put forward by the applicant would be a matter for the LPA to consider if appropriate.

Associated parties are required to fulfil the relevant obligations set out in the latest S106 agreement. It needs to be ensured that appropriate amendments are made, where any additional dwellings consented are also legally bound to any contributions and/or commitments within.

Once the above queries have been addressed and clarified through additional information, the Highway Authority will assess and look to provide further comments to the LPA as part of their overall determination for the development proposed. To reiterate however, lawful access to the existing network cannot be delivered for the this application in its entirety without the favourable decision of the neighbouring and aforementioned live planning application.

County Highway Authority

22/08/25 - Observations and background

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.

In our previous comments dated 26 January 2023, DCC raised a number of queries regarding the development proposed, where it was advised these were addressed prior to the application being determined, considering adjacent application 22/2306/MRES at the time.

The applicant has subsequently provided revised information for the proposal. Whilst each application is treated on its own merits, in this case the application will also need to be assessed alongside adjacent application 22/2306/MRES and vice versa.

Access to parcel TC6 has been reduced to one single point of vehicular access off Tillhouse Road. Parcels TC5 AND TC7a accesses onto the wider network remain as per originally proposed. Should consent be granted, and for consistency a traffic calming feature(s) will be required along Tillhouse Road (to accommodate the TC6 access), to help promote reduced speeds along this straight stretch of the Main Link Road, taking into account upcoming uplift works also around this location and the delivery of parking bays either side of the access.

Turning to the internal layouts of the respective parcels it is the understanding of DCC that elements of the estate roads proposed are intended to be offered up for adoption in the future. For clarity, will not be adopting trees/vegetation. As part of any future S38 application, the estate roads would need to be designed and constructed to an adoptable standard. At this stage, based on the information received to date the following remains outstanding for DCC to ascertain:

- Streetlighting (and their intentions to accommodate roads and footpaths/footways).
- Clarity on radii on all intersections
- Pedestrian crossing points within the internal layout.
- Whilst swept path drawings have since been provided, further detail may be required as part of any future S38 adoption application.
- Any unallocated parking proposals that are also offered up for adoption would need to be accompanied by the above being clearly understood first, for DCC to consider. However, single or double unallocated parking areas would not be acceptable.

To reiterate, associated parties are required to fulfil the relevant obligations set out in the latest S106 agreement. It needs to be ensured that appropriate amendments are made, where any additional dwellings consented are also legally bound to any contributions and/or commitments within.

Summary

Should members be minded approving the development proposed DCC recommend that a suitably worded condition to ensure highway mitigation on the MLR is implemented and delivered by the applicant/future developer at/around all MLR access points to aid and promote speed reduction along this point of the network.

The following conditions are also recommended to be annexed into any favourable decision notice:

- The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

- Any tandem parking spaces must be a combined minimum of 11.5 metres in length (as measured from the nearside edge of the highway to the edge of the building/garage door where the doors are of an up-and-over type.).
- Provision shall be made within the site for the disposal of surface water to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be made before commencement and maintained thereafter at all times.
- Prior to first occupation of the development hereby permitted, access to covered cycle and motorcycle parking, numbers, and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.
- Prior to first occupation of the development hereby permitted, access to appropriate electric vehicle charging points will be committed to being available to all dwellings. This is to be provided within the garages or through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Devon County Flood Risk Management Team

06/12/22 - At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order 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.

Observations:

Whilst this planning application does not include Parcel TC7b nor the proposed swale to the south, the applicant should clarify what area will drain into the swale. The Flood Risk Assessment submitted for this planning application notes that Parcels TC7a and TC7b will drain into a sewer within Tillhouse Road and then Basin 2c. However, planning application 22/2307/MRES notes that Parcel TC7b will drain into the proposed swale.

A swale and basin have been referred to. However, only Parcel TC7b will drain into a swale before draining into basin 2c. The applicant should include above-ground features within all parcels to provide SuDS Management Trains.

Will the existing connections for Parcel TC7a be removed?

The MicroDrainage model outputs for basin 2c do not include upstream flows from the attenuation tank and swale. The applicant should confirm how they have assessed these flows entering the basin.

The applicant should demonstrate how exceedance flows shall be managed within these parcels.

We will not provide comments on Parcels TC3 and TC8b as they do not seem to have planning applications in at this stage.

Devon County Council Waste Management

09/07/25 - Dear Sir/Madam,

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

Therefore, it is recommended that a condition is attached to any consent to require the submission of a Waste Audit Statement prior to the commencement of the development as stated below:

Prior to the commencement of development, a waste audit statement shall be submitted to, and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:

- o Identify measures taken to avoid all waste occurring.
- o Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- o The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- o Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- o The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

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

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation.

The Waste Planning Authority recommends that the LPA is satisfied with the provision of waste storage for the operational phase of the proposed development. Information surrounding operational waste can be found here: [Waste Performance Statistics 2022-23.pdf](#) (devon.gov.uk) (page 7).

Devon & Somerset Fire And Rescue Service

08/07/25 - Thank you for consulting Devon and Somerset Fire and Rescue Service regarding the above planning application. I have studied the amended drawings on the planning portal and it would appear (without prejudice) to satisfy the criteria we would require for B5 access under Building Regulations.

Access and facilities for the Fire Service are set out in detail in Approved Document B (Fire Safety) Volume 1: Dwellings. 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 Local Authority Building Control (or a registered building control approver).

Consideration should be given at the design stage for the provision of fire hydrants for this development.

Health and Safety Executive

02/09/25 –

1. Thank you for your email of 14 August 2025 to HSE's Land Use Planning (LUP) advice team concerning the planning application for a Development of residential dwellings and associated car parking, roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) (ref 22/2354/MFUL) at Parcels Tc5a, Tc6 & Tc7a Tillhouse Road Cranbrook Town Centre.
2. The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines.
3. HSE advised on 14/07/2025 that the proposed developed was in the vicinity of a major hazard accident pipeline, the **Aylesbeare / High Bickington** operated by **Wales and West Utilities**.

HSE have reviewed this advice following the **Aylesbeare / High Bickington** pipeline reassessment in November 2018 which concluded that the HSE consultation zones are mostly reduced to a combined Inner/Middle/Outer zone of 3 metres within the proposed development site.

HSE has superimposed the consultation zones for the pipeline onto the map of landscaped character areas and the illustrative masterplan following the pipeline reassessment. (see Appendix 1).

4. HSE's advice on planning applications is based on HSE's Land Use Planning Methodology (see <http://www.hse.gov.uk/landuseplanning/methodology.pdf>). This uses a decision matrix with a combination of the consultation zones of the major hazard pipeline and the sensitivity level of the development to determine its advice to the planning authority, which will be that HSE either 'Advises Against' (AA) or 'Does Not Advise Against' (DAA) the granting of planning permission for the proposed development.

In providing its LUP advice for this planning application HSE has taken account of the proposed development being:

- partly located in the inner consultation zones of the **Aylesbeare / High Bickington** pipeline.
- residential dwellings
- transport links
- landscaping and associated works

Housing

Housing will be located outside of the consultation zones altogether. HSE does not advise against housing outside of consultation zones.

Transport links

Access roads and pedestrian links are classed as sensitivity level 1 developments and will be located in the inner consultation zones and outside of the consultation zones altogether. HSE does not advise against sensitivity level 1 transport links in the inner consultation zone or outside of the consultation zones altogether.

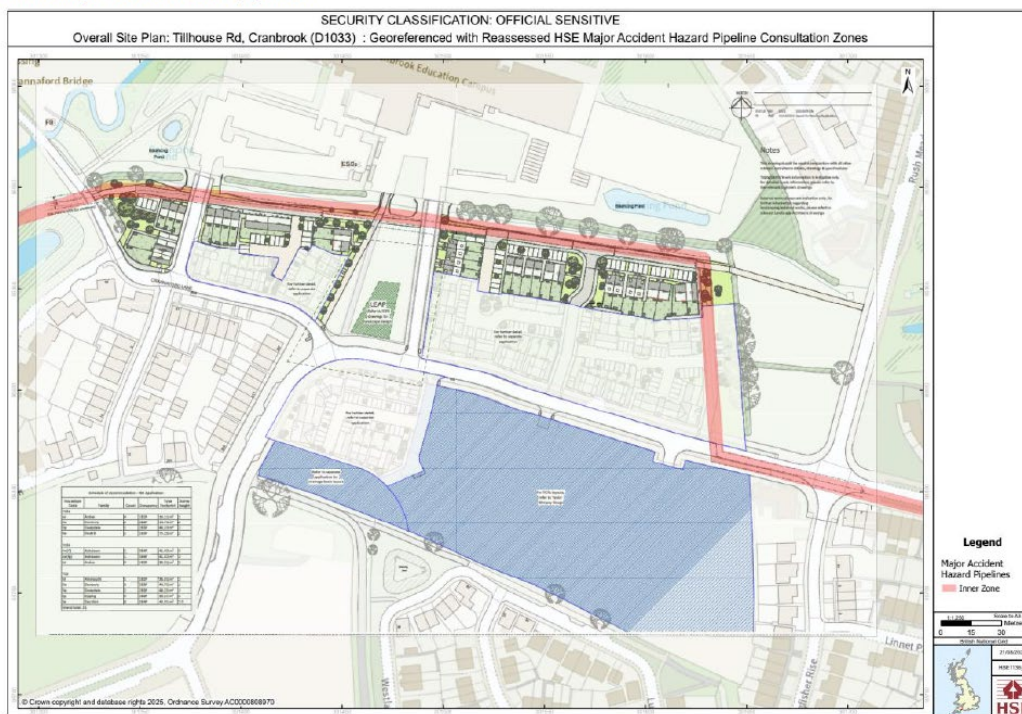
Landscaped and grassed/planted areas

The land for landscaping will be located in the inner consultation zones and outside of the consultation zones altogether. HSE does not advise against landscaping in the inner consultation zones or outside of consultation zones.

5. In summary HSE's Land Use Planning advice team **does not advise**, on safety grounds, against the granting of planning permission.

Please note that HSE must be reconsulted if any changes are made to the planning application. Please do this directly through our land use planning team.

Appendix 1. Map of Landscaped Character Areas superimposed with the combined inner/middle consultation zones and outer consultation zones of the major accident hazard pipeline.



3

Housing Strategy/Enabling Officer - Cassandra Pressling

16/07/25 - The Affordable Housing Enabling team understand that a Memorandum of Understanding was entered into by East Devon District Council, Devon County Council, Cranbrook Town Council and the New Community partners setting out requirements and obligations to be entered into for the additional residential development within the town centre. This confirmed that the requirement for Affordable Housing for the additional dwellings in the town centre would be removed.

It was agreed however that the affordable housing requirement from the shortfall from the consent for 26 dwellings in parcel TC4a (EDDC reference 21/2020/MRES) would be delivered through the consortium town centre applications.

We note Parcel TC5a and Tc7a will not providing any affordable housing.

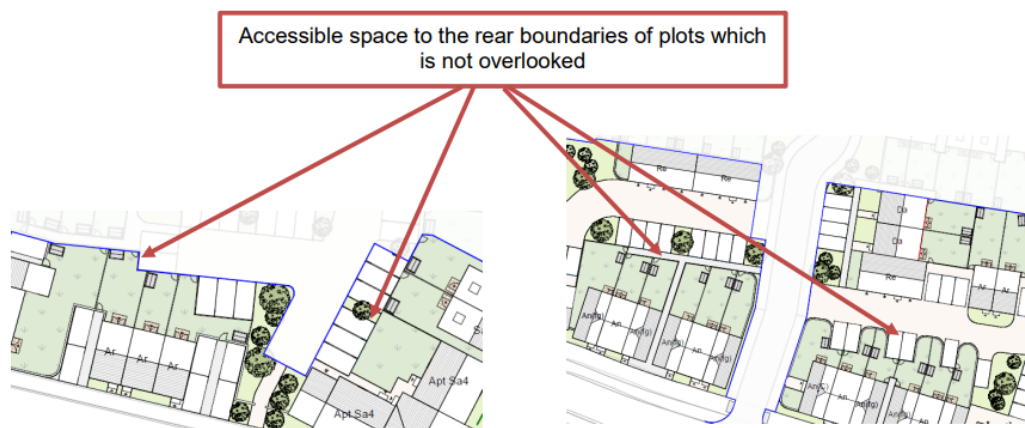
Parcel TC6 will provide 3 affordable units. These will be 2 bedroom, 4 person houses, which we support. We require the tenure to be Social Rent as this meets housing need in the district and aligns with government priorities for the delivery of new affordable housing.

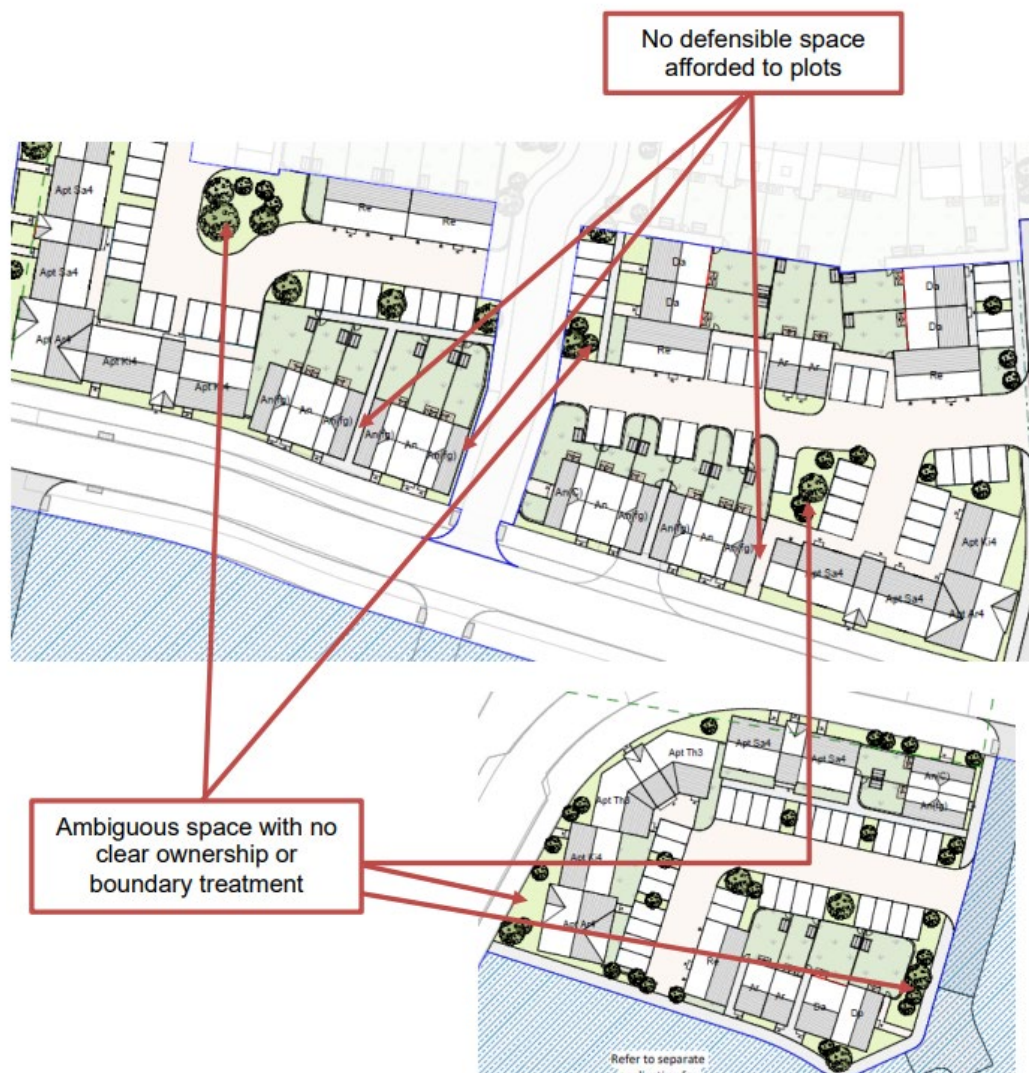
Police Crime Prevention Officer

23/11/22 - Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. There are aspects of the scheme that I cannot support as they are proven to increase the opportunity for crime and anti-social behaviour (ASB) as well as the fear of crime and ASB. Such design features also conflict with National Planning Policy Framework guidance and strategies (Strategy 37 - Community Safety) within the East Devon Local Plan.

Secured by design guidance suggests that the security of a development should 'not be compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings, or by providing too many or unnecessary segregated footpaths'.

There are numerous examples, some highlighted below, throughout the development where legitimate access has been afforded to the rear boundaries of plots. In some such areas natural surveillance opportunities are limited, thus further increasing the opportunity for crime and anti-social behaviour (ASB) as well as the fear of crime and ASB. Additionally, there are areas where private space immediately abuts public space with no buffer or defensible space in place which increases the potential for conflict and space with no boundary treatments, thus leaving it undefined with a lack of clear ownership which can lead to misuse.





The features above do not conform to designing out crime principles, therefore I cannot support them. In relation to further recommendations, the ground floor window of apartment blocks should be afforded a 1m wide, 1m high planting buffer to prevent easy access to open windows and tradesperson buttons must not be installed to communal entrances for mail delivery as they have proven to contribute to crime and ASB. Mail delivery should be via a 'through-the-wall' mail delivery into secure internal letterboxes, boxes located within an 'airlock' access controlled entrance hall/lobby, whereby access can be gained by a postal worker through the outer door only or external letterboxes (certificated to TS009) should be considered. If utility readings cannot be carried out remotely it would be preferable that they were located externally near the main entrance or in the 'airlock' space, thus again negating the need of a trades button.

Presumably the site will be lit in accordance with relevant British standards (BS 5489:2020), this should include effective lighting of pathways, gates and parking areas. This will promote the safe use of such areas, reduce the fear of crime and increase surveillance opportunities.

Yours faithfully,

Kris Calderhead Designing Out Crime Officer

EDDC District Ecologist

11/03/24 - The application is supported by an Ecological Assessment report (Ecology Solutions, September 2022) which details the results of several ecological surveys originally commencing in 2011, including the most recent surveys undertaken in 2021. The report is intended to cover several (but spatially close) separate planning applications. The surveys are considered sufficient to inform this development proposal.

The majority of the protected and notable species and habitats of higher ecological value recorded within the ecology assessment are located in the adjoining sites to the north being considered under a separate reserve matters application (22/2306/MRES). The north-east boundary of the site, adjacent to a line of mature trees and area of scrub, is considered the most valuable habitat on the site - confirmed to provide habitat for hazel dormouse.

This full application was validated on 11 November 2022 and as such would be subject to Policy CB26 of the Cranbrook Plan (adopted October 2022). Policy CB26 of the plan requires the delivery of 10% biodiversity net gain (BNG) as measured using the most up to date metric (currently the statutory biodiversity metric). No metric or details regarding the delivery of BNG is provided.

The ecology report makes recommendations for ecological mitigation and enhancement for all areas covered by the report, e.g., recommendation for bird and bat boxes, reptile, and dormouse mitigation.

In accordance with BS 42021:2022 Integral nest boxes - selection and installation for new developments it is recommended that 'universal' integrated bird bricks be provided at a ratio of 1 brick per dwelling. The bricks should be in clusters of 2-3 in the north, east and west gable ends or close under the eaves away from windows and doors at a height of 4m+, with clear flight access and no protruding ground floor roofs such as garages. It is extremely important that the bricks are clearly marked on the planning elevation drawings to ensure they are not overlooked during the construction stage.

Given the urbanised location of the site the recommendations for bat boxes are considered sufficient but their locations should be shown.

The ecology report (section 5.3.35) recommends areas of tussocky grassland in the east part of TC6 and south part TC7A for reptile habitat. There is some potential grassland habitat shown in the east part of TC6 but none in TC7A. It is unsure if additional reptile habitat is proposed for other areas covered by separate planning application or whether a reptile receptor site is being proposed. The area in the east of TC7A is below a line of mature trees so may be subject to heavy shading. Although, a buffer to the area of scrub further east is welcome but ideally there would be no car parking spaces in this area.

Additional ecological recommendations (not included within the ecology report) include the provision wildlife permeable close-boarded fencing, i.e., 13 cm x 13 cm holes at ground level and provision of insect bricks (one per dwelling).

EDDC District Ecologist
03/09/25 –

Biodiversity net gain (BNG)

The submitted BNG Statement and Assessment (GE Consulting, August 2025) considers all development parcels subject to planning applications 22/2354/MFUL and 22/2306/MRES collectively.

The submitted assessment and supporting Statutory Biodiversity Metric are thorough and accord with the mandatory BNG framework and BNG Principles. There is a watercourse feature (ditch) within scope of the assessment, but no gains are recommended for this as there are no predicted interventions within the riparian zone. The report also assumes that new hedgerows will be outside of private ownership, but several appear to be adjoining residential plots. The most valued habitats within the site including a ditch, scrub/mature trees, and species-rich hedges are retained within the proposals.

Based on the submitted information, the development would result in a net loss of 4.72 habitat units (-57.37%) and net gain of 0.92 hedgerow units (+35.69%). Given the constraints of the site and the limited areas for landscaping, the predicted BNG outcomes are considered typical for such a site.

Ecological enhancement features for species

The development would result in a quantified biodiversity loss for habitats. However, there are opportunities to provide additional ecological enhancements for protected species including bats, nesting birds, insects, and hedgehogs, through the provision of integrated roost/nest features, and the provision of hedgehog access points in fencing. Integral nest boxes should be installed in accordance with BS 42021:2022. Other measures such as the provision of water butts could also provide enhancements for the development.

Integrated swift bricks (or other integrated bird nest features, e.g., sparrow terraces) and insect bricks, should be installed at a ratio of one per dwelling. This could include clusters of these features in appropriate locations, in accordance with best practice guidance. Integrated bat roost features (minimum 8 no.) should be installed into dwellings adjacent to appropriate habitat, e.g., adjacent to hedges, ditch, woodland, and scrub habitat.

As these features are not included on the detailed elevations or boundary treatment plans, it is recommended that a planning condition be applied to secure these features including the detailed locations and types of these features. A pre-occupation compliance condition is also recommended to provide evidence that the features have been installed.

Other comments

The area of scrub/mature trees in the north-east part of the site supports hazel dormouse, a European protected species. The site design has been modified to avoid the loss of habitats used by hazel dormouse. The retention and protection of these habitats are key mitigation measures during construction.

The area of grassland and scrub to the north of Tillhouse Road supports slow worms and grass snake in low numbers. The development will result in the destruction of these habitats. Previous submission documents including a Construction Environmental Management Plan (CEMP) are generalist in nature as they cover large areas of the Cranbrook development. Specific reptile mitigation measures diverge in different supporting documents, e.g., dissuasion vs translocation. However, the supporting ecological assessment and Landscape, Drainage, and Biodiversity Strategy (LBDS) and comments from Natural England indicated that a translocation should be undertaken under the supervision of an Ecological Clerk of Works (ECoW).

It is recommended that an update CEMP be provided to detail protection measures for dormice and the reptile translocation clearance methodology. This should include the use of an ECoW and specify the details of reptile fencing, translocation method, number of capture visits, and receptor site in accordance with published guidelines, e.g., .GOV standing advice and Herpetofauna Groups of Britain and Ireland (HGBI), 2010.

Summary

The proposal as submitted would not deliver 10% BNG for area habitats or watercourse units and it is not proposed to use biodiversity offsetting to deliver 10% BNG for these habitat types. Therefore, the development is not in accordance with Policy CB26 (Landscape, Biodiversity and Drainage) of the adopted Cranbrook Local Plan 2013-2031. As the site is not subject to the mandatory BNG framework, this consideration will need to be taken into the planning balance.

In terms of delivering successful environmental outcomes, it is considered that the appropriate protection and maintenance of retained habitats and the successful establishment and maintenance of new habitats will be key. In particular, the establishment of woodland, street trees and hedges should have appropriate soil volumes, be planted at appropriate times, and receive sufficient aftercare and maintenance. Existing scrub/mature trees, species-rich hedges should also receive appropriate management. The provision of other ecological enhancement features for species should also be implemented.

Should the application be minded for approval it is recommended that a Landscape and Ecological Management Plan (LEMP), an updated Construction Environmental Management Plan (CEMP), an ecological enhancement feature plan, and a pre-occupation ecological compliance condition be imposed, to secure the establishment and maintenance of habitats and to ensure that protected and notable species are protected during construction, and that proposed species enhancement features are installed.

Reason

To ensure ecological impacts are mitigated for (given the constraints of the site) in accordance with Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031 and to ensure the successful protection and establishment of trees in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031 and Policy CB15(7) (Design Codes and Place Making) of the adopted Cranbrook Plan 2013-2031.

EDDC Landscape Architect

27/02/23 -

The applications form a confusing package of details divided, seemingly randomly, between two applications and covering a number of small site parcels, most of which are themselves split between the two applications, making review unnecessarily difficult. For the purpose of this review the two applications are considered together and each parcel is considered as a whole.

The overall site is constrained by a 6m width high pressure gas main easement running along the northern boundary, a line of mature TPO oaks to the eastern boundary and by existing road infrastructure of Tillhouse Road and Crannaford Lane. The junction of the two is a key nodal point, being also the principal entrance to the school. Vehicular access to the school is off Crannaford Lane via an existing access road that separates parcel TC5a from TC5b.

2 REVIEW OF SUBMITTED PROPOSALS

2.1 General

The site layout plans lack detail of land-use, land cover and layout of adjoining areas. An overall site plan at 1:500 scale should be provided showing the layout of all areas included in the two applications and adjacent land including existing development to the west of Tillhouse Road and south of Crannaford Lane and the school to the north, in order to show how the proposals will fit and work within their immediate context. Proposed verges, parking and street trees to Tillhouse Road and proposed road crossing, footways and cycle paths should also be

indicated. Plot numbers of each dwelling within the application areas should be clearly marked for ease of reference.

Building lines to street frontages should be continuous and avoid random stepping of units.

Excessively large, awkwardly shaped parking courts with insufficient planting areas to soften them are an unsatisfactory feature of parcels 5a, 6 and 7a.

There is little thought given to facilitate pedestrian access between parking courts and rear gardens/ entrances.

Insufficient space appears to have been allowed for bin collection points in a number of instances eg plots 23-26, 52/5791/22/110-115, without blocking pedestrian access paths. The layouts do not make good use of space and there are numerous small areas of open space that serve no apparent function.

Where amenity space is provided in the curtilage of apartments, it generally appears to be awkward left-over space rather than purposefully designed and there is ambiguity as to whether it is intended for communal use or private use of adjacent ground floor residents. The latter is generally preferred for security reasons and appropriate enclosures should be provided as demarcation which ground-floor residents can access directly from their apartments.

2.2 Parcel TC 5b

This small, roughly triangular plot forms the rural edge to the development and gateway approach to the town from Crannaford Lane. The proposed arrangement of dwellings with their backs to Crannaford Lane creates an unwelcoming entry point and a poor quality streetscape. The whole design for this parcel needs reconsideration with a more outward facing solution.

2.3 Parcel TC 5a

The arrangement of parking bays on to the northern boundary in parcel TC 6 makes best use of the 6m gas easement. A similar approach should be adopted for parcel 5a.

2.4 Parcel TC 6

It is understood that design is currently being amended to remove proposed parking bays from the root protection area of the TPO trees to the eastern site boundary.

There is wasted space to either side of the access road passing between plots 50 and 61 and it is unclear whether this space is intended as private or communal. It would be better to omit or reduce this and make better use of the space gained to improve the overall layout.

Tree planting between parking bays to the front of plots 44-50 should be evenly spaced.

There appears to be a pedestrian access linking around the site of plots 80-90 to connect between Tillhouse Road and the parking court to the rear. This appears to compromise both the security and privacy of plot residents and needs to be re-considered.

Plots 44 to 50 should be shifted south to align with the frontages of plots 61-66 and provide planting to their frontages.

The access path in front of plot 50 should be extended to meet the road to the north.

2.5 Parcel TC7a

The apartment block needs to be aligned on the central axis of the Crannaford Lane junction opposite. At present it is shown awkwardly off centre. The geometry of the building also requires amending to reflect and fit with the existing road geometry. The building should be designed as a key building and focal point for the junction and surrounding development and a high quality design is required that is unlikely to be achievable using standard building types.

The parcel appears to be over-developed and is dominated to the rear by a large parking court affording poor amenity for residents and offering very little planting to help soften and relieve hard surfacing and elevations and to screen parking.

The layout makes poor provision for access between parking bays and building entrances. A particularly poor example of this is the three rear entrance paths from the apartments which converge on a single parking bay.

2.6 LEAP and surrounding foot/ cycleways

There is an awkward pinch-point in the foot/cycleway immediately to the north side of the road junction crossing of Crannaford Lane, which narrows to 1.8m width at a point where the school pedestrian access and the entrance to the LEAP merge. Given the likely intensity of use in this area, additional foot/ cycle way space should be provided by trimming back the southwest corner of the LEAP to create a continuous 5m width cycle/footway between the pedestrian and cycle access paths to the school.

The access road to the east of the LEAP is shown comprising 5.5m width carriageway with 1.8m footway to either side. As this is to be the main cycle access route to the school the road should be designed as shared use with a maximum carriageway width of 6m. The junction with Tillhouse Road should incorporate a raised table to give primacy to pedestrians and cyclists over vehicles.

The design of the LEAP as presented is uninspiring, being overly enclosed and carved up by access paths, and misses the opportunity to provide a welcoming and exciting focal point in front of the school. The need for perimeter hedging adjacent to the main pedestrian path to the school seems unnecessary and a more open treatment should be considered which should also better integrate it with adjacent housing to the west. While the detailed design of the LEAP itself could be a matter for later consideration a clearer vision and framework for it should be provided as part of the current applications.

Proposed trees are limes, concentrated around the southern end of the site where they are likely to heavily overshadow the main play space. Elsewhere there is opportunity for further ornamental trees within and around the space.

Provision should be made for seating within and around the LEAP some of which should be arranged in configurations to promote social interaction.

The proposed boundary hedge comprises mixed native species, predominantly hawthorn. Due to its sharp thorns, given its proximity to intensive play areas and expected high levels of activity on the surrounding footways it would be better to omit this species from the proposed mix.

The whole of the open space is likely to be subject to heavy wear especially around the edges of the play equipment. The flowering meadow grass and species rich neutral grassland mixes proposed are unlikely to be robust enough to withstand this pressure except around the

northern margins of the site and a more hard wearing grass mix is required for the remainder. Special consideration should be given to drainage and soil specification within this area to ensure that is sufficiently free draining and able to maintain a reasonable structure.

Notwithstanding the submitted details detailed hard and soft landscape plans of the LEAP at 1:100 scale should be required either prior to determination of the application or by condition.

2.7 Boundaries generally

Garden boundaries to public or communal spaces (including parking courts) should comprise brick or rendered walls according to house type or hedges with railings.

Where front gardens/ planting beds are provided they should be protected by railings or walls at the back edge of adjacent footways.

Garden areas to apartments should have appropriate boundary demarcation to clearly define public and private areas.

Construction details for proposed boundary treatments should be provided.

Locations of hedgehog highways to rear gardens referred to in the Open space specification and management plan should be indicated on the boundaries plans.

2.8 Soft landscape generally

More soft landscape is required within parking courts to help soften the hard built form of surfacings and building elevations.

Where tree planting is indicated in parking courts it generally comprises small, slow growing species. Tree planting within parking courts should comprise medium size canopy species. Given the limited size of planting beds underground soil crating systems are likely to be required to provide sufficient soil volume to sustain healthy tree growth to expected mature size.

Planting comprises a small palette of entirely evergreen shrubby species, which are used throughout the scheme, regardless of aspect. This includes *Skimmia j. Rubella* which is shade loving and should be restricted to eastern/ northern elevations. Proposals should be amended accordingly and additional deciduous and specimen accent plants provided to give added interest.

Proposed shrub planting is of limited wildlife value and greater emphasis should be given to including species of benefit to birds and invertebrates.

Additional interest should be provided by inclusion of bulb planting within open space areas.

2.9 Other general comments

Topsoil to rear gardens should be minimum 300mm deep. Rear gardens should be shown turfed.

A surfaced path should be provided linking between patio areas and rear garden access gates.

Appropriately located paths should be provided to link front and rear entrances with roads/ footways to give clear pedestrian access particularly with push/ wheel chairs, wheelie bins etc.

Details of locations and design of cycle parking arrangements should be provided particularly for apartments.

E-charging facilities should be provided where parking is not on plot.

Private rear gardens should be provided with water butts to collect roof run off for watering purposes.

2.10 Town centre residential application specification and management plan

A new section should be added setting out details of management responsibilities for the site following completion, such as private plot owners, management company, Town Council, DCC Highways. This should also include a plan showing extent of areas to be managed by each.

Section 3 - add new section 'Post construction management measures'

This should note that existing trees and hedgerows to be retained will not be included in private plot ownerships and will be managed by the management company or appropriate accountable body.

Para. 4.5 - This paragraph should be omitted. Considerations of tree species in proximity to foundations should be addressed at design stage and tree planting must be undertaken in accordance with the approved planting plans.

Para. 4.12 - Details are required regarding sourcing and testing of low nutrient soil.

Para. 4.13 - It should be noted that finished levels of topsoil in relation to surrounding pavings and manholes are after settlement.

Para 4.15 - the list of tree species given does not reflect the submitted planting plans and will require further amendment as noted above.

4.19 - The hedgerow mix given should be noted as typical and may be subject to some variation as noted above.

4.24 - The ornamental planting mix needs some amendment as noted above.

4.47 - Proposed bulb planting should be indicated on the detail soft landscape plans.

Objective 3 - should include details of seating, picnic benches, formal play equipment, safety surfacings, incidental/ natural play features, signage. Include for RosPA sign off inspection of formal play areas.

Section 5 table 1

Existing trees and hedgerow - hedge trimming - include for more frequent trimming where necessary to prevent encroachment over foot/ cycleways. Refer to hedge management cycle. Indicate height range for trimming.

New hedgerow planting - indicate height range for trimming.

Single species hedgerow - Beech hedges are best pruned in late summer. Specify intended height and width range for hedges.

Add section on play equipment, site furniture and pavings

Add section for maintenance of wildlife mitigation measures - bat/ bird boxes, hibernaculae etc. Include plan showing locations of features.

Section 6 - include play equipment inspections.

3 Conclusion and recommendations

The applications as presented are unsatisfactory for the reasons noted above. Layouts do not conform to best practice guidance including the National Design Code and Buildings for a Healthy Life and are considered contrary to NPPF policies 92, 104e, 110c, 112, 130 and 131 and Local Plan Strategy 5 para. 1), and policies D1 and D2. As such the application should be refused.

Should a revised scheme be provided addressing the above points and the application is approved the following conditions should be imposed:

1) No development work shall commence on site until the following information has been submitted and approved:

a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, lighting, site furniture, play equipment and signage.

b) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.

c) A detailed site levels plan(s) indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by representative 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) 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.

2) 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.

3) 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.)

Site Layout

The private access roads in NE corner of site in vicinity of plots 54 and 55 should be linked and the associated turning head omitted to provide a continuous road. I had understood that this was not possible due to level differences but the Planning drainage layout drawing shows the road ends have proposed levels of 25.00 and 25.38 respectively allowing more or less level access over the 20m or so distance between them. At the very least a pedestrian link is required linking between the two drive ends.

A pedestrian link should be provided between the end of the access road adjacent plots 60-62 and the MLR.

Clarity is needed between private garden areas and communal/ public open space areas. An ownership plan indicating this should be provided.

Narrow triangular planting beds between parking bays 23/24 and 47/48 are too narrow to sustain healthy plant growth and are likely to be over-run by vehicles and their passengers. They should be omitted.

Details of the attenuation basin to the south of parcel TC7a should be included on relevant drawings to evidence proper consideration and integration of design proposals.

Unallocated parking bays opposite plots 4-7 should be joined in to a single run of 6 spaces to make parking easier and make more efficient use of space. The increase in parking spaces here would enable a reduction in the parking court serving plots 8-17.

The parking court serving plots 8-17 is unsatisfactory providing a mass of parking with limited planting to break up the spaces and poor pedestrian links between parking bays and the and corresponding rear garden entrances. The thin strip of planting indicated between the rear of the unallocated spaces and parking bays to plot 10 is too narrow to sustain healthy plant growth and should be omitted.

The need for a back alley to rear plots 55-58 is questioned as rear garden access can be arranged for all adjacent plots without this.

It is unclear how the boundary with Crannaford Lane will be treated and additional detail is required to show clearly the road edge, extent of footway and proposed treatment to the edge of this.

It is unclear how the frontage to plots 91-92 will be treated and how this relates to adjacent public access route.

A 1:200 scale detail plan is required to clearly show the proposals for the mini square to the rear of plots 23/43.

Treatment of alleys between plots 43/44; 65/66 and 69/70 is inconsistent with alley widths ranging from 3.5 to 5.5m.

Boundaries - Dwg. 106 P6

Railings are required to front plots 60-62; 55-58; 35; 49; 29;

Access gates should be provided for plot frontages with railings.

Confirm boundary treatments to frontages plots 91-92.

Rationalise rear garden boundaries to plots 55-58.

For consistency a gate should be provided to the rear access alley behind plot 74.

The following garden boundaries should be brick wall rather than c/b fence - southeast boundary plot 1; north boundary plot 3; south boundaries to plots 51-54 and 58; north boundary to plot 55

Reduce v. large private front garden to plot 08 and increase communal area accordingly.

The 1.8m brick wall around the parking bays top plots 55-56 appears unnecessary. If retained reduce height to 1.5m and align along edge of parking bays.

Walls to rear gardens plots 23/24 and 42/43 should follow the edge of the adjacent access path.

Plots 23-28 should have uniform front garden depths. Similarly plots 77-90.

The arrangement of rear gardens to plots 82-83 with the adjacent turning head is unsatisfactory.

Elevational details of proposed boundary details are required.

Construction detail of proposed 300mm high trellis panel on 1.5m high brick wall is required.

Hard landscape treatments and site furniture

Details of proposed external pavings and surfacings should be provided.

It is not clear what is proposed in the way of access and surface finish to the north side of plot 3.

Rear gardens should be provided with paved patio areas and connecting paths from patio to rear access gate.

Locations and details of proposed external lighting should be provided.

Planting generally

Street trees approved/ planted along the MLR outside of the site boundary should be shown.

Proposed street trees are generally too small and slow growing. Medium/ large canopy trees are generally required with appropriate soil volumes.

Planting palette is too monotonous comprising a very limited range of evergreen shrubs. Planting should include a mix of ground cover and specimen plants both evergreen and deciduous plants to provide seasonal interest, biodiversity value, and differentiation between site areas (character areas) and taking account of aspect, ground floor windows and private/ communal space.

In addition to above factors the limited planting palette makes the soft landscape scheme very vulnerable to introduced disease/ climate change factors and greater species diversity is required for future resilience of the scheme.

Rear gardens should be shown turfed on 300mm depth topsoil.

Overly narrow planting beds as noted under Site Layout comments above should be omitted.

2 CONCLUSION & RECOMMENDATIONS

The site layout changes are insufficient to adequately address previous comments and I have concerns about the overall quality of the hard and soft landscape detailing. Amendments and

additional details are required as noted above before the scheme can be considered acceptable in terms of landscape design.

EDDC Trees

23/07/25 - The amended plans (100 P12 - Planning Layout) appear to have taken on board my previous objections in relation to the impacts on G31. The proposed parking bays have been removed and the space between the trees and access road to the west is to remain as open space with some landscape planting. I therefore have no objection to the proposal subject to the following recommended condition:

(a) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a scheme for the protection of the retained trees, hedges and shrubs shall be produced in accordance with the principles embodied in BS5837 :2012, which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, [including trees which are the subject of a Tree Preservation Order currently in force], shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

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

d) 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.

e) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

f) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

g) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031).

Environment Agency

28/12/22 - Our ref: DC/2022/122973/03-L01

Thank you for consulting us on this planning application.

Environment Agency Position

We object to this application; further information is required in order to ensure the development is not at risk of flooding.

Reason

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development.

The sections of land parcels within this application do not encompass flood zones 2 or 3. However, as other parts of parcels Tc5a and Tc6 do have areas at risk of flooding, in order to ensure that flood risk posed to this development is considered fully, the flood risk assessment should be updated with the design flood levels clarified for the ordinary watercourse to the north of the site. Finished floor levels should be set a minimum of 600mm above this flood level. It may be the case that existing ground levels across the site mean that finished floor levels will be at a level where they will not need to be raised further, if this is so, please demonstrate this within the FRA. Similar information has been requested as part of our consultation response for 22/2306/MRES.

To overcome our objection

Please update the flood risk assessment with the information detailed above.

Environment Agency

31/07/25 - Our ref: DC/2022/122973/03-L01

Environment Agency position

We note the additional documents submitted since our previous consultation response dated 3rd January 2023. However, our position remains an objection. There is insufficient flood risk assessment/technical assessment which demonstrates that the layout and floor levels sought would comply with our previous position. Whilst the boundary for this full application is further away from the river than the reserved matters application (22/2306/MRES), there are concerns with the proposed finished floor levels of properties on this site, which need to be resolved. Our position aligns to the response for 22/2306/MRES.

Environment Agency

15/08/25 - Our ref: DC/2022/122973/03-L01

Thank you for re-consulting us on this application. Having reviewed the flood risk assessment report 10822 FRA02 Rev3 dated 2 April 2025 our position remains unchanged from that in our formal response of the 31 July 2025. Our previous response is copied below.

Environment Agency position

We note the additional documents submitted since our previous consultation response dated 3rd January 2023. However, our position remains an objection. There is insufficient flood risk assessment/technical assessment which demonstrates that the layout and floor levels sought would comply with our previous position. Whilst the boundary for this full application is further away from the river than the reserved matters application (22/2306/MRES), there are concerns

with the proposed finished floor levels of properties on this site, which need to be resolved. Our position aligns to the response for 222306/MRES.

Environment Agency

10/09/25

Environment Agency position

Following review of the submitted Hydraulic Modelling Technical Study, we are able to remove our objection to this proposal.

Reason

We have reviewed the submitted Cranbrook Hydraulic Modelling Persimmon Phases 5A, 5B and 7A dated 03.09.25. We are satisfied that the report demonstrates that the floor levels would be a minimum of 600mm above the 1 percent AEP (Annual Exceedance Probability) plus climate change flood levels. Therefore, it is evident that the development, as proposed, would comply with the overriding requirements of the National Planning Policy Framework with regard to flood risk and climate change.

Please ensure that all relevant updated plans and reports are included in the list of 'approved' documents or are conditioned so secure the implementation of the proposal as currently submitted.

Environmental Health

30/11/22 - I have considered the application, reviewed the submitted documentation, and I do not anticipate any environmental health concerns.

National Grid

28/07/25 - Regarding planning application 22/2354/MFUL, there are no National Grid Electricity Transmission assets affected by the proposal.

If you would like to view if there are any other affected assets in this area, please raise an enquiry with <https://lsbud.co.uk/>. Additionally, if the location or works type changes, please raise an enquiry.

Please note this response is only in reference to National Grid Electricity Transmission assets only. National Grid Electricity Distribution (formerly WPD) and National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.

National Highways

03/01/23 - Referring to the notification of a Full planning application referenced above, for the development of 84 residential dwellings and associated car parking, roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities), at parcels Tc5a, Tc6 & Tc7a, Tillhouse Road, Cranbrook Town Centre, Devon, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection (see reasons at Annex A);

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development National Highways Planning Response (NHPR 22-12) December 2022 Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningSW@nationalhighways.co.uk

Annex A National Highways recommended No Objections

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England was renamed National Highways in August 2021. Prior to April 2015 the organisation was known as the Highways Agency. National Highways is a government owned company responsible for operating, maintaining and improving the SRN.

Statement of Reasons

The application seeks full planning permission for the development of 84 residential dwellings and associated car parking, roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities), at parcels Tc5a, Tc6 & Tc7a, Tillhouse Road, Cranbrook Town Centre. The 12,928sqm site is located approximately 3.4km north east of the A30/B3184 Exeter Airport junction and 5km north east of M5 Junction 29.

Section 1.1.5 of the supporting Transport Assessment (TA) sets out that proposals to increase the number of dwellings in the town centre are accompanied by a reduction in retail floorspace, which has been agreed with East Devon District Council.

Planning Context

Outline permission for a new community at Cranbrook comprising up to 2,900 residential dwellings, a town centre and associated uses and infrastructure was granted in October 2010 under reference 03/P1900. A further 587 dwellings at the Cranbrook New Community (CNC) were consented under full permission 13/1752/MFUL.

Application 22/2354/MFUL has been submitted in conjunction with two reserved matters applications as below.

- o 22/2306/MRES - Reserved Matters application seeking approval of access, appearance, landscaping, layout and scale for the construction of 31 dwellings including affordable housing, parking, roads, footpaths, landscaping, open space, associated site infrastructure and all other associated works, and the discharge of the relevant conditions of the outline permission (6, 11, 14, 17, 18, 20, 21, 22, 23, 24, 28, 36 and 37)

- o 22/2307/MRES - Reserved Matters application seeking approval of access appearance, landscaping, layout and scale for the enlargement of the existing surface water basin 2c and resulting amendments to the neighbouring footpaths, and the construction of a new surface water basin with associated infrastructure and engineering works, and the discharge of the relevant conditions of the outline permission (6, 14, 17 and 20)

National Highways has not been consulted on the above reserved matters applications. We were consulted on full application 22/2354/MFUL in December 2022 following a written request to the Local Planning Authority.

National Highways Planning Response (NHPR 22-12) December 2022

Section 4.2.3 of the TA states that a further two full planning applications for development at the town centre will be submitted in future, although the scope and quantum of this development is unclear. National Highways requests to be formally consulted on these applications once validated.

Additional Development at Cranbrook

The adopted Cranbrook Plan allocates a further 4,170 dwellings across four expansion zones, in addition to the 3,847 consented at the CNC. Following consultation on a number of expansion area applications National Highways has made clear that should the overall Plan allocation increase beyond 4,170 dwellings an updated transport assessment would need to be provided to enable National Highways to understand the impact upon the SRN. Given the evidence based used to support the expansion site applications is now a decade old, any proposed uplift in the quantum of development either within the extant CNC permission areas or the expansion site allocations will require the submission of updated transport modelling supported by contemporary traffic surveys.

National Highways has recently been consulted by Devon County Council on updated traffic modelling to support an increase the quantum of development across the four expansion areas beyond the 4,170 dwellings assessed and allocated by the Cranbrook Plan. This modelling is currently being reviewed by National Highways and as such is yet to be agreed.

Impact on Strategic Road Network

The application seeks an additional 84 dwellings at the town centre, comprising 49 flats and 35 dwellings (0% affordable) together with 124 parking spaces.

The Local Planning Authority has confirmed that based on the reserved matters applications submitted for the Cranbrook New Community to date, the number of dwellings is currently 36 below the 3,487 previously assessed and consented by outline permission 03/P1900. On this basis the LPA as advised that application 22/2354/MFUL for 84 dwellings in the town centre results an increase of 48 dwellings over the quantum consented by the outline permission 03/P1900 at the current time.

Following a high level review of the submitted TA dated August 2022 and prepared by WSP we make the following comments.

- o The TA seeks to assess the traffic impact of 230 additional dwellings covering the above two reserved matters applications, application 22/2354/MFUL and two future full applications yet to be submitted. For clarity and transparency the TA should clearly identify the development quantum of each application and assess the traffic impact of each respective application.

- o The TA makes reference to residential trip rates previously accepted for the 03/P1900 permission. These rates are considered historic and rely on a level of internalisation not currently being achieved at Cranbrook in the absence of planned facilities having not yet come forward. The use of these trip rates will need to be justified and supported by contemporary traffic surveys. The use of the presented historic trip rates cannot be currently agreed by National Highways.

- o The TA derives residential and retail trip rates using the TRICS database. Noting the existing CNC is not achieving the forecast level of internalisation any reductions to the derived trip

rates need to be justified. The TRICS outputs should also be provided with the application. The presented trip rates cannot be currently agreed by National Highways.

- o Zero background traffic growth has been applied. This should be justified.

- o The TA makes reference to an updated SATURN Local Model Validation Report (LMVR) for Cranbrook. The model, all associated files and the LMVR should be National Highways Planning Response (NHPR 22-12) December 2022 submitted in support of any application which seeks to rely on its conclusions. In the absence of such information the conclusions contained within the TA, based on the referenced Cranbrook LMVR, cannot be currently agreed by National Highways.

- o The two future applications at the town centre referenced in the TA will need to provide the above information as part of the supporting transport assessment. National Highways encourages the applicant to engage us in pre-application discussions to ensure that the proposed scope and methodology of the necessary transport assessment can be agreed.

Notwithstanding the above, based on the location adjacent to the planned town centre facilities it is considered likely that the additional 84 dwellings may result in a lower vehicular trip generation than other areas of Cranbrook. In addition, National Highways are advised that the development will only result in a net increase of 48 dwellings at Cranbrook over that consented by outline permission 03/P1900 as a result of reduced housing levels coming forward elsewhere across the CNC. Based on the likely traffic generation associated with an increase of 48 dwellings National Highways considers it would be unable to sustain an objection on the grounds of an unacceptable impact on the safe operation of the strategic road network.

We wish to make clear that our response of no objection to application 22/2354/MFUL does not imply acceptance of the methodology or conclusions contained within the submitted TA, or of any additional development at Cranbrook that may be sought by future applications. Any additional development proposed at the town centre beyond the 84 sought by application 22/2354/MFUL will need to be supported by a detailed transport assessment which addresses our above comments.

National Highways is currently reviewing updated modelling work to support an increase in the quantum of development across the four expansion areas beyond the 4,170 dwellings assessed and allocated by the adopted Cranbrook Plan. We would advise that any additional development proposed at the town centre within the Cranbrook New Community could be included as part of this assessment, and would welcome discussion with the applicant, East Devon District Council and Devon County Council regarding on this matter.

Recommendation

National Highways has no objection in principle to application 22/2354/MFUL, noting the above comments.

Standing advice to the Local Planning Authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

Natural England

12/11/24 - Thank you for your consultation on the above dated 30 October 2024.

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.

DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as East Devon Pebblebed Heaths SAC. It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI.

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of its conservation objectives) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

If the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant, it is your responsibility (as the competent authority) to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

Network Rail

17/07/25 - Network Rail continues to have concerns regarding development around Crannaford level crossing and the significant increase in its usage that developments will generate. Consequently, it would not be reasonable for Network Rail to support the forthcoming development as concerns remain around the safety of those using the railway.

Urban Designer

03/03/23 - Introduction

Context is of particular relevance in this location as it neighbours so many different aspects of Cranbrook including existing housing, the education campus, Country Park, town centre and the only road junction within Cranbrook that links it to other communities.

These parcels host the arrival and departure of several hundred pupils and staff each day throughout term time making it all the more important that the proposals properly analyse and respond to what is around them so that this entrance and backdrop to the education campus, town centre and town itself is high quality, forward looking and inspiring.

Comments are based on Building for a Healthy Life 12 and the National Design Guide. Comments are coded to reflect sections that are relevant in the two documents.

Building for a Healthy Life 12		National Design Guide	
1	Natural connections	A	Context
2	Walking, cycling and public transport	B	Identity
3	Facilities and services	C	Built form
4	Homes for everyone	D	Movement
5	Making the most of what's there	E	Nature
6	A memorable character	F	Public spaces
7	Well defined streets and spaces	G	Uses
8	Easy to find your way around	H	Homes and buildings
9	Healthy streets	I	Resources
10	Cycle and car parking	J	Lifespan
11	Green and blue infrastructure		
12	Back of pavement, front of house		

Comments on the proposal

Some points picked up from the drawings:

Overall proposal

- The drawings suggest the layout has used the perimeter of the open space in front of the school in setting out elevations around it but this appears arbitrary when considering the end result where elevations are cranked, creating awkward and unattractive views of end gables. It also appears not to align the apartments on the west side of 7a with anything (5,

6, 7; A, B, C, F)

- The units suffer the usual problem of not being able to negotiate corners that are not at 90 degrees. These are particularly prominent corners so need to have a successful design solution to avoid the approach to the town centre looking a bit silly. Vertical circulation cores could be an opportunity to vary angles so that apartment or house plans are not overly affected (6, 7, 8, 9; B, C, F)

- The parking areas on all parcels dominate the areas behind the road frontage, preventing the areas of green space provided by the developer from becoming the social and communal recreational spaces they potentially could be. This is not helped by the amount of SLOAP created by the layout itself. (5, 6, 7, 8, 9, 10, 12; B, C, E, F)

- The layout on all parcels seems inefficient given the large amount of Space Left Over After Planning (SLOAP), areas that have no discernible purpose, ownership or management, particularly around the apartment buildings. The layout needs to be redesigned to bring these spaces together and allow any left-over space to be designed as social spaces or well designed and useable private gardens. Areas of unusable or unattractive private garden, such as that between plot 57 and the apartment building next to it, should be avoided (5, 6, 7, 8, 9, 11, 12; B, C, E, F, H)

- Surface water run-off should be managed using attractive swales, rain-gardens, ponds and water-features and connected tree-pits rather than being piped underground to crated attenuation tanks. This would help give purpose to land that is otherwise without purpose and it would help create a more attractive place to live (5, 6, 9, 11; B, E, F, I)

- The public open space in front of the school is a missed opportunity to create an attractive and well-used social space. It is located where there are a lot of homes, where a lot of people are passing through, and should be able to host informal gatherings or more organised events that spill out from the school. It should be a focal point for the community that allows a different sort of gathering to take place from those in the more formal setting of the town square. The proposed design is lacking ambition and purpose and appears to discourage use rather than invite it in as it is surrounded by hedges. It could also do with more tree planting to provide thoughtful shading and spaces that are designed to be social and feel safe (1, 3, 4, 5, 6, 7, 9, 11; B, D, E, F, H)

- The materials for housing and apartments contrast too strongly. Materials and design need to work better with each other to make the housing on these parcels work together while allowing units to retain visual identity. The contrast also risks tenure difference being very visible should apartments be transferred to a housing provider or sold for private rent. (4, 6, 8; A, B, H)

- There is not enough material variety in the houses to create recognisable places. The materials for the houses create fairly neat units individually but together cause the parcels to have a dark and gloomy character that does not help to create identity or help with wayfinding. More material variety introducing lighter elements would be helpful (6, 7, 8, 9, 12; B, D, H)

- The form and massing of the apartment buildings does not manage a successful visual transition between the housing, the school and the buildings coming in the town centre. Using contrasting materials horizontally on the elevations emphasises the scale of the buildings, making them less approachable and lacking in human scale. Vertical design features and articulation would allow units to be more recognisable and create a better sense of place. Balconies would help articulate the facades while providing private out-door space for upper floor units (4, 6, 8, 9; B, C, H)

- The street elevations need more life. The apartment buildings across all parcels have only 6 entrances onto the street front across approximately 120m of elevation and leave the open spaces around them without purpose or clear sense of ownership. A design with ground floor units with direct access to the outdoor spaces in front and / or behind them is necessary here to prevent these areas of dead space around the base of the buildings. This could combine duplex units at ground and 1st floor with apartments above to reduce parking pressure while retaining the necessary storey heights (6, 7, 8, 9, 12; B, C, F, H)

- The apartment buildings on all parcels need to be revised to have ground floor units opening onto the spaces in front of and behind the building so they form private gardens, a sense of place and create defensible spaces. Their overall design is unattractive, particularly with the wide footprint and resulting high pitched roofs that give the buildings unattractive proportions. The window to wall area ratio is also small which combined with the proportions gives the impression of a small jail.

The windows need to be bigger. There needs to be greater façade articulation that breaks up the massing and allows the buildings and the units within them to have greater identity. This could be achieved using inset or cantilevered balconies, expressed boxing or vertical design or material variation that breaks up the façade. The roofs may work better as flat to help with the proportions of the building unless the depth of the footprints can be reduced to avoid badly proportioned pitches (4, 6, 7, 12; B, H)

- The town-houses suffer from poor façade articulation and need revision. The elevations would benefit from gabled fronts to each unit and greater vertical articulation to help differentiate the units. Balconies, where suitable, would also help provide a more lively street-scene as has been used for the apartment units in the town centre itself.

Greater material variety is also needed, as noted above, and it would be good to lighten the tone generally, perhaps being a bit more playful with facades. The current choice of materials is dull and rather sensible (4, 6, 7, 12; B, H)

- The cycle path running east west across the top of 5 and 6 should be on a raised table when crossing roads so cyclists and pedestrians have clear priority over motor-vehicles (2, 9; D)

- The same cycle path should align with the north side of the shared road rather than the middle so there is less conflict with cars reversing from parking spaces (2, 5, 7, 8, 9, 10; D, F)

- The 'coach-houses' would be greatly improved if direct access was provided between garage and the home using an internal fire-door. Access to the garden could also be via the garage and the back-door that currently only opens onto a small area of storage space. This would avoid residents having to exit their home, walk through a car park just to get to their private outdoor space. The existing level of separation will hinder the use of this space (4, 5; C, H)

Parcel 5

- The plots (12 and 13) at the north-eastern corner of 5b are cranked to line through with the northern boundary but appear out of place when seen from the open space in front of the school. They should align with the other buildings on the eastern boundary instead (5, 6, 7, 8, 9; A, B, C, F)

- There is a considerable amount of Space Left Over After Planning (SLOAP) around plots 12-13. This creates issues of defensible space, management and use of these open spaces

where these are all lacking definition. Any redesign should reduce this SLOAP to a minimum while providing meaningful and purposeful space for people to socialise within or other uses such as bio-diversity or SuDS (3, 5, 6, 7, 9, 11, 12; B, C, E, F, H, I)

- It would be good to see a foot / cycle link across parcel 5a connecting the existing road serving the housing on the other side of Crannaford Lane. Lack of context drawings make this potential link less evident (1, 2, 5, 9; A, D, F)

- The pedestrian access into 5b between the apartment building and plot 23 goes from nowhere to nowhere else so should be omitted. This gap between buildings is not helpful as it also is next to four parking spaces which creates a very wide opening onto the street where the design should be striving for more enclosure and a better sense of security. The path runs between the parking spaces and a blank gable at the end of the apartment building so has little passive security (1, 6, 7, 8, 12; B, D, F, H)

- The parking next to plot 23 is not well located as the spaces open directly onto the Crannaford Lane and relate poorly to the buildings around them so have a poor sense of ownership. These spaces should be relocated behind the street frontage (6, 7, 9, 10; B, D, H)

- The garden of plot 23 is very poorly resolved as the parking spaces that encroach into it divide it into two narrow areas, neither of which are particularly usable. This needs to be rearranged so the garden becomes useable and parking spaces can relate to the homes they serve (4, 7, 10, 12; C, H)

- Where the cycle path shares the road surface with motor vehicles along the northern boundary the cross section can be designed to include a gulley drain with different coloured surface material on the northern side of the drain to informally indicate the cycle-path. (2, 5, 6, 7, 8, 9; B, D, F)

- The frontage housing on 5a should be re-oriented so the view for people approaching Cranbrook from the Crannaford Lane is improved. At present the plots give views of rear garden walls only. Re-orienting the units would also enable the open space within the floodplain to be better overlooked and to start forming a more meaningful space in its own right. (5, 6, 7, 12; A, B, C, F, H)

Parcel 6

- The pavement behind the parking spaces along the northern boundary could be incorporated into the shared road surface as it effectively forms part of the road already, a pavement runs past the fronts of the houses making this surplus to requirements. If this is retained it should be only as a change in surface material rather than being kerb separated (1, 2, 6, 7, 8, 9, 12; B, D, F)

- When incorporating this footpath the cross section of this northern boundary road can be designed with a gulley drain and use different surface materials to informally indicate the cycle path (1, 2, 6, 7, 8, 9; B, D, F)

- More tree and shrub planting should be incorporated into the strip of parking along this northern boundary to make it less visually intrusive (6, 7, 9, 11, 12; B, E, F, I)

- The pedestrian link to the parking area behind plots 52-57 is narrow and unattractive, appears arbitrary and pointless as these units can access the house from the parking spaces from the rear. The link to the gardens between 76-77 also appears pointless. In both cases the buildings should form a continuous terrace to form a convincing frontage (6, 7, 8, 9, 12; B, C, D, F, H)

- The link between apartments 27-39 and plot 40 is poorly resolved with poor overlooking, too much hard surface and poor integration into the parking and landscaped area behind the frontage. The design of the apartments, the areas of open space around them and their parking needs to be revised (2, 6, 7, 8, 9, 10, 12; B, C, D, H)

- The landscaped area in the parking area next to plot 46 can extend and cut the driveway to reduce vehicular permeability while reducing the visual dominance of parking and improve the attractiveness of this space behind the buildings (4, 5, 6, 7, 9, 11, 12; B, C, E, F, H)

- The link between the apartments and plot 79 creates permeability that is unlikely to be used very much, is poorly overlooked, poorly resolved (as is the parking arrangement), and could form a risk to the security of the parking area behind the apartments (1, 4, 6, 7, 8, 9, 12; B, C, D, F, H)

- The parking and landscaped area behind apartments 80-90 leave a lot of land over as SLOAP, also the case in front of the apartments, and is dominated by parking. This area should be redesigned to reduce the visual dominance of the parking. Vehicle access to plots 69-70 and units on the eastern side of this block could be from the north to remove the need for the eastern access off Tillhouse Way while enabling landscaping to be brought across the east west driveway behind this frontage to break up this area of parking and hard landscape.

This could still be done if the access from Tillhouse Way is retained (5, 6, 7, 9, 10, 12; B, C, M, F, H)

- Although open space is welcome space either side of the access road between plots 50 and 61 appears arbitrary, lacking any purpose and therefore is unlikely to be used for anything. Open space should be well designed to encourage use for social interaction, as an attractive part of a SuDS chain or bio-diversity area or all these purposes and more combined. As it is this appears to be more SLOAP so the layout should be revised to address this (4, 5, 6, 7, 9, 11; B, C, E, F, H, I)

- Access to the rear garden of plot 66 should be from the front, rather than forcing such a long walk to a rear gate down an unattractive alley. The gardens to plots 66-67 include narrow areas that are unattractive and largely unusable so these should be redesigned (4, 11, 12; H)

- Access to the gardens to plots 46 and 51 appears to involve leaping over a high wall rather than more traditional means, like a gate. Access should be direct from within the unit itself which could be made possible with a door into the garden from their garage spaces. As the gardens are so small it is probably inappropriate to have such high walls around them. The gardens should also be made larger and more useful to the residents as there is space available to do so (4, 5, 11, 12; H)

Parcel 7

- There is no drawing to demonstrate how the western apartments on 7a relate to the existing housing opposite. It could contrast or conform with this but needs to demonstrate a design approach that helps to create a built scale and attractive, memorable townscape appropriate to this entrance to the town centre (5, 6, 7; A, B, C, F)

- The view from the Crannaford lane is not well terminated. The apartment building on 7a opposite the junction is offset when it should be central and does not present a vibrant or attractive elevation towards this Cranbrook entrance (5, 6, 7, 8; B, D, F)

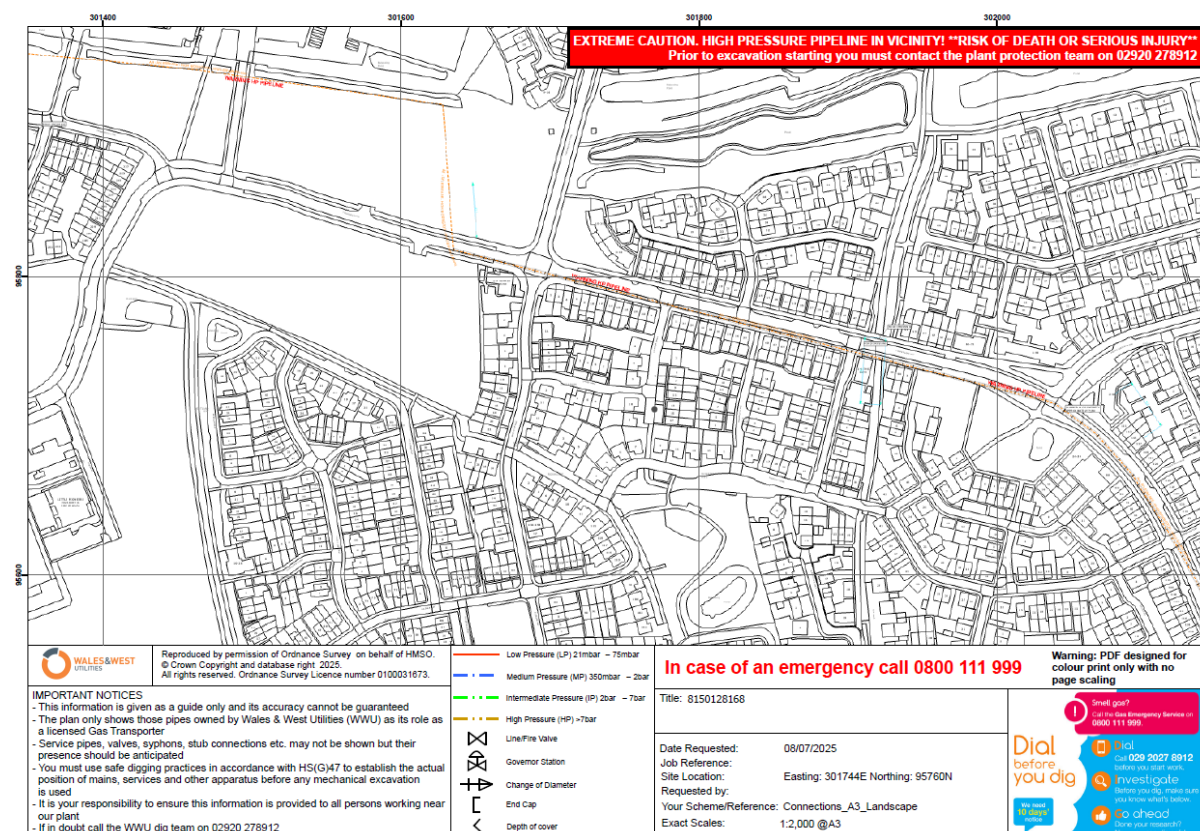
- The 7a apartment facing north has been located to be central in the view from the school but the elevation is austere, there is no private outdoor space around its perimeter and the lack of private entrances results in a relatively lifeless street scene (4, 6, 7, 8, 9; B, C, F, H)

- It would be better to have housing facing onto the basin across the southern boundary of 7a rather than having a gap onto parking and access road. A pedestrian link should be retained but designed to be attractive and clearly overlooked from inhabited rooms (1, 2, 4, 5, 6, 7, 8, 9; A, D)
- Units 93-94 share the same issue as so many others by sitting in a sea of SLOAP. Much of this could be incorporated into private garden space, used as part of the SuDS chain or designed as social space rather than being simply left in front of people's homes for no apparent reason (4, 5, 6, 7, 11, 12; B, E, F, H)

WW Utilities

08/07/25 - Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it. They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.

The plan must be printed in A3 size and will also need to be produced in colour. If this is not possible, we can send you a hard copy if requested. Let me know if you require any further assistance.



YOU WILL NOTE THE PRESENCE OF OUR INTERMEDIATE / HIGH PRESSURE GAS MAIN(S) IN PROXIMITY TO YOUR SITE. NO EXCAVATIONS ARE TO TAKE PLACE ABOVE OR WITHIN 10m OF THE CONFIRMED POSITION OF THESE MAINS WITHOUT PRIOR CONSULTATION WITH WALES & WEST UTILITIES

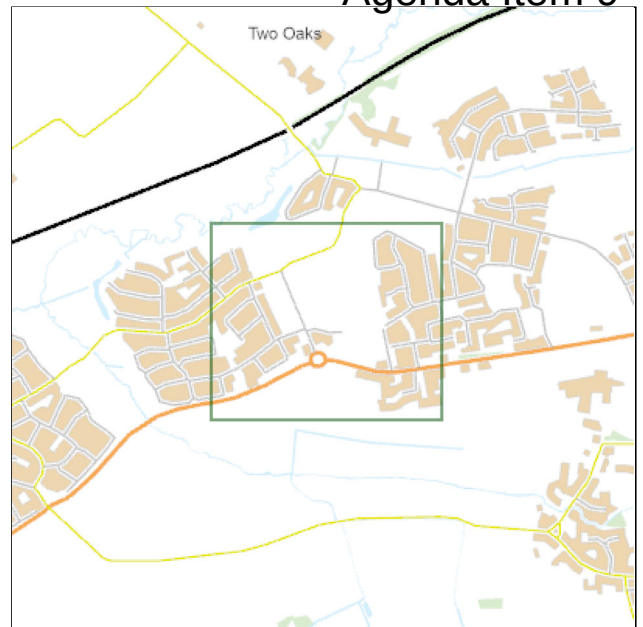
Ward Cranbrook

Reference 23/0554/MFUL

Applicant Taylor Wimpey UK Ltd

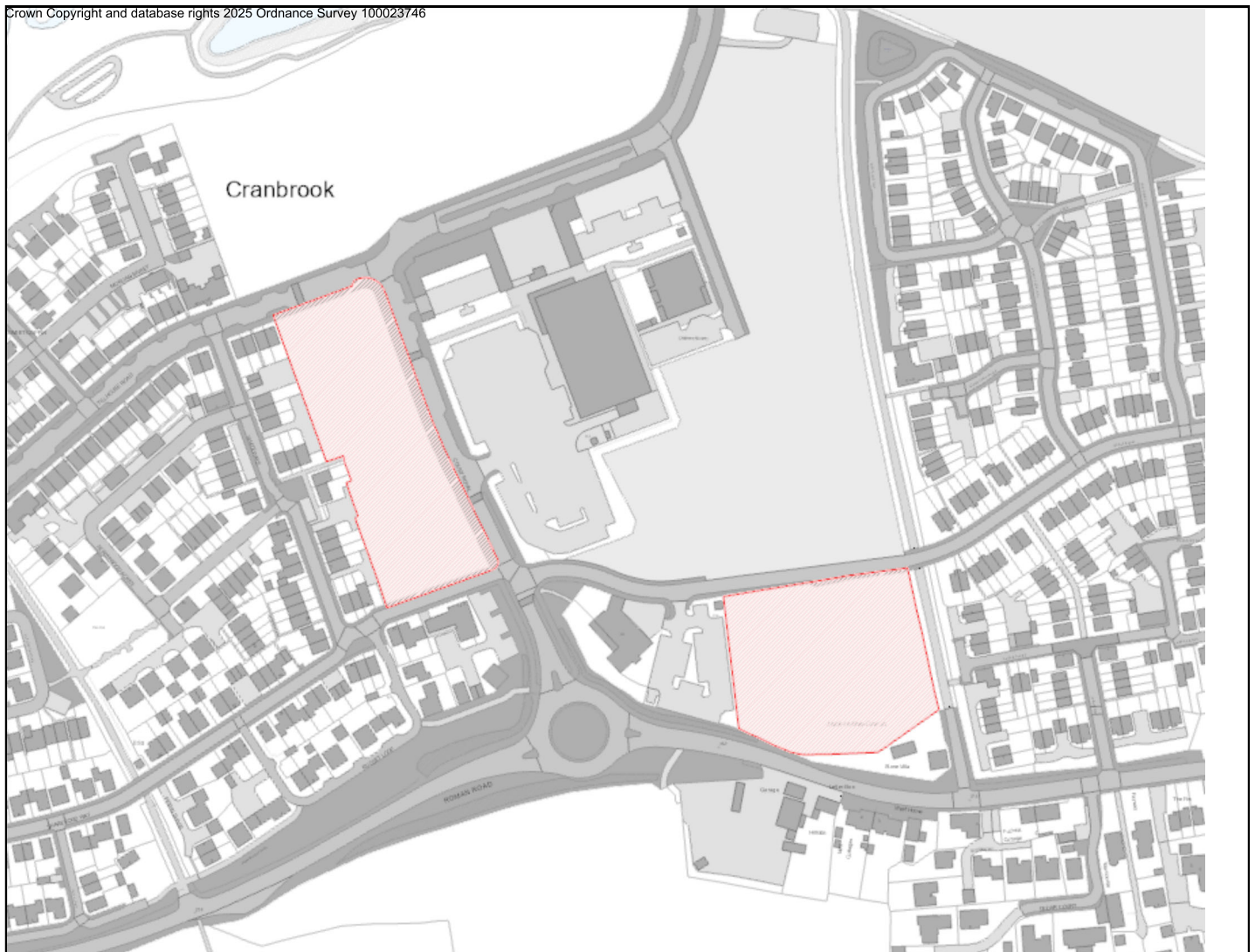
Location Parcels TC3 And TC8b Land Off Court Royal And Badger Way Cranbrook

Proposal Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities)



RECOMMENDATION: Approval with conditions

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		Committee Date: 23.09.2025
Cranbrook (Cranbrook)	23/0554/MFUL	Target Date: 13.07.2023
Applicant:	Taylor Wimpey UK Ltd	
Location:	Parcels TC3 And TC8b Land Off Court Royal and Badger Way	
Proposal:	Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities)	

RECOMMENDATION:

- a) **ADOPT** the Appropriate Assessment (as set out in Appendix 1).
- b) **APPROVE** the application subject to a S106 Legal Agreement and Conditions (final wording delegated to the Development Manager).

EXECUTIVE SUMMARY

This application is before members as the recommendation to approve would be a departure from Adopted Policies in relation to planning obligations.

The application site is split into two parcels within the Town Centre of Cranbrook. Parcel TC3 is located to the south of Tillhouse Road, west of Court Royal and north of Shareford Way and is approximately 0.72ha in size. Parcel TC8b is located to the south of Badger Way, west of the Cranberry Farm Public House and east of Crannaford Lane and is approximately 0.74ha in size. Both parcels are broadly rectangular and are undeveloped grassland with TC3 bounded on the western boundary with properties on Whiteways and TC8b is bounded by trees and hedgerows along the southern and eastern boundaries.

The application seeks full planning permission for the construction of 81 residential dwellings (48 dwellings at TC3 and 33 dwellings at TC8b) including 6 affordable dwellings, one access point onto Shareford Way, one access point onto Badger Way, pedestrian and cyclist connections to Court Royal and Whiteways, a future pedestrian connection point to London Road, public open spaces, car parking, landscaping and associated infrastructure.

The application site is located within the Built-Up Area and Town Centre of Cranbrook whereby residential development is supported. The site was identified for additional residential development as part of the Memorandum of Understanding (MOU) agreed between the Council and the East Devon New Community Partners (EDNCp) (comprised of Taylor Wimpey Developments Limited, Persimmon Homes Limited and Hallam Land Management Limited) in May 2022 to bring forward the delivery of the town centre. The principle of residential development within the Town Centre is also supported by Policy CB8 and Policy CB22 of the Cranbrook Plan.

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. In this case, the presumption in favour of

sustainable development as set out in Paragraph 11d) of the National Planning Policy Framework is triggered as the council is unable to demonstrate that it has a 5-year supply of deliverable housing land.

Among the material considerations relevant to this application is the signed Memorandum of Understanding (MoU) dated 11 May 2022, which set out that the East Devon New Community Partners (EDNCp) shall be free to develop parcels TC3 (The Site), TC5a, TC5b, TC6, TC7a, TC7b, and TC8b (The Site) for residential development and only the following additional contributions shall be paid in respect of the Additional Residential Dwellings:

- £2,551 per Additional Residential Dwelling towards Habitat Mitigation
- £1,742 per Additional Residential Dwelling towards additional primary school places
- £1,045 per Additional Residential Dwelling towards sustainable travel
- £72 per Additional Residential Dwelling towards car sharing schemes and e-bikes.

The MOU also set out the principle of amending several S106 planning obligations in relation to the transfer of land within the Town Centre, and the payment of financial contributions of in excess of £3 million for the Town Council Offices, Children's Centre, Youth Centre and Library in lieu of direct delivery by the EDNCp. These financial contributions would at least in part be payable on the grant of planning permission for an 'additional residential permission'. Additionally, the MOU gave the council the option to purchase land within the Town Centre, an option which was exercised with just under 4 acres of land purchased in November 2022. The precise wording of the revised S106 obligations to capture the thrust of the MOU is under negotiation alongside the application and delegated authority is sought to finalise these clauses to the Development Manager. This application follows the resolution to grant permission for application 23/0511/MFUL at Land South of Tillhouse Road (Parcel TC7b) at Planning Committee on 15 July 2025 based on the principles agreed as part of the MOU.

The proposal would result in 81 residential dwellings in a sustainable location. The overall layout and design of the parcels are considered to reflect the town centre location and proposals within the town centre and the proposal would result in a higher density development in accordance with Policy CB22. The proposed landscaping scheme whilst limited in places would help to soften the parcels and include three areas of public open space, new trees and hedgerows.

The proposed development at Parcel TC8b would result in less than substantial harm to the setting of Stone Villa, London Road (Grade II Listed) and less than substantial harm (at the lower end of substantial) to Hillside (Grade II Listed) through the change from undeveloped grassland to residential development. However, the context around these listed buildings have changed as a result of the ongoing development at Cranbrook. The dwellings north west of Stone Villa would have similar material palette (red brick and grey tiles) and the existing vegetation would be retained to screen the proposed development. It is considered that the overall public benefits of the scheme would outweigh the harm to the setting of Stone Villa and Hillside.

The proposed dwellings would meet the Nationally Described Space Standards. The proposal would include three areas of public open space and private amenity spaces or balconies for all but two apartments however an area of communal open space is provided for the apartments in Parcel TC3. The proposal is not considered to result in harm to neighbouring properties and the proposed dwellings would generally offer good levels of sunlight and daylight for future residents.

The proposal has been assessed in relation to Drainage and Flood Risk, Highways, Land Contamination, Archaeology and Sustainability and is acceptable. Subject to the provisions of a S106 legal agreement, the scheme would connect to the existing district heating network.

The proposal would retain existing trees and hedgerows within TC8B and would include ecological mitigation measures across both parcels. In relation to Biodiversity Net Gain (BNG), the proposal is not subject to the statutory requirement but would result in a 21.23% gain in hedgerow units and a 41.59% loss in habitat units across both parcels.

The development would fail to fully comply with several adopted policies such as Cranbrook Plan DPD Policy CB22 in relation to adaptable ground floors for all dwellings and contributions required, Policy CB10 in relation to affordable housing, Policy CB20 in relation to unallocated car parking and garage widths and Policy CB26 in relation to BNG. The proposal also results in conflict with East Devon Local Plan Strategy 43 in relation to play space provision. These policy conflicts weigh negatively within the planning balance of the application however the affordable housing and open/play space requirements and financial contributions were agreed as part of the MOU to unlock the delivery of the town centre. The conflict in relation to other matters shall form part of the overall planning balance.

The proposed development would result in several public benefits including the delivery of housing including 6 affordable homes which will support the town centre. The consenting of the 'additional residential development' in the town centre also secures the transfer of land in excess of the current requirement for town centre land transfer and for the town council offices, the offer to transfer will be earlier than is currently required. Indeed, if the two outstanding applications pursuant to the original outline planning application for Cranbrook are approved without a deed of variation, the trigger for the delivery of the town council offices will not be reached. In addition to the offer for land transfer, the granting of 'additional residential development' ensures that financial contributions toward the construction of the Town Council Offices, Children's Centre, Youth Centre and Library are provided by the EDNCp. These facilities will be of great importance to the long-term success of the town and the health and wellbeing of its residents. The proposal would include economic benefits from construction to operation and benefits to local businesses and services by increasing footfall in the Town Centre.

There is clearly a need to balance development which is not fully in accordance with the adopted Local Plan and Cranbrook Plan but still delivering an acceptable form of development, against the need for housing within the district and material considerations which are relevant in the determination of this application.

In this instance and having regard to all planning matters, given the need to bolster housing supply for the longer term, the sustainable location of the site and the wider benefits for the existing and future residents of Cranbrook and surrounding villages as a result of unlocking the town centre for essential commercial, retail and community uses, officers consider that the material considerations in this case would on balance justify a recommendation for approval. Officers acknowledge that there are conflicts with adopted policies, however these conflicts do not result in a development whereby the harm would significantly and demonstrably outweigh the benefits and officers consider that the proposed development would overall align with the principles of sustainable development.

It is recommended that the appropriate assessment is adopted, and that the application be approved subject to a S106 legal agreement and conditions.

CONSULTATIONS

Consultation Period End Date: 29.08.2025

Local Consultations

Clerk To Cranbrook Town Council - 31/07/24

The Town Council Planning Committee is generally content with the proposed revised plans and withdraws its previous formal objection.

The Committee is content with the proposals surrounding future adoption of public open space by the Town Council.

The Committee acknowledges the constraints on kerbside collection of refuse and recycling placed upon it by the limitations of available adoptable highway and acknowledges that the developer has made the best arrangements that it can. Whilst not formally objecting, the Committee wishes to point out the shortcomings of bin collection points and the experience in the Town to date where badly used BCPs have become unkempt, dirty and verminous. Should this arise in the parcels under consideration the District Council will need to review its policy of refusing to carry out kerbside collections in roads that are not intended for adoption.

The Committee acknowledges that the Local Planning Authority will not permit driveway and garage accesses from the main Local Route. Whilst the rear parking arrangements brought forward are not ideal the parking spaces do benefit from observation from the rear of the dwellings. However unless parking restrictions are brought forward along town centre MLRs residents will routinely park along the MLR in front of their homes. Whilst not a part of this application the LPA is urged to consider the inclusion of parking restrictions along the MLR frontages to avoid highway obstruction. (Yonder Acre Way is an example of where these concerns are evidenced).

Whilst not directly related to these applications the Committee is very concerned about the failure to deliver the previously consented expansion of basin 2C, the creation of an additional basin in TC7 and the reintroduction of the open drainage ditch that is between TC7 and the existing parcel at Luccombe Oak. These works are not only crucial to Town Centre development but also are extremely important to prevent flooding to existing properties in Luccombe Oak which currently has no drainage protection from surface water from parcels to the east and south.

Clerk To Cranbrook Town Council - 25/04/23

The Committee resolved to accept the proposed development, general layout and design but to Object to the following key elements:

1. Refuse and recycling collection arrangements on TC8b are unacceptable and will undoubtedly lead to the creation of unsightly and unclear bin collection areas as has been the experience in the town to date where similar arrangements were put in place.
2. The limited highway adoption proposals for TC8b are not acceptable and directly lead to the issue described at points¹ above.
3. Rear parking arrangements on TC3 and (to a lesser extent) TC8b will lead to on-street parking obstructing Court Royal and Badger Way unless parking restrictions are put in place.
4. House types provide limited variation in design and colour palette.

Having looked at the plans I would like to raise concerns about the lack of highway adoption. The direct result of this is the need for bin collection points. Bin collection points cause difficulties for residents, as some are located quite a distance from their homes and on the days when green waste, recycling and residual waste collections take place at the same time, it will be difficult and unacceptable to have to move all of these bins some distance. From experience to date in Cranbrook, when the bin collection points are at a distance, residents do not return the bins to their homes and that causes conflict between other residents as well as an unsightly and unhealthy environment.

The town is becoming bland in colour and design therefore I would like to see a more imaginative palette of colour and house types being used.

These are my initial concerns and I reserve the right to change my mind should this application come to the planning committee for consideration.

Kim Bloxham

District Councillor
Cranbrook Ward

Summary of Technical Consultations (Full Responses in Appendix 2)

DCC County Highways	Should members be minded approving this application, our previous recommended conditions dated 5th August 2024 and comments regarding s106 obligations remain applicable.
DCC Historic Environment Officer	The programme of archaeological works as described in the Written Scheme of Investigation (WSI) prepared by Foundations Archaeology, dated July 2023, and submitted in support of this planning application is acceptable to the Historic Environment Team.
DCC Flood Risk	We withdraw our objection to this planning application (23/0554/MFUL).
DCC Education	Our contribution request is based upon the 'Town Centre Memorandum of Understanding' which was signed on 11.5.22, which specifies that contributions of £1,742 per Additional Residential Dwelling will be paid towards provision of additional primary school places.
EDDC Conservation	On the basis of the information provided through DWG No 0120_S2_Rev B Proposed Site Layout TC8B dated February 2025, the introduction of primarily 2 storey houses to the rear of Stone Villa a Grade II heritage asset is welcomed subject to the use of an appropriate natural material palette.
EDDC Housing Enabling	A Memorandum of Understanding removed the affordable housing requirement for additional town centre dwellings, except for the shortfall from Parcel TC4a (21/2020/MRES). Parcel TC8b provides no affordable housing, while Parcel TC3 will deliver 6 rented apartments preferably at Social Rent, due to a high maintenance service charge in flats.
EDDC Urban Design	Concerns in relation to several aspects of the revised proposals, highlighting that the gaps between houses on Court Royal are unsafe and unattractive; further concerns include unconvincing side entrances, inadequate materials specification, poorly designed rear/front elevations, inconsistent apartment facades and inappropriate balconies, poor bin/bike store layouts, lack of proper garden access for coach houses and a car-dominated street environment.
EDDC Landscaping	Amendments and further details required for the planting strategy, stressing the need for more diverse, resilient, and appropriately scaled species and that the

	proposed housing density compromises landscape quality.
EDDC Trees	EDDC Trees is broadly supportive of the revised site layout as it addresses previous concerns, though they highlight the need for no-dig construction and tree protection within the RPA of T145, and request confirmation of landscaping details (species, size, and volumes) before final approval.
EDDC Waste and Recycling	No comments from Recycling & Waste.
Environmental Health	The Noise Impact Assessment (NIA) indicates that plots facing London Road will exceed acceptable noise levels per BS8233:2014, prompting a recommendation for additional sound mitigation to ensure desirable internal noise levels and protect future residents.
Contaminated Land Officer	I have reviewed the Geotechnical and Geoenvironmental documentation and I do not anticipate any concerns in relation to contaminated land.
EDDC District Ecologist	The BNG assessment indicates a net loss of 1.29 habitat units and a modest gain of 0.57 hedgerow units, with onsite enhancements deemed proportionate but insufficient to meet the 10% BNG target, meaning the proposal does not comply with Policy CB26. Conditions recommended in relation to a revised Landscape and Ecological Management Plan (LEMP) and pre-occupation ecological compliance to mitigate ecological impacts.
Police Architectural Liaison Officer	Devon & Cornwall Police raise concerns citing poor crime prevention design (excessive rear access to plots, lack of defensible space, inadequate boundary treatments), risks of burglary/ASB and recommend secure rear gates, defined open space boundaries and removal of trades button/timed release mechanisms for communal doors.
Exeter & Devon Airport	This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.
Devon & Somerset Fire Rescue Service	Fire access queries in relation to TC3 (Plots 1–12) and TC8B (Plots 121–130, 137–139) and amended plans do not address these issues. Further assessment will be made as part of any building regulations consultation.
Natural England	Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.
National Highways	No objection as the traffic impact on M5 J29 is deemed acceptable. National Highways initially recommended non-determination to assess traffic impact but later accepted that the current application would not severely impact M5 J29, considering cumulative impacts of wider Cranbrook development.
Historic England	On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
Network Rail	Network Rail continues to have concerns regarding development around Crannaford level crossing and the significant increase in its usage that developments will generate.
National Grid	Regarding planning application 23/0554/MFUL, there are no National Grid Electricity Transmission assets affected in this area.
Environment Agency	We have no objection to the proposed development.

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) (updated February 2025) 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 was adopted in October 2022 and for sites within the Cranbrook Plan Area, 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 development at Cranbrook.

Cranbrook Plan DPD

CB1 (Cranbrook Health and Wellbeing)
CB6 (Cranbrook Infrastructure Delivery)
CB8 (Cranbrook and Broadclyst Station Built Up Area Boundaries)
CB10 (Cranbrook Affordable Housing)
CB12 (Delivering Zero Carbon)
CB14 (Delivery of Suitable Alternative Natural Green Space)
CB16 (Amenity of Future Occupiers)
CB19 (Plug-In and ultra-low Emission vehicle charging)
CB20 (Parking at Cranbrook)
CB22 (Residential Development in the Town Centre and Neighbourhood Centres)
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 37 (Community Safety)
Strategy 43 (Open Space Standards)
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)
EN14 (Control of Pollution)
EN16 (Contaminated Land)
EN22 (Surface Run-Off Implications of New Development)
TC2 (Accessibility of New Development)
TC4 (Footpaths, Bridleways and Cycleways)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 (Spatial strategy)
Strategic Policy DS01 (Design and local distinctiveness)
Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites)
Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport)
Strategic Policy AR01 (Flooding)

Strategic Policy CC02 (Moving toward net-zero carbon development)
Strategic Policy SP07 (Delivery of infrastructure)
Policy OL07 (Contaminated land)
Policy OL09 (Control of pollution)
Policy OS02 (Sport, recreation and open space provision in association with development)
Policy PB07 (Ecological enhancement and biodiversity in the built environment)
Policy PB08 (Tree, hedges and woodland on development sites)
Policy HE02 (Listed buildings)
Policy HE04 (Archaeology and Scheduled Monuments)

Government Planning Documents

National Planning Policy Framework 2024 (as amended)
National Planning Practice Guidance

OFFICER REPORT

SITE LOCATION

The application is split into two parcels within the Town Centre of Cranbrook. Parcel TC3 is located to the south of Tillhouse Road, west of Court Royal and north of Shareford Way and is approximately 0.72ha in size. Parcel TC8b is located to the south of Badger Way, west of the Cranberry Farm Pub and east of Crannafor Lane and is approximately 0.74ha in size. Both parcels are broadly rectangular and are undeveloped grassland with TC3 be bounded on the western boundaries with properties on Whiteways and TC8b is bounded by trees and hedgerows along the southern and eastern boundaries.

The application site is not located within a Conservation Area and for TC3, the parcel is not located in close proximity to any designated heritage assets and there are no TPO protected trees within or adjacent to this parcel. In relation to Parcel TC8b, this parcel is located approximately 13.5m north of Stone Villa (Grade II Listed) and 20.4m north of Hillside (Grade II Listed) and there are 3 TPO protected trees on the eastern and southern boundaries of this parcel.

The site is located within the central part of the town centre where the shops, pub, supermarket and nursery are located. The wider area includes existing residential dwellings, the additional parcels of town centre land as well as the Cranbrook Education Campus, future open and play spaces and existing development along London Road.

PLANNING HISTORY

The site has the following relevant planning history:

- 03/P1900 | A new community comprising up to 2,900 residential dwellings; a town centre and a local centre including retail, residential and employment; assembly and leisure uses; non-residential institutions (including two primary schools and one secondary school); sports and recreation facilities; a country park; a railway station; landscaping; engineering works; associated infrastructure; and car parking for all uses | APPROVAL (29 October 2010)

The following applications are relevant to this application:

- 23/0511/MFUL | Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and

utilities) | Land To The South Of Tillhouse Road Cranbrook | RESOLUTION TO GRANT
SUBJECT TO S106 AGREEMENT

- 22/2354/MFUL | Development of residential dwellings and associated car parking, roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) | Parcels Tc5a, Tc6 & Tc7a Tillhouse Road Cranbrook Town Centre | PENDING CONSIDERATION
- 22/2306/MRES | Application seeking approval of the reserved matters (access, appearance, landscaping, layout and scale) for the construction of 31 dwellings including affordable housing, parking, roads, footpaths, landscaping, open space, associated site infrastructure, and all other associated works (including ground modelling and utilities). This is a subsequent application in respect of outline permission 03/P1900 which was accompanied by an Environmental Statement and seeks the discharge of the relevant conditions of the outline permission (6, 11, 14, 17, 20, 21, 22, 23, 24, 28, 36 and 37). | Land To The North Of Tillhouse Road Cranbrook Town Centre Devon | PENDING CONSIDERATION

BACKGROUND TO CRANBROOK'S TOWN CENTRE

The original application for Cranbrook (ref. 03/P1900) was granted in October 2010 for the new community of Cranbrook comprising up to 2,900 residential dwellings and including a town centre. The location of the town centre was identified within the Development Framework Plan and the Section 106 Legal Agreement (known as the S106 agreement) defined the Town Centre and required the Town Centre Land to be identified and marketed. The S106 agreement also required the construction of 5 High Street Units as well as other community and Town Council facilities within the Town Centre.

Application 13/1752/MFUL was approved in November 2014 for an additional 587 dwellings bringing the total number of dwellings to just under 3500 dwellings. This application resulted in an amendment to the Town Centre Land identified within the Development Framework Plan to reflect the updated town centre boundary, moving it to its currently identified position.

Within the Town Centre, the Cranberry Farm Public House opened in early summer 2017 and in late summer 2022, construction started on the Morrisons Supermarket, Children's Nursery, Town Square and Phase 1 of the High Street retail/commercial units with residential apartments above. At present, five high street units are occupied and open with the other units in the process of being let and/or fitted out, 17 residential apartments are now occupied, and the Morrisons Supermarket opened in December 2024. An opening date for the nursery is not yet known, although the building is externally complete.

The need to deliver the town centre of Cranbrook is of ever-increasing importance to ensure that existing and future residents have access to the facilities, services and jobs needed to support it as the town continues to grow. In late 2018/early 2019 discussions took place with the East Devon New Community partners (EDNCp), Cranbrook Town Council and Devon County Council on how to approach the delivery of the town centre, which led to the EDNCp making it known that they had interest from a developer to bring forward a scheme for a supermarket, shops and nursery. These discussions progressed but alongside, concerns were raised by the EDNCp around viability and their wish to retain town centre parcels for housing delivery. This led to protracted debate and negotiation which was reported to several council meetings, as detailed in the following paragraphs.

Strategic Planning Committee - 22nd October 2020

At the Strategic Planning Committee meeting of 22nd October 2020, Members considered two options for the delivery of Cranbrook Town Centre. The first was to agree in principle to proposals

brought forward by the East Devon New Community Partners (EDNCp) by signing a Memorandum of Understanding (MOU) to give the EDNCp comfort to invest in bringing their proposals through the formal planning process. The alternative was to move forward with the production of a Supplementary Planning Document (SPD) detailing proposals for the town centre based on the requirements of the Local Plan and emerging Cranbrook Plan. The committee resolved that the proposals had been considered and that the council was not minded to enter into a MOU based on the terms tabled at that time but were open to further negotiation. This further negotiation duly took place between October and the subsequent Strategic Planning Committee on 15th December.

Strategic Planning Committee - 15th December 2020

At this meeting, Members considered an updated offer for town centre development from the EDNCp alongside a draft of a Supplementary Planning Document. Members sought to defer a decision for further negotiations to take place and for these to be reported to Cabinet.

Cabinet - 6 January 2021

On 6 January 2021, a report to Cabinet provided an update on progress with negotiations with the EDNCp over the delivery of Cranbrook Town Centre. Cabinet agreed the updated offer from the EDNCp and agreed in principle to the MOU. At that time, the fundamental principles to be set out in the MOU were as follows:

- The EDNCp able to bring forward housing on a number of identified parcels in the town centre, with nil affordable housing on housing numbers over and above the existing outline planning permission. The additional housing to pay a reduced S106 contribution of £5,370 per dwelling.
- District heating connections to all residential properties provided a connection charge of not in excess of £5,000/dwelling.
- Offer to transfer all existing S106 town centre land obligations upon the MoU being signed (earlier than some of the current S106 triggers).
- Agreeing a financial contribution to be paid toward the construction of the Town Council Offices, Children's Centre, Youth Centre and Library in lieu of direct provision by the EDNCp.
- Give EDDC the option to purchase one or more of parcels TC3, TC4d & TC4e at a market residential value.

Cabinet - 5 January 2022

A report to Cabinet on 5 January 2022 set out that negotiations have been under way in respect of the precise wording of the MOU and that the EDNCp have been working toward the submission of applications for planning permission for residential development on parcels TC3, TC4d&e, TC5a&b, TC6, TC7a&b and TC8b totalling circa 341 dwellings.

Signing of MOU

On 11 May 2022, the MOU was signed between East Devon District Council, Devon County Council, Cranbrook Town Council, HDD Cranbrook Limited, Persimmon Homes, Hallam Land Management and Taylor Wimpey and set out that the EDNCp shall be free to develop parcels TC3 (the application site), TC5a, TC5b, TC6, TC7a, TC7b and TC8b (the application site) for residential development and the following additional contributions shall be paid in respect of the Additional Residential Dwellings to be constructed:

- £2,551 per Additional Residential Dwelling towards Habitat Mitigation

- £1,742 per Additional Residential Dwelling towards the provision of additional primary school places
- £1,045 per Additional Residential Dwelling towards sustainable travel
- £72 per Additional Residential Dwelling towards car sharing schemes and e-bikes.

The MOU also set out under Paragraph 11.1 that 'no further obligations or requirements are envisaged under s106 or otherwise in addition to those obligations and requirement set out in this Memorandum'. This means that the Local Planning Authority shall not seek to secure any additional contributions or obligations as part of the Town Centre Residential Applications. It is also noted that the MOU was stated not to fetter the discretion of the Local Planning Authority in considering any planning application for the development of the town centre land.

The MOU also includes agreement to a Statement of Design Principles for the Town Centre setting out the principles for each parcel, density requirements and design appearances. This document was intended to discharge the existing S106 obligation for a design code for the town centre.

The tables below compare the relevant land/building and financial S106 obligations at the time the MOU was signed with the provisions agreed in principle in the MOU, or in the case of the DCC facilities, as subsequently legally secured through a deed of variation to the S106 agreement.

In addition to the details as set out in the table overleaf, it is important to note in making provision for the offer to transfer the whole of parcel TC2, the MOU would also result in 0.64ha more land in the town centre to be transferred than the current S106 obligations provide for. In making the offer to transfer TC2, it brings forward the transfer of land for the town council offices/facility. At present the Town Council facilities are a requirement for a building to be constructed and transferred. However, this is only due for delivery and transfer prior to the occupation of 3450 homes. To-date 3,420 dwellings have been built or received reserved matters approval. There is one outstanding reserved matters application for 31 dwellings (ref. 22/2306/MRES) (part of TC5a&b), that would take the number of dwellings to 3,451 however application ref. 25/0087/VAR was approved to reduce the number of dwellings from a previous reserved matters approval from 12 dwellings to 8 dwellings. As a result, only 3,447 dwellings may be built, below the trigger for the delivery of the Town Council facilities necessitating the need for a variation to the S106 agreement trigger.

Summary table of MOU against S106 obligations in place at the time the MOU was finalised					
Use/Item	Area of land required (ha)	Delivery of building	Final trigger	Requirement comprises	Included in MOU
Class A uses (now included in Class E)	5 High street units	500 sq. m	2000 homes	Land and building	To be built by HDD on TC4a
Youth facilities	0.2	480 sq. m	3450 homes	Land and building	NOTE: This text is a summary of the land and financial obligations in the DCC Deed of Variation (DOV) from December 2023 rather than what had been included in the MOU. TC4b (0.4ha) to be offered for transfer to DCC for £1 within 14 days of the DOV being completed.
Library	0.1	450 sq. m	3450 homes	Land and building	
Children's Centre	0.1	250 sq. m (£432,000 Index linked)	2500 homes	Land and building	

					£3m financial contribution for Youth, Library & Children's Centre or other social and community facilities: • £742k (index linked from Q4 2023) to be paid within 14 days of the completion of the DCC DOV • £1.548m (index linked from Q4 2023) 14 days after the commencement of development of an Additional Planning Permission (being a permission or permissions which results in planning permission for more than 200 additional dwellings on the land*) or prior to the occupation of the 3450th dwelling, whichever is the earlier. • The balance of £3m, less the two payments already paid shall be payable upon the commencement of the first Additional Planning Permission *Note – The current live full planning applications that would fall within the definition of Additional Planning Permission total 232 dwellings.
Police and ambulance	0.25 Police + Parking for 2x Ambulances		2500 homes	Serviced land	TC2 to be offered for transfer to the council for £1 within 7 days of the completion of the MOU.
Health and well being	0.7		2500 homes	Serviced land	TC4c to be offered for transfer for £1 upon the first outline or full planning permission for dwellings on any of Tc3, Tc5a&b, TC6, TC7a&b and TC8b becoming challenge free.
Town Council Facility	0.05	237 sq. m	3450 homes	Land and building	

					Pay Cranbrook Town Council the following sums towards the cost of construction of the Town Council Facility: £250,000 upon the transfer of parcel TC2 £342,500 within 18 months following the grant of the first outline or full planning permission for dwellings on any of Tc3, Tc5a&b, TC6, TC7a&b and TC8b becoming challenge free. Parcels TC2, TC4b and TC4c to be transferred allowing EDDC, DCC and/or CTC (as appropriate) to be free to use the land as it sees fit (provided no bad neighbourly uses) Note – Cranbrook Town Council have been in discussions with the EDNCp and have agreed that the definition of the Town Council Facilities will be amended to delete the reference to the building having a size of 237sq.m., making the financial contribution in one payment and the total of £592,500 being index linked from May 2022.
Public Conveniences	N/A	Only if not within a commercial building	2000 homes	Land and building or commuted sum of £200k (if not within a commercial building)	To be provided within a public building. No commuted sum or capital contribution for construction.

S106 obligations for additional housing on TC3, TC5a&b, TC6, TC7a&b, TC8b set out in MOU		
Item	EDDC/DCC request (per dwelling unless stated) during MOU negotiation	Finalised in MOU

Hab Regs Mitigation	Payment of £499 per dwelling for non-infrastructure mitigation Payment of £2,052 per dwelling for costs associated with delivery and maintenance of SANGS, including estimated land purchase costs. Total per dwelling: £2,551	No direct SANG provision Financial contribution of £2,551 per dwelling
Formal play	£107,366 in total	Nil – monies used to increase contribution toward Town Council Office delivery
Allotments	£50,930 in total	
Bowling Green Provision (off-site)	£3,441 in total	
Primary Education	£3,449	£1,742 per dwelling for Primary Education £1,045 per dwelling for Sustainable Travel £72 per dwelling for shared cars & e-bikes
Sustainable Transport	£2,219	
Shared Cars & E Bikes	£71.94	
Affordable Housing	15% based on Cranbrook Plan	Nil
Formal Open Space	£423	Nil
Amenity Open Space	£122.30 (note officers indicated that could likely nil rate due to existing provision)	Nil
Natural/semi natural open space	£333.30 (note officers indicated that could likely nil rate due to existing provision)	Nil
Sports pitches	£841.32	Nil
Leisure Centre	£942.45	Nil
Cricket (off-site)	£74.33	Nil
Health & Wellbeing Hub	£2102.97	Nil
Off-site walking & cycling infrastructure	£606.71	Nil
AGP contribution (off-site in Broadclyst)	£67.14	Nil

Following the signing of the MOU three planning applications were submitted for the supermarket, shops with homes above, town square and nursery. In addition, the offer to transfer TC2 to the council was made and the council also exercised its option to purchase land parcels TC4d&e, which was completed in November 2022.

The signing of the MOU also led to the EDNCp working up its proposals for the residential parcels. The three residential applications submitted are detailed under the planning history section of this report are those that cover the other town centre parcels intended for retention by the EDNCp. This planning application is one of these three applications and follows the resolution to grant application 23/0511/MFUL on 13 July 2025 for 65 residential dwellings at Parcel TC7b.

The 'Town Centre (DCC) Provisions' s106 deed of variation

As detailed in the preceding table, in December 2023 Devon County Council entered into a deed of variation to the principal S106 agreement with the EDNCp. The variation dealt with the County

Council specific MOU provisions for the children's centre, library and youth provision, seeking to see them addressed in advance of the 'additional residential developments' in the town centre being consented. The Deed of Variation (DOV) secured the offer for land transfer and commuted some of the previous obligations for facility delivery into a financial payment. This was considered beneficial by the county council; however this is only the case should the triggers be reached for the majority of the financial payments, which are linked to permission for additional town centre housing being granted. Essentially, the DOV was completed on the basis that the MOU would be honoured.

Plan of the Town Centre Parcels (note, there have been some minor changes to the boundaries between TC1 and TC2 and TC4b and TC4c since this plan was produced)



The Cranbrook Plan Development Plan Document (The Cranbrook Plan) was adopted in October 2022 and includes policies for the town centre of Cranbrook and indicates where applications/changes to what is already permitted or existing may be positively encouraged and supported to assist delivery of a healthy and sustainable new town. Policy CB21 specifically addresses the development of the town centre and sets out a holistic vision for it: "An enterprising, vibrant, innovative, exciting, and sustainable town centre that develops a strong economic and cultural identity that comes from, brings together and supports the community of Cranbrook."

On 29 October 2024, EDDC's Strategic Planning Committee endorsed the Cranbrook Town Centre Masterplan as an evidence document for use by project teams looking to develop facilities on the town centre land and by the local planning authority as a material consideration of planning applications. The Masterplan sets out that housing in the town centre will increase activity and

surveillance and support the creation of a vibrant, busy place. It follows the MOU by recognising that parcels TC3, TC5a&b, TC6, TC7a&b and TC8b will be purely residential in nature. The Masterplan identifies land on TC4e for a health and wellbeing hub to be constructed in a campus together with a leisure centre; this is a land parcel owned by the council already (purchased in 2022 following the signing of the MOU). The decision to site the health and wellbeing hub on TC4e was capable of being made as the MOU states that the transfer of TC2 as a whole, together with TC4b and c will represent the honouring of the EDNCp's obligations for town centre facilities and the local authority is free to use the parcels as they see fit. The current S106 does not include such provisions and therefore should the 0.7ha land required for the health and wellbeing uses be transferred under the existing legal provisions there is potential for the EDNCp to seek to restrict the use of the land for this use. This would be problematic as a project has been established for the health and wellbeing hub, working to locate it on TC4e. Identified uses for TC2 are presently the Town Council facility and Cranbox (planning application pending consideration and to be delivered using devolution grant funding).

THE APPLICATION

The application seeks full planning permission for the construction of 81 residential dwellings (48 dwellings at TC3 and 33 dwellings at TC8b) including 6 affordable dwellings, one access point onto Shareford Way, one access point onto Badger Way, pedestrian and cyclist connections to Court Royal and Whiteways, a future connection point to London Road, public open space, car parking, landscaping and associated infrastructure.

For TC3, the proposal would include a mixture of 2 and 3 storey dwellings, a 3-storey apartment block and two coach houses. The proposal would include 2 x 1-bedroom dwellings, 25 x 2-bedroom dwellings and 21 x 3-bedroom dwellings with the EPH33 Phyllis housetype including adaptable ground floors. The proposed dwellings would be a mixture of terrace, semi-detached, detached and apartments.

For TC8b, the proposal would include a mixture of 2 and 2.5 storey dwellings. The proposal would include 12 x 2-bedroom dwellings, 20 x 3 bedroom dwellings and 1 x 4 bedroom dwelling. The proposed dwellings would be a mixture of terrace, semi-detached, detached dwellings.

The proposed dwellings would be finished in brick with a mix of brick banding and brick detailing and would include grey or brown roof tiles. The proposed apartments within TC3 would be finished in a mix of white/cream, red and blue brick with projecting window detailing. The proposed apartments would include balconies, car parking spaces and bin and bike storage.

The proposal would include three areas of public open space, one in TC3 and two in TC8b which include landscaping and seating.

The application has been revised during the planning process resulting in amendments to storey heights, the site layout, elevational treatments, landscaping and materials proposed.

NEIGHBOUR CONSULTATION

The application has received 37 letters of objection. These are summarised below:

- The junction from Shareford Way to Court Royal is unsafe, narrow, and congested and will worsen.
- Court Royal or Tillhouse Road would be more suitable access points.
- The proposed blind turning onto Shareford Way increases accident risk.
- Shareford Way suffers from overcrowded on-street parking and poor visibility.

- Emergency services access is already compromised due to narrow roads and poor parking.
- Construction traffic will worsen congestion and lacks designated worker parking.
- No visitor parking is included, worsening congestion and access issues.
- Most homes in TC3 have only one parking space or garage, which is inadequate.
- Coach house parking is impractical and often unused, leading to more on-street parking.
- On-street parking blocks pavements, forcing pedestrians into the road.
- Small garden sizes reduce quality of life for residents.
- The development removes valued green space used by families and dog walkers.
- Additional housing will worsen pollution, noise, and reduce sunlight for nearby homes.
- The development adds pressure to already inadequate local infrastructure.
- The town lacks promised amenities like a GP surgery, dentist, leisure centre, and library.
- The town centre is shrinking, replaced by more housing instead of community facilities.
- The land was originally intended for mixed-use or town centre development, not housing.
- Residents were told the land would be used for community or commercial purposes.
- Residents feel misled about the land's intended use when purchasing homes.
- The proposal contradicts Cranbrook's eco-friendly goals and original planning vision.
- The design lacks creativity, aesthetic quality, and flexibility for future needs.
- The aesthetic quality of new homes is poor compared to earlier development phases.
- The planning system is seen as favouring developers over community needs.
- The proposal prioritizes profit over community welfare and original commitments.
- Residents feel misled, ignored, and urge planners to honour original promises.
- Developers have not adequately consulted local residents before submitting plans.
- The number of proposed homes is too high for the land size, causing overcrowding.
- Overdevelopment of TC3 will lead to a poor-quality community space.
- The area is already dangerous for pedestrians and children due to traffic and poor parking.
- The development will increase traffic, noise, and safety risks for current residents.
- No clear parking strategy exists for future town centre employees.
- The town needs more green spaces and community facilities, not more housing.
- Residents call for more infrastructure and amenities before approving further housing.

ASSESSMENT

A) THE PRINCIPLE OF DEVELOPMENT

At this time, the Local Planning Authority (LPA) is unable to demonstrate a 5 Year Land Supply meaning that paragraph 11(d) of the NPPF (2024) is engaged and currently applicable to planning decision making within East Devon. For applications relating to housing development, this means that the presumption in favour of sustainable development applies, and permission should be granted for sustainable development unless:

- i. the application of policies in this Framework [NPPF] that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework [NPPF] taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Strategy 1 (Spatial Strategy for Development in East Devon) of the adopted Local Plan (2016) sets out the planned provision (including existing commitments) will be made in East Devon for: 1. A minimum of 17,100 new homes in the 2013 to 2031 period; and 2. Development on around 150 hectares of land for employment purposes.

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: conserving and enhancing the environment; prudent natural resource use; promoting social wellbeing; encouraging sustainable economic development; and taking a long term view of our actions.

Policy CB1 (Health and Wellbeing at Cranbrook) of the Cranbrook Plan (2022) sets out that the Council will require all developers and applicants to demonstrate how proposals meet the objectives of this policy to embed positive health and wellbeing outcomes in the planning process.

Policy CB8 (Cranbrook and Broadclyst Station Built-up Area Boundaries) of the Cranbrook Plan (2022) sets out that the Cranbrook and Broadclyst Station Built-up Area Boundaries are defined on the Cranbrook policies map. Within the built-up area boundaries, development will be permitted if:

1. It would be compatible with the character of the site and its surroundings;
2. It would not lead to unacceptable pressure on infrastructure or services;
3. It would not adversely affect the risk of flooding on or off-site;
4. It would not damage, and where practical, it will support promotion of wildlife, landscape, townscape or significant heritage assets;
5. It would not involve the loss of land of local amenity importance or of recreational value;
6. It would not impair highway safety or traffic flows;
7. It would not prejudice the development potential of an adjacent site.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that residential development will be expected within the town centre and neighbourhood developments in Cranbrook and planning applications for development in such centres will be required to demonstrate:

1. That they deliver residential development and achieve the highest appropriate density, which will be not less than 55-60 dwellings per hectare;
2. Residential development that shall be so designed and located as to ensure that it does not prejudice the vitality and viability of the respective centre;
3. Good levels of amenity for each unit of residential accommodation incorporating naturally lit rooms with views out to the streets, and access to shared and private outdoor space;
4. Proposals which are of high quality design for the character of the area and designed to ensure that future residents are not adversely affected by other uses and activities.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that where it can be demonstrated that land in the town centre area is not required for, commercial or community uses, some high density residential accommodation may be permitted at ground floor level provided that such uses demonstrate adaptability of the ground floor of dwellings to allow conversion to units that could be used for business activities in the future if required. The policy also sets out that new proposals for residential development in the Town Centre will be required to make contributions to on and/or off-site infrastructure in and around the town to mitigate for the likely additional pressure that would result from the increased occupation associated with the development.

Strategic Policy SP01 (Spatial strategy) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that new development will be directed towards the most sustainable locations in East Devon, by: A. Focusing new development at the West End of the district, including a further new community, on-going development of Cranbrook and other major strategic developments close to Exeter. This emerging policy carries limited weight at the time of determination.

The application site is located within the Built-Up Area and Town Centre of Cranbrook whereby residential development is supported and expected within the emerging town centre. The application site is not allocated within the adopted Local Plan or Cranbrook Plan for residential uses and were identified as part of the town centre under the Cranbrook Plan. However, the site (Parcels known as TC3 and TC8b) were identified for residential development as part of the MOU agreed between the council and EDNCp to bring forward the delivery of the town centre. The time limit for the submission of reserved matters applications under the outline application for Cranbrook lapsed in October 2022 and, in any case, the proposal would result in additional housing over and above the permitted housing numbers necessitating the need for a stand-alone full planning application. The principle of residential development within the Town Centre is also supported by Policy CB8 and Policy CB22 subject to the development meeting the identified criteria.

The proposal would be compatible with the character of the site and area and the impact on infrastructure, flood risk, ecology, heritage assets and highways will be assessed later in this report however the proposal is considered to comply with the identified criteria in Policy CB8.

In relation to Policy CB22 (1), the development would result in 81 additional dwellings at a density of 55.5 dwellings per hectare (dph) (TC3: 66.6 dph and TC8b: 44.6 dph). This would overall align with the density requirements of Policy CB22 of 55-60 dwellings per hectare. Whilst the density of TC8b is below 55 dph, this parcel includes three TPO protected trees and root protection areas and the density of TC3 would be more than the policy requirement to compensate.

In relation to Policy CB22 (2), the site was identified as part of the MOU for residential development which was agreed by the council and whilst it would have been preferable for a larger town centre, the proposal would increase housing numbers and residents within the town centre and therefore would not prejudice the vitality and viability of the emerging town centre. In relation to Policy CB22 (3) and (4), this report will discuss amenity, outlook, access to amenity space and the design of the development in more detail however the proposal would accord with the requirements of the policy.

Following on, Policy CB22 also sets out that residential accommodation may be permitted at ground floor level but any proposals for such uses should demonstrate adaptability of the ground floor of dwellings to allow conversion. The EPH33 Phyllis Housetype (14 dwellings) within Parcel TC3 would include adaptable ground floors however all other dwellings would fail to include adaptable ground floors. The Design Principles Document appended to the MOU identifies the ground floors of all Court Royal properties to be adaptable however the proposal would only include 14 of out 18 dwellings and does not include the apartments or any other dwellings within Parcel TC3 or TC8b. The layout and services of the apartment blocks meant that future conversion would be challenging however the floor to ceiling heights for the apartments (2.85m) are suitable for future conversion. Plots 19, 24, 25 and 36 have not been designed for future conversion however as these have a ground floor study, future conversion is not impossible. Whilst 14 dwellings on Court Royal would include adaptable grounds which is supported by the Design Principles Document, the policy requirement is for all dwellings resulting in a minor conflict with this policy. This will be addressed as part of the overall planning balance.

Policy CB22 sets out that new proposals for residential development in the Town Centre will be required to make contributions to mitigate for the likely additional pressure that would result from the increased occupation associated with the development. The Cranbrook Plan (2022) seeks to provide around 4,170 new dwellings within the identified expansion areas to meet the growing population and to assist the delivery of a healthy and sustainable new town. Whilst residential development is expected within the town centre, the proposed development would be excess housing within Cranbrook as the town centre is not part of an overt residential allocation. It is acknowledged that excess housing can put pressure on some of the planned services and infrastructure especially the local and strategic road network which must be weighed up in the planning balance.

Policy CB6 of the Cranbrook Plan sets out that residential development on non-allocated sites within the Cranbrook Plan Area which seek to deliver excess housing numbers shall make proportionate contributions to on and/or off-site infrastructure in and around the town to mitigate for the increased occupation associated with the development.

The expected contributions set out in the MOU are as follows:

- Affordable Housing to meet expectations of the existing s106 (including making up a shortfall from the high street shops residential provision)
- Connection To the District Heat Network subject to connection charge costs
- £2,551 Per Dwelling for Appropriate Habitat Mitigation
- £1,742 Per Dwelling for Primary School Places
- £1,045 Per Dwelling for Sustainable Travel
- £72 Per Dwelling for Car Sharing/E-Bikes

The proposed contributions based on the above would fall short of the contributions required by the Cranbrook Plan and adopted Local Plan especially in relation to Affordable Housing Provision (15% at Cranbrook) and Play Space Provision as well as meeting the excess housing infrastructure requirements of Policy CB6. Officers acknowledge that the contributions would fail to comply with adopted policies, and this was the subject of significant debate both with the council's Strategic Planning Committee and Cabinet during 2020 to 2022. Cabinet ultimately resolved that the benefits of the MOU when taken as a whole outweighed the harm arising from this and the other parcels becoming purely residential and making only limited infrastructure contributions. Of course, neither the Strategic Planning Committee nor the Cabinet were discharging the council's obligations as Local Planning Authority in the respect of determining planning applications.

The application site being located within the Town Centre of Cranbrook, located on/adjacent to a bus route with bus frequencies throughout the day of c.1 every 15 minutes in each direction and within walking and cycling distance of a wide range of services, is given weight as the proposal would align with the overarching principles of delivering sustainable development. The proposal therefore has support from Strategy 3 of the adopted Local Plan and the NPPF which supports sustainable development. Furthermore, the adopted Local Plan seeks to direct housing delivery towards the West End and major towns of East Devon meaning that the proposal whilst not allocated for development would have support from Strategy 1 and 2 of the East Devon Local Plan (2016). The site is also supported by emerging Strategic Policy SP01 which seeks direct new development towards the most sustainable locations including Cranbrook.

A material consideration in the determination of this application is the current inability of the council to demonstrate a 5-year land supply for housing. There is therefore a presumption in favour of sustainable development and the need to boost the supply of housing is given significant weight in the balance. The site is in a sustainable location and the proposal has policy support from Policy CB8 and Policy CB22 in land use terms.

In summary, the proposed development in principle would comply with Policy CB22 which supports residential development in the town centre and the overall density of the development (55.5 dph) is acceptable. The proposed development would fail to meet two elements of Policy CB22 relating to adaptable ground floors for all dwellings and the infrastructure contributions required. The proposed lack of adaptable ground floors for all dwellings would be a minor conflict, and the contributions required were agreed as part of the MOU to help progress the delivery of the town centre. The proposed development would be in a sustainable location and would provide much needed residential accommodation in a suitable location.

B) AFFORDABLE HOUSING PROVISION

Policy CB10 (Cranbrook Affordable Housing) of the Cranbrook Plan (2022) sets out that affordable housing will be required on residential developments within the built-up area boundaries of Cranbrook at a rate of not less than 15% of total dwelling numbers. Affordable housing must be visually indistinguishable from open market housing and must be 'pepper-potted' or dispersed throughout residential developments.

Following lengthy negotiations and viability concerns raised by the EDNCp, the MOU set out that the requirement for Affordable Housing within the additional residential land applications would be removed and that the three application(s) for additional residential dwellings would make up the shortfall of the affordable housing requirement permitted by the reserved matters application in Parcel TC4a (Ref. 21/2020/MRES) which granted permission for 26 dwellings and southern high street shops. This application had a DOV with it that allowed it to be developed without a S106 affordable housing obligation as this then enabled LiveWest to use grant funding to deliver the housing as a 100% affordable housing scheme. To-date 17 homes have been built and occupied on a rent-to-buy tenure. It was also agreed between EDDC and the EDNCp that the affordable housing dwellings required by 21/2020/MRES and 22/2306/MRES (the latter is still pending consideration) would be distributed across the different town centre applications parcels such as this one.

The overall affordable housing requirement under the outline application for this part of Cranbrook was 28.675% meaning that for application 21/2020/MRES, 8 dwellings were required. Furthermore, the reserved matters application 22/2306/MRES for 31 dwellings requires 9 dwellings. This results in a total requirement of 17 affordable housing dwellings to be distributed across parcels TC3, TC5a, TC5b, TC6, TC7a, TC7b and TC8b.

This application includes 6 of the 17 affordable dwellings (Plots 1 to 6) located within Apartment Block A within Parcel TC3. The proposal would include 1 x 1-bedroom 2-person apartment and 5 x 2-bedroom 4-person apartments. All apartments would include a car parking space and 5 out of the 6 apartments would have a terrace or private balcony. There is also an area of communal open space for the apartments adjacent to the apartment without any private amenity space. In terms of design and materials the apartments would match open market equivalent apartments, and they would be appropriately located within the layout of the development. It is acknowledged that the affordable dwellings would be located within a single tenure block however they would be located alongside open market apartments, and a single block is preferable for Registered Provided in relation to management and maintenance.

The application has been reviewed by the council's Housing Enabling Officer who raised no concerns and commented that due to high service charges in blocks of flats, they require these apartments to be a rented tenure, preferably Social Rent tenure.

Application 23/0511/MFUL at Parcel TC7b has a resolution to grant and would include 4 affordable dwellings. Applications 22/2354/MFUL and 22/2306/MRES at Parcels TC5a, TC5b, TC6 and TC7a include 7 affordable dwellings which means across all parcels, 17 affordable dwellings would be provided should all applications be granted permission.

The tenure mix of the affordable housing within the Town Centre would be reviewed via a S106 legal agreement.

Whilst the proposed level of affordable housing is not in accordance with the Cranbrook Plan DPD, the level of affordable housing would be in accordance with the agreed MOU to bring forward the town centre at Cranbrook. Furthermore, the proposals would comply with Policy CB10 in relation to design and location of affordable dwellings.

C) DESIGN, SCALE AND LAYOUT

Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) (2024) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Development should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and development that is not well designed should be refused.

Strategy 48 (Local Distinctiveness in the Built Environment) of the adopted Local Plan (2016) states that local distinctiveness and the importance of local design standards in the development process will be of critical importance to ensure that East Devon's towns and villages retain their intrinsic physical built qualities. Use of local materials and local forms and styles will be essential to this distinctiveness.

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.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that planning applications for development in such centres will be required to demonstrate:

- o That they deliver residential development and achieve the highest appropriate density, which will be not less than 55-60 dwellings per hectare;
- o Residential development that shall be so designed and located as to ensure that it does not prejudice the vitality and viability of the respective centre;
- o Proposals which are of high quality design for the character of the area and designed to ensure that future residents are not adversely affected by other uses and activities.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that where it can be demonstrated that land in the town centre area is not required for, commercial or community uses, some high density residential accommodation may be permitted at ground floor level provided that in a similar way to those in mixed use areas, any proposals for such uses demonstrate adaptability of the ground floor of dwellings to allow conversion to units that could be used for business activities in the future if required.

Strategic Policy DS01 (Design and local distinctiveness) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that new development, including the refurbishment of existing buildings should be of a high-quality design and locally distinctive. The layout and design of building curtilages, roads, parking, paving, open space, site furniture footpaths and boundary treatments should make a positive contribution to the street scene / public realm and the integration of the development with its surroundings and setting. This emerging policy carries limited weight at the time of determination.

LAYOUT AND DENSITY

The proposed development would include the construction of 81 residential dwellings (48 dwellings at TC3 and 33 dwellings at TC8b). The proposal would include a vehicular and pedestrian access point from Shareford Way serving TC3 and a vehicular and pedestrian access from Badger Way serving TC8b. Both parcels would include additional pedestrian and cycling connection points.

Parcel TC3 acts as a transition from the more suburban development within Phase 2 to the Town Centre and includes a three-storey apartment block and a row of 3 storey terrace properties on Court Royal. The proposed internal highway would broadly divide the parcel into two halves and would include a turning head and car parking court at its northernmost point. The proposal includes

an area of public open space and pedestrian footway located between Plots 24 and 25 resulting in a connection from Whiteways to the town centre. This parcel also includes three dwellings on the southern boundary on Sherford Way and nine dwellings on the western side of the internal highway. A number of dwellings within the parcel are dual aspect to provide surveillance. In terms of car parking, this is located on either side of the internal access route, within coach houses (Plots 40 and 41) or within a car parking court. The building line along Tillhouse Road and Court Royal seeks to create a continuous street scene with the building lines along the internal highway slightly more relaxed.

Parcel TC8b acts as a transition from the Town Centre towards London Road and open countryside to the south. The proposed access route and footway from Badger Way would be located on the eastern side of the parcel and internal access route would be U-shaped with a turning head on the western side, footway connection to Badger Way and rear parking street in the centre of the site. The proposal would include 2.5 storey dwellings fronting Badger Way and along part of the western side of the site with 2 storey dwellings elsewhere within the parcel. The proposal also includes an area of public open space located on the eastern boundary and an area of public open space and future footway connection to London Road within the southwestern corner of the parcel. The proposed dwellings would front Badger Way, the internal access route or central mews street/car parking area. Several dwellings are dual aspect to provide surveillance over car parking courts, footways and public open space. In terms of car parking, this is located off the internal road or within a mews street within the centre of the site. The building line along Badger Way seeks to create a strong street scene to define the southern side of the town centre.

The council's Urban Designer has commented on street environment. Whilst it would have been preferable to secure a shared street for both TC3 and TC8b, amendments to the street design and widths have been achieved to create a better environments and both streets including tree planting.

In relation to Policy CB22 (1), the development would result in 81 additional dwellings at a density of 55.5 dwellings per hectare (dph) (TC3: 66.6 dph and TC8b: 44.6 dph). This would overall align with the density requirements of Policy CB22 of 55-60 dwellings per hectare. Whilst the density of TC8b is below 55 dph, this parcel includes three TPO protected trees and root protection areas and the density of TC3 would be more than the policy requirement to compensate.

The layout of the two parcels are considered to be acceptable.

SCALE

In terms of scale, adjacent dwellings along Tillhouse Road, Sherford Way and Badger Way are a mix of 2, 2.5 and 3 storeys. The proposed apartment block on Tillhouse Road and dwellings on Court Royal at three storeys in height would be a more consistent height and help to define the Town Centre where higher buildings are traditionally found. The proposed dwellings on Badger Way and along part of the western boundary of TC8b would be 2.5 storeys in height which would help to define the street scene and parcel, and it is also noted that these dwellings will be at a higher level than much of the town centre providing additional height.

Within the parcels themselves, the remaining dwellings would be two storeys in height which is acceptable and is consistent with surrounding dwellings to the west and east.

The scale of the two parcels are considered to be acceptable.

DESIGN OF DWELLINGS AND MATERIALS

For TC3, the proposal would include 5 different house types and an apartment block and would include a mix of terrace, semi-detached and detached dwellings. The design of this parcel was intended to have a distinct character to ensure that when entering the town centre along Tillhouse

Road or Court Royal, the character and design was reflected its town centre location and reflected the existing buildings within the town centre.

The proposed apartment block would be three storeys in height and would be finished in a mix of white/cream, red and blue brick to reflect existing materials in the town centre including the high street shops and apartments and town square. The brick colours indicated on the elevations are darker than hoped for and there is scope for the materials to be paler than currently shown. This is because the existing and approved development within the town centre includes lighter brick or block colours to create a more defined town centre, and the proposals should align with this. Further details would be secured via a condition. The proposal would include projecting and recessed elements and balconies on the northern and eastern elevations. The rear elevation would also include projecting alternative materials to add visual interest facing the car parking court and terminating views to the north of the site. During the application process, significant amounts of feedback has been provided to the applicants from officers and the council's Urban Designer relating to the design of the apartment block including its form, roof design, materials, detailing, window proportions and alignment. It is acknowledged that the council's Urban Designer has raised further comments on the revised design and balcony locations however officers considered that the revised designs are an improvement compared to the originally submitted apartments and the applicants have responded positively to the comments provided.

The proposed dwellings on Court Royal would be the EPH33 Phyllis and EMT34 Elterdale house types arranged in terraces of three with gable fronts and front canopies. The dwellings would be three storeys in height with the materials and detailing to match the apartment block. The dwellings would be alternative brick colours to add visual interest to the street scene and window proportions are considered suitable. The council's Urban Designer has raised comments in relation to the gaps between terraces, use of dual aspect units and treatment of rear elevations. The gaps between dwellings are private paths for access and are common across housing developments and rear elevations are not considered to be unacceptable.

The dwellings within Parcel TC3 would be a similar material palette however would feature more limited detailing than other properties in the parcel however this would align with the simpler design and appearance of the parcel. The design of the dwellings is considered acceptable.

For TC8b, the proposal would include 6 different house types and would include a mix of terrace, semi-detached and detached dwellings. The design of this parcel replicates the material palette approved at Parcel TC7b (ref. 23/0511/MFUL) and would include a mixture of red and buff brick with brick banding and detailing. The design and materials of dwellings on the southern boundary would reflect the material palette of Stone Villa using red brick and grey tiles.

It is recommended that material samples of the proposed materials, mortar detailing and roof tiles should be secured via a condition to ensure they are acceptable.

The design of the development is considered to be acceptable.

BOUNDARY TREATMENTS

In relation to boundary treatments, the rear and side boundaries within the public realm and at key areas of the development are screen walls. The boundaries within rear gardens and between dwellings is predominately timber fencing. Details of the screen walls have been provided and would be 1.8m in height and include intermediate piers and a tile creasing course. Where timber fencing is visible within the public realm such as to the rear of car parking spaces within plots, it is considered necessary that the fencing is painted or stained dark grey to improve the overall design. This could be secured via condition.

For TC3, the apartments would include half-height brick walls with piers and railings to reflect existing properties in Phase 2. Details of these would be secured via a condition. Elsewhere on Court Royal and Sherford Way, the proposal includes estate railings. For TC8, along Badger Way, the proposal would also include traditional cleft chestnut style boundary fencing to match Cranberry Farm. Several other properties across both parcels, including those on key corners would include boundary hedgerows to help delineate private and public spaces.

The proposal would also include hedgerows and/or fencing to differentiate and protect the public open spaces from informal car parking.

Overall, the boundary treatments are considered to be acceptable.

HARD SURFACING

In terms of hard surfacing materials, the access routes, turning heads and footways would be black asphalt with rumble strips except for a section of coloured asphalt in TC8b. The proposed car parking spaces would be coloured block paving which would also help to reduce the level of black surfacing. The proposal would include paving slabs for private paths. The details of the hard surface materials proposed (Coloured Asphalt, Block Paving, Rumble Strips, Paving Slabs) would be secured via a condition to ensure the proposals are acceptable.

CAR PARKING

The proposed layout of the development includes 117 car parking spaces (TC3; 61 spaces, TC8b; 56 spaces) as well as 6 garage spaces in TC3. Of the 117 parking spaces, 27 spaces (23%) are unallocated and 90 are allocated to dwellings (14 in TC3; 13 in TC8b). The unallocated spaces can be used by residents or visitors and provide flexibility in parking numbers. The spaces also allow for deviation in the vehicle numbers per dwelling and ensure that parking levels are appropriate for the development.

For TC8b, car parking for dwellings on the western and southern boundaries would be off-street and generally in front of the respective dwelling except for Plots 128 and 129 which have tandem spaces. For Plots that front Badger Way, car parking would be to the rear in a car parking mews street. This street would be overlooked by Plots 125 and 126 as well as Plots 144 and 145 and road would be offered up for adoption and therefore would include street lighting. Plots 124, 125, 126 and 127 would have off-street parking adjacent to the dwelling.

For the apartments within TC3, the car parking would be in a car parking court in the northernmost part of the site. The car parking spaces would be in groups of 3 or 6 and there are several trees within or adjacent to the court. Whilst it would have been preferable to break up the car parking court further, this area would not be particularly visible from the public realm. For dwellings in parcel at TC3, car parking would be provided off-street or within garages.

For Plots 19 to 36 fronting Court Royal within Parcel TC3, car parking would be to the rear of the dwelling in a relatively long section of car parking comprising of a northern area of 12 car parking spaces and a southern area of 20 car parking spaces with access directly from the proposed internal road. These are generally broken up into blocks of 4 spaces each, with trees and planting beds separating. There is an area of public open space between the two areas of car parking. This arrangement would generally be sought with overall lower numbers of parking spaces per area as it risks creating a car dominated layout. The principle of properties on the main local route through Cranbrook having a continuous frontage and not having parking directly off the road is a long-held principle in the overarching Strategic Design Guide for the town. Much of the parking for these frontage properties, particularly in the earlier phases of the town, has been in poorly lit and poorly overlooked rear parking courts and these themselves have received legitimate criticism from the police and residents alike. It has therefore sought to move away enclosed from rear parking courts,

and this is reflected in the Cranbrook Plan parking policy. In this case, the provision of parking as part of a street, overlooked by homes is considered an overall betterment to the alternative of multiple smaller, less overlooked and privately managed parking courts. A total of 10 dwellings are proposed to front onto or overlook the street, thereby providing some interest and natural surveillance and the highway would be offered for adoption and would include street lighting.

Overall, parking provision is considered to be acceptable.

COMPLIANCE WITH TOWN CENTRE DESIGN PRINCIPLES

The MOU included a Statement of Design Principles for the Town Centre intended to discharge the S106 requirement for a town centre design code. The document included guidance on the road layout, density, building heights, frontages, car parking and materials. The road layout and design is considered to comply with the Design Principles. The density and building heights are acceptable and the continuous frontage along Tillhouse Road, Court Royal and Badger Way is supported. The proposal includes dual frontage dwellings on corners and car parking to the rear.

The proposal would conflict with the Design Principles in relation to adaptable ground floors on Court Royal as not all dwellings would feature an adaptable ground floor.

The materials and design of dwellings is broadly reflective of the text within the document, and overall, the proposal represents a consistent design approach which is supported by the Statement of Design Principles.

WIDER IMPACT

The proposal in terms of its impact on the surrounding area would be acceptable. The site would be visible within the local area however this site is within Cranbrook in an area where development is overtly supported by planning policy. When viewed from the south, Parcel TC3 would not be visible and glimpses of TC8b may be achieved however existing buildings and vegetation would mitigate the impact. The proposal would be visible in the surrounding area and glimpses of the development could be viewed from the Killerton Estate, Ashclyst Forest and other viewpoints. However, the proposal would be read in context with surrounding development at Cranbrook and it is not considered to harm the character and appearance of the landscape.

Overall, the proposal is considered to be acceptable. Conditions are recommended for imposition in the event that the application is approved and subject to these, the scheme is in accordance with adopted Policy D1 and Policy CB22 as well as the NPPF and emerging Strategic Policy DS01.

D) AMENITY OF NEIGHBOURING PROPERTIES/USERS

Section 12 (Achieving Well-Designed Places) of the NPPF (2024) outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for existing users.

Policy D1 (Design and Local Distinctiveness) of the adopted Local Plan (2016) states that proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties.

Strategic Policy DS01 (Design and local distinctiveness) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that new developments will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties. This emerging policy carries limited weight at the time of determination.

The application proposes residential dwellings within the town centre at Cranbrook and the proposed development as noted above is acceptable in land use terms and would be compatible with neighbouring and nearby uses.

In relation to TC3, the proposed development would be to the east of Whiteway and north of Shareford Way. In relation to nos. 1 to 17 Shareford Way, the proposed development would be approximately 13.6m north. Due to the scale and siting of the development, the proposal is not considered to result in harm to these dwellings. In relation to no. 10 Shareford Way, Plot 37 would be located 7.6m to the east of the side elevation of this dwelling with a car parking area between the proposed dwelling and this neighbour. No. 10 Shareford Way does not have any side facing windows and the depth of the proposed dwelling would be shallower than this neighbour. In relation to nos. 17 to 23 Whiteways, Plots 40 and 41 would be located 18m to the east of these dwellings however they would not include any clear glazed rear facing windows. In relation to nos. 13 and 15 Whiteways, the side elevation of Plot 42 would be located between 11.1m and 14.2m from these neighbours which is considered to be an appropriate back to side distance. Plot 42 does not include any rear windows facing nos. 13 and 15 Whiteways.

Furthermore, in relation to no. 11 Whiteway, the side elevation of Plot 43 would be located 14.2m from the side elevation of this dwelling which is considered an appropriate back to side distance. In relation to nos. 1, 3 and 5 Whiteway, the back-to-back distance to Plots 46, 47 and 48 would be 21.6m. This is considered to be suitable and there is a car parking court located between Plots 46 and 47 and nos. 3 and 5 Whiteway. The proposed apartment block would be located around 8.8m to the east of 96 Tillhouse House. This dwelling is three storeys in height and does not include any side facing windows. Windows on the side elevation of the apartment blocks would face the side elevation of this dwelling and there are no windows at the first and second floors adjacent to the garden of this neighbour. The proposed separation distance and location of windows is considered to safeguard the amenity of no. 96 Tillhouse Road and its garden.

In relation to TC8b, Plot 130 would be located approximately 22.7m north of Stone Villa. There is an existing single storey garage and vegetation within the curtilage of Stone Villa which would reduce amenity impacts to this neighbour. In terms of back-to-back distances, Plots 128 and 129 would be 23.6m north of this dwelling which is considered sufficient distance. In relation to neighbouring properties to the east, the proposal would be approximately 23.8m from dwellings on Cedar Close and 20.1m from dwellings on Badger Way with Crannaford Lane and existing vegetation being located between these existing dwellings and the proposal. The proposal is considered to be sufficient distances from existing properties to mitigate any harm in relation to overbearing, overshadowing and overlooking.

It would be necessary to condition the rear windows on Plots 40 and 41 within Parcel TC3 to be retained as obscured glass for the lifetime of the development.

In terms of Environmental Health, the proposal was supported by a Noise Assessment and CEMP and the application was reviewed by the District Council's Environmental Health Team who raised no concerns in relation to impact on existing occupiers.

The proposal is therefore considered to comply with adopted Policies D1 and EN14 as well as emerging Policies DS01 and OL09 and is acceptable subject to conditions.

E) AMENITY OF FUTURE OCCUPIERS/USERS

Section 12 (Achieving Well-Designed Places) of the NPPF (2024) outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for future users.

Strategy 37 (Community Safety) of the adopted Local Plan (2016) states that through the East and Mid Devon Community Safety Partnership the Council will work to reduce crime and the fear of crime in the District. The Council will encourage new development that has been designed to minimise potential for criminal activity and incorporates the principles of 'Secured by Design' and will support development proposals aimed specifically at improving community safety.

Policy D1 (Design and Local Distinctiveness) of the adopted Local Plan (2016) states that proposals will only be permitted where they do not adversely affect the amenity of occupants of proposed future residential properties, with respect to access to open space, storage space for bins and bicycles and prams and other uses; these considerations can be especially important in respect of proposals for conversions into flats.

Policy CB16 (Amenity of future Occupiers) of the Cranbrook Plan (2022) sets out that development will only be permitted where:

1. New dwellings provide accommodation that meets with the Nationally Described Space Standards. The layout of new dwellings should be designed to meet the needs of occupants by ensuring circulation routes are legible and storage is provided on all floors of accommodation;
2. It provides for a high standard of amenity, satisfactory living and working conditions, adequate protection from noise and pollution and adequate levels of light and outlook for future occupiers, including having taken account of solar gain;
3. It makes provision for external private or communal amenity space which is appropriate and integral to the dwelling/s it serves having regard to the size of the property and its orientation;
4. Such standards as above can be achieved and maintained without preventing or unreasonably restricting the continued operation of established authorised uses and activities on adjacent sites.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that planning applications for development in such centres will be required to demonstrate:

- o Good levels of amenity for each unit of residential accommodation incorporating naturally lit rooms with views out to the streets, and access to shared and private outdoor space;
- o Proposals which are of high quality design for the character of the area and designed to ensure that future residents are not adversely affected by other uses and activities.

Strategic Policy DS01 (Design and local distinctiveness) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that new developments will only be permitted where they do not adversely affect the future amenity of occupants of proposed residential properties, with respect to access to open space; protection from noise and pollution; provision of adequate internal light; storage space for bins, bicycles, prams, and other uses; and meet nationally and locally described space standards. This emerging policy carries limited weight at the time of determination.

The proposed development must comply with Nationally Described Space Standards in relation to internal space and storage. The table below sets out the proposed house types, internal floor area and whether the proposal complies with the standards. The floor plans for each dwelling type indicate the bedroom sizes and storage. In this case, all dwellings would comply with the standards and therefore would comply with Policy CB16 (1) and emerging Strategic Policy DS01.

House Type	GIA (m2)	Occupancy	Storeys	NDSS size (m2)	NDSS Compliance?
Apt 1, 14	51.2	1B2P	1	50	Y
Apt 2, 4, 6, 7, 9, 11, 13, 15, 17	72.7	2B4P	1	70	Y
Apt 3, 5, 16, 18	77.9	2B4P	1	70	Y
Apt 8	54.7	1B2P	1	50	Y
Apt 10, 12	82.0	2B3P	1	61	Y
Beaford	73.5	2B3P	2	70	Y
Gilldale	65.6	2B3P	1	61	Y
Eynsford	90.3	3B4P	2	84	Y
Aynesdale	99.6	3B5P	2	93	Y
Phyllis	118.8	3B5P	3	99	Y
Elterdale	127.5	3B5P	3	99	Y
Harrton	104.5	3B5P	2.5	99	Y
Densdale	117.5	3B6P	2.5	108	Y
Plumdale	115.6	4B6P	2	106	Y

In relation to layouts, light, outlook, the proposed dwellings are considered to have a suitable internal layout with windows on numerous elevations to provide sunlight and daylight throughout the day. The apartments would all be dual aspect to aid natural ventilation and sunlight/daylight. The outlook of dwellings would face towards the street and/or private amenity space with dwellings along the southern and eastern boundary of TC8b having views to the existing trees and landscaping albeit this existing landscaping would result in some overshadowing to these dwellings and private gardens.

In relation to Plot 19 and the apartments, concerns have been raised regarding the relationship between these buildings and outlook for both due to the height of these buildings and orientation. Plot 19 would face north with its front elevation approximately 4.6m from the three-storey apartment block. Outlook from windows on the front elevation of Plot 19 would be north facing and towards the apartments. Plot 19 does have side facing windows for the Study, Kitchen, Living Room, Bedroom 1 and Bedroom 2 which would provide outlook to the east and west as well as sunlight/daylight. Bedroom 3 would not include any other windows so its outlook would only be towards the apartment block. The windows on the southern elevation of the apartment block would be obscured glass and would not directly face windows in Plot 19. This would also prevent overlooking to the garden of Plot 19. Outlook from Apartments 14, 16 and 18 would be primarily to the east and west and side facing obscured windows would be secondary. It is considered that outlook from the front elevation of Plot 19 would not be ideal however most habitable rooms would include secondary windows and windows on the southern elevation of the apartment block would be obscured glass.

It would be necessary to condition the windows on the southern elevation (Side Elevation 2) serving Apartments 14, 16 and 18 within Parcel TC3 to be retained as obscured glass for the lifetime of the development.

The proposed development especially dwellings on the southern boundary of TC8b would be located in close proximity to London Road which is a source of noise and disturbance. The application was supported by a Noise Assessment which considers the impact of road traffic noise. The Noise Assessment sets out that for properties closest and facing London Road, the internal noise levels will slightly exceed (2-3 dB) the recommended guidelines in BS 8233:2014 with windows open and when taking into account the 5dB relaxation the predicted internal noise levels even with windows open can be considered 'reasonable'.

The application was reviewed by the council's Environmental Health Officer who states that they have some concerns that with a relaxation of the internal noise levels particularly in first floor bedrooms, there is the potential for some sleep disturbance to future residents and recommended that mitigation methods are introduced to the properties with facades facing onto London Road so that the 'Good standard' of internal noise levels. It would be necessary to condition further details of noise mitigations measures for dwellings along the southern boundary of parcel TC8b.

In relation to private amenity space, every dwelling except for two apartments within TC3 would benefit from a private balcony or private amenity space of varying sizes and orientations. The majority are adequate, however, the size of rear gardens for Plots 46, 47 and 48 within TC3 would be smaller than normally sought and the garden of Plot 128 within TC8b is likely to be overshadowed by existing trees and hedgerows. This would result in some conflict with Policy CB16 (3) which seeks to ensure private amenity spaces are appropriate to the dwelling and the size of the property. However, minimum garden sizes have not been adopted by the Council and it is also noted that there are areas of public amenity space provided within both parcels as well as a communal garden area for the apartments within TC3.

In relation to the separation distances, the back-to-back distances and side to back distances between proposed dwellings would be acceptable across both parcels. The front to back distances within Parcel TC3 would be between 25.8m and 23.5m

In terms of safety, it is noted that the Designing Out Crime Officer has raised concerns with the plots fronting Court Royal and Badger Way having publicly accessible rear garden gates, although they recognise that these are overlooked by several proposed dwellings. As set out earlier in this report the necessity for rear parking stems from the principle of properties on the main local route through Cranbrook having a continuous frontage and not having parking directly off the road. The provision of parking as part of a street, overlooked by homes is considered an overall betterment. In addition to having housing fronting the parking, boundary treatments have been amended to brick/screen walls and the overall design and character has been improved through street trees and surface materials. The unallocated car parking spaces would include identification to establish ownership and reduce conflict which would be secured via a condition. In addition, defensible hedge planting and/or knee rails have been proposed around public open and communal spaces to differentiate between public and private and to reduce conflict. The Designing Out Crime officer has recommended conditions in relation to safety for the apartment block in relation to access and letter boxes.

Where parking is proposed at the rear, access to the houses is likely to often be via the back garden. As such it is necessary for the garden gates to be lockable from both sides and this will be secured by condition, in accordance with the Designing Out Crime officer's comments.

Overall, in terms of the amenity of future occupiers, the proposed dwellings would meet Nationally Described Spaces Standards and would have access to private amenity spaces. It is acknowledged that the size of gardens does vary and concerns have been raised regarding the relationship between Plot 19 and the Apartments within TC3 and from the Designing Out Crime Officer regarding the shared space to the rear of dwellings. Having regard to all the above, the development would provide appropriate levels of amenity for future occupiers and meet the requirements of Policy CB16 and Policy CB22 of the Cranbrook Plan.

F) OPEN SPACE PROVISION

Strategy 43 (Open Space Standards) of the adopted Local Plan (2016) states that developments proposing net new dwellings will be expected to provide for open space on-site where there is a demonstrable need for such open space in the vicinity. Developments will be expected to provide open space on-site through a Section 106 Agreement in line with the following thresholds:

- o 9 dwellings or less will not be required to provide any specific open space typologies onsite, however developers may choose to make such provision.
- o 10 - 49 dwellings will be required to provide amenity open space on-site.
- o 50 - 199 dwellings will be required to provide amenity open space, and children's and youth play space on-site.
- o 200+ dwellings will be required to provide for all open space typologies on-site.

Policy OS02 (Sport, recreation and open space provision in association with development) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that between 21 and 100 homes should provide on-site Local Areas of Play (LAPs) and amenity green space. This emerging policy carries limited weight at the time of determination.

The application seeks approval for 81 residential dwellings which requires the application in accordance with Strategy 43 to include approximately 666 sq. m amenity open space, and approximately 190 sq. m of children's and youth play space on-site. In accordance with emerging Policy OS02, the development should include a LAP and 1,098 sq. m of amenity open space.

As part of the MOU, it was agreed that the applications would not include additional open space in accordance with Strategy 43 and that the applications would not be required to provide financial contributions to address the shortfall of on-site open space as a result of the development. This is set against the backdrop of the Cranbrook Country Park, which at just under 30ha in size, provides for significant over-provision of some open space typologies. In addition to the Country Park, there are other areas of formal and informal open space throughout the town, including the ecology park, play areas for children, the nearby skatepark and a pump track. These facilities are within a 5 to 10-minute walk of the application site and a Local Equipped Area of Play (LEAP) is due for provision outside the Cranbrook Education Campus.

As part of the application, the proposal would include three parcels of public open space resulting in approximately 750 sqm of public open space. In TC3, the proposal includes an area of green space between Plots 24 and 25 totalling 270 sqm and in TC8b, the proposal includes 300sqm of open space on the eastern boundary and 180 sqm on the southern boundary. This would exceed the open space requirement for Strategy 43 however as no play space is provided resulting a minor conflict with the policy. The proposal also includes around 90 sqm of communal amenity space for the apartments in TC3. The maintenance arrangements for areas of open space/vegetation has been included as part of a Landscaping and S38 Plans submitted with the application and further details of adoption will be secured via a condition.

G) TRANSPORT, ACCESS, MOVEMENT AND WASTE

Policy TC2 (Accessibility of New Development) of the adopted Local Plan (2016) states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

Policy TC4 (Footpaths, Bridleways and Cycleways) of the adopted Local Plan (2016) states that development proposals will be required to include measures to provide, improve and extend facilities for pedestrians and cyclists commensurate with the scale of the proposal.

Policy TC7 (Adequacy of Road Network and Site Access) of the adopted Local Plan (2016) states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy CB19 (Plug-In and ultra-low Emission vehicle charging) of the Cranbrook Plan (2022) sets out that to help reduce the carbon levels associated with transportation, it is important that the role

of plug in and ultra-low emission vehicle charging is further expanded. To achieve this within the Cranbrook plan, focus is given to the development of an Electric Vehicle (EV) charging network.

Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan (2022) sets out that new residential developments at Cranbrook will be required to provide parking provision to an average of not less than 1.7 car parking spaces per dwelling (rounded up to the nearest whole number in individual applications). Within the overall requirement of 1.7 parking spaces per dwelling, not less than 30% of parking spaces in a residential development parcel shall be provided in parking bays adjacent to adoptable streets as unallocated parking.

Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan (2022) sets out bicycle parking must be provided in all future developments at Cranbrook and all new residential dwellings at Cranbrook will need to include safe, secure and undercover space specifically designed, or readily useable, for bicycle storage at a ratio of 1 bicycle storage space per bedroom.

Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that walking, wheeling, cycling and public transport should be the natural first choice for short local journeys, or as part of a longer journey. This emerging policy carries limited weight at the time of determination.

PUBLIC AND ACTIVE TRANSPORT

The proposed dwellings are provided with external cycle stores in accordance with Policy CB20 however details of the cycle stores including the ratio of cycle storage per bedroom would need to be secured via a condition. In relation to the apartments within Parcel TC3, each block would be provided with 12 bike spaces (36 in total) and further details can be secured via condition.

For TC3, the proposal would include pedestrian links to Court Royal and Whiteways to facilitate connections to and from the Town Centre.

The proposal for TC8b would include a pedestrian connection point to the boundary of the site in the southwest corner of the parcel. This would be to facilitate pedestrian upgrades on London Road and whilst it is acknowledged that the footway does not connect to the existing pavements on London Road, the inclusion of this link was requested by Devon County Council who have received CIL funding to fund and install the missing links as part of the wider upgrade works.

Furthermore, the development would contribute via a legal agreement £1,045 Per Dwelling for Sustainable Travel and £72 Per Dwelling for Car Sharing/E-Bikes to ensure opportunities for active travel are encouraged in accordance with Policy CB18.

CAR PARKING

The proposed development would include an average of 1.44 car parking spaces per dwelling which aligns with Policy CB20. The proposed layout of the development includes 117 car parking spaces (TC3; 61 spaces, TC8b; 56 spaces) as well as 6 garage spaces in TC3. Of the 117 parking spaces, 27 spaces (23%) are unallocated and 90 are allocated to dwellings (14 in TC3; 13 in TC8b). This results in 23% of spaces being unallocated visitor spaces against the policy requirement of 30% to be unallocated. This conflict would weigh negatively in the planning balance however due to the overall site layout and location of car parking it would be challenging to increase the level of unallocated spaces to 30%. For them to remain unallocated spaces, they are best located in blocks of 4. At present many of the spaces are in pairs or single spaces which is not ideal therefore it is necessary to attach a condition requiring a revised layout of the unallocated spaces to enable them to be offered for adoption in the future. In any case there are unallocated car parking spaces along Tillhouse Road. In terms of EV, every dwelling would include an EV charging point to be secured as part of Building Regulations compliance.

In relation to the number of car parking spaces, concerns have been raised by residents that insufficient car parking is provided however every dwelling would be provided with at least one space, as noted above a number of spaces are unallocated for visitors to use and the site is located within the town centre whereby lower car parking standards are supported by Policy TC9.

The car parking spaces are of a suitable size and where these are located adjacent to walls or adjacent to other car parking space, a buffer area is provided to allow for movement between parked cars.

The width of the garages (provided under Plots 40 and 41) within Parcel TC3 serving Plots 29, 30, 37, 38, 40 and 41 are approximately 3m in width. This would fail to align with Policy CB20 which sets out that single garage space must have a minimum internal clear width of 3.3m however the proposed garages are still wide enough to accommodate a vehicle. This conflict would weigh negatively in the planning balance.

The overall layout of the car parking has previously been discussed in this report and it is not further discussed here.

ROAD LAYOUT AND IMPACT ON ROAD NETWORK

In relation to road widths, the access route in Parcel TC3 would be 5.5m in width with a 2.5 m wide footway on the west and 0.5m service strip on the eastern side. The width of the road would increase to 6m in width in the car parking court in the northernmost section. Within Parcel TC8b, the proposed access route would be 5m in width and would also include a 2m to 2.5m wide footway on the inside of the access route as well as a 2m wide footway to a future connection point to London Road in the southwestern corner of the parcel. Within the mews/parking street, the carriageway would be 6m in width to allow for turning and manoeuvring. These widths are considered suitable, provide adequate space for large vehicles (e.g. refuse lorries) and no objections have been raised by Devon County Council (DCC) Highways.

The proposed development would include two access points, one T junction on Shareford Way serving TC3 and one T junction on Badger Way serving TC8b. As part of these applications, no concerns were raised by DCC Highways in relation to the number of access points and the junction radii, visibility splays and pedestrian crossings are considered to be suitable.

It is acknowledged that the Town Council and residents have concerns with the access from TC3 on Shareford Way and many residents feel that traffic and parking on Shareford Way and Badger Way will be exacerbated by the proposals. At present both Shareford Way and Badger Way are private and not adopted by DCC Highways and any future parking restrictions would be sought through DCC Highways once the roads have been adopted. In any case DCC Highways have not raised any concerns with the proposals and every dwelling is provided with at least one space and several spaces are unallocated to provide flexibility in parking numbers. Furthermore, the Design Principles Document appended to the MOU included an access point from both Shareford Way and Court Royal with the Court Royal access being removed as part of the MLR uplift works in favour of a pedestrian and cycle link to the town centre.

In relation to the impact on the road network, the submitted Transport Assessment Addendum (July 2024) sets out that as a result of additional residential dwellings within the town centre (applications 23/0554/MFUL, 23/0511/MFUL, and 23/2354/MFUL), the baseline traffic impact scenario will result in the order of an additional 20 vehicle movements through the M5 J29 at peak times and the 'Vision' traffic impact scenario (taking account of planned modal shift) will result in an impact in the order of an additional 15 vehicle movements through the M5 J29 at peak times.

DCC Highways concluded that the development taking into account its proximity to local amenities and public transport is unlikely to have an impact on the local highway network that can be considered as severe. DCC Highways raised comments into the layout of highways, future adoption, swept paths, turning head, connection to London Road. Revised plans submitted addressed the comments from DCC Highways who recommended conditions should the application be approved.

National Highways initially raised concerns that the proposed uplift in development across the Cranbrook Plan expansion zones in addition to the further dwellings in the town centre proposed by current applications (23/0554/MFUL, 23/0511/MFUL, and 23/2354/MFUL) could result in some 500 dwellings in excess of the quantum previously assessed and accepted through the production of the Cranbrook Plan.

To address the concerns raised by National Highways, a Transport Assessment Addendum (TAA) has been submitted to address the concerns regarding the impact of the housing on the Strategic Road Network (SRN). This follows a Vision and Validate and demonstrates that the impact of the sites on the SRN, when all factors are considered, is likely to be minimal and included in the background traffic growth assumptions included in previous capacity assessments.

After reviewing this additional information, National Highways have concluded they have no objections to the application. Emerging findings from modelling work carried out by National Highways provide sufficient comfort to suggest that a small increase over the currently accepted limit of 7,750 dwellings can be accommodated without unacceptable safety impact or severe residual cumulative impacts for the Strategic Road Network.

National Highways have also recognised that further works are planned and required at Cranbrook including bus improvements and pedestrian and cycling infrastructure. The emerging town centre would also increase the level of services and therefore would reduce the number of trips outside of Cranbrook for leisure, shopping and employment.

Therefore, the proposed development would not result in harm to the local or strategic road network and complies with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted Local Plan (2016).

RAIL NETWORK

Network Rail have raised concerns regarding development around the Crannaford Level Crossing and impact on the crossing. While highway and rail safety must be an absolute priority, there is no evidence that trips from the development would make a material difference in the number of vehicle and pedestrian movements over the crossing as services and facilities would be within Cranbrook itself or to the south of the railway line. As such while the concern from Network Rail is acknowledged, amendments or improvements to the crossing is not something that should be sought or attempted to be secured through this application and Network Rail should be directed to Devon County Council who can consider the request through due process.

CONSTRUCTION IMPACTS

In terms of construction impacts, a Construction and Environment Management Plan has been submitted as part of the application and no concerns have been raised by the County Highway Authority or National Highways regarding the CEMP.

WASTE

Each dwelling would be provided with a refuse storage area and waste would be collected from the highway for all dwellings. The application has been reviewed by EDDC Waste and Recycling who raised no concerns with the proposals.

SUMMARY

In relation to transport, access, movement and parking, the development is acceptable and would not result in significant harm to public or highway safety. The site would be accessible by public and active transport and subject to conditions the proposal would accord with adopted policies.

H) TREES, GREEN INFRASTRUCTURE AND LANDSCAPING

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

- a) 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)
- b) 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.
- c) Measures to ensure safe and convenient public access for all should be incorporated.
- d) Measures to ensure routine maintenance and long term management should be included.
- e) 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.
- f) 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.

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.

Policy CB26 (Landscape, Biodiversity and Drainage) of the Cranbrook Plan (2022) states that development will only be permitted where it is in accordance with an up to date Landscape, Biodiversity and Drainage Strategy (LBDS), and illustrated LBDS Framework plan, which has been agreed in writing by the Local Planning Authority.

Policy PB08 (Tree, hedges and woodland on development sites) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that where trees are present on a development site, proposals will need to be designed, and schemes implemented, in a manner that retain good quality and healthy woodland, trees and hedgerows. This emerging policy carries limited weight at the time of determination.

In relation to existing landscaping, Parcel TC3 is home to grassland and scrub and does not include any trees or hedgerows. Parcel TC8b is home to grassland, scrub and is home to existing trees and hedgerows on or adjacent to the southern and eastern boundaries. Three TPO protected trees (T148 (A), T145 (B) and T144 (B)), three individual trees (T146 (B), T147 (B) and T149 (C)), two hedgerows (H46 (C) and H50 (C)) and 1 Group (G44 (B)) are located on or adjacent to the

boundary of Parcel TC8B. There is also a hedgerow along the western boundary of TC8b within the car park of the Cranberry Farm Pub.

The application was accompanied by landscaping plans and tree protection plans which show the retention and protection of the existing trees and hedgerows along or adjacent to the boundaries of TC8b. The proposal would include works within the RPAs of two TPO protected trees (T144 and T145) however protective barriers, ground protection and no-dig zones are proposed to ensure these trees are protected.

The proposed development would include soft landscaping in open and communal spaces, on-plot landscaping and hedgerows within front gardens and in-between car parking spaces as well as new tree planting. In relation to hard landscaping the proposed would include a mixture of black asphalt, coloured asphalt and block paving to provide variation within the development.

The application has received comments from the council's Tree and Landscape Officers and revisions to the plans submitted as a result to address concerns raised.

The council's Tree Officer originally objected to the proposals due to the impact of the development on existing trees and hedgerows and as result, built development has been positioned further away from the existing trees and hedgerows to provide further protection. The RPAs of existing TPO trees has also been expanded in line with the Tree Officers comments to reflect current growing conditions. The council's Tree Officer was subsequently supportive of the revised site layout subject to confirmation of landscaping details.

The Landscape Architect initially reviewed the application and stated that whilst the overall layout was appropriate there were a number of issues which needed to be addressed. These related to the car parking, junction radii, boundary materials, surface materials, open spaces, soft landscaping plans and soil volumes.

In response, revised plans have been submitted with amendments to the layout, plant specifications and hard materials and the Landscape Architect's subsequently made comments in relation to the layout and planting specifications. The Landscape Architect also stated that the proposed housing density compromises landscape quality and should the application be approved, conditions were recommended in relation to further details, tree pits and lighting.

It is acknowledged that the overall provision of soft landscaping scheme is minimal but amendments to materials, boundary treatments, tree planting, plant specifications, surface materials and the site layout help to soften the overall development. This is also partly a consequence of the higher density layout to comply with Policy CB22 of the Cranbrook Plan.

In relation to Policy CB26, a standalone Landscape, Biodiversity and Drainage strategy has not been provided as part of this application however the application includes information in relation to the policy criteria across several documents which satisfies the overall policy requirements.

Overall, the scheme would retain existing trees and hedgerows, and the planting scheme proposed, with street tree planting and landscaped areas visible in the public realm is acceptable, subject to conditions to secure delivery and supplemental details. The scheme is commensurate with the location and the landscaping of surrounding developed parcels of land. As such, the application accords with Policy D2 and Policy D3 of the adopted Local Plan.

I) SUSTAINABILITY AND CLIMATE CHANGE

Policy CB12 (Delivering Zero Carbon) of the Cranbrook Plan (2022) states that all development at Cranbrook will be designed, constructed and perform to the highest practicable and viable whole life sustainability standards possible. Detailed development proposals will be required to submit for

approval a Carbon Plan that sets out how the development will deliver carbon savings contributing towards the overall plan vision to "deliver a truly zero carbon new town" in line with the Energy Hierarchy. Unless specified by policy elsewhere, all developments which propose the construction of new homes or non-residential floorspace must demonstrate that they:

1. Minimise the need to travel and where necessary enable travel by low carbon means:
2. Minimise energy demand and carbon emissions:
3. Maximise the proportion of energy from renewable or low carbon sources:
4. Ensure in-use performance of buildings is as close as possible to designed intent.

Strategic Policy CC02 (Net-zero carbon development) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that all developments will be required to demonstrate at the application stage that the relevant standards will be achieved and that minimising the carbon footprint of the proposed development has informed the design and layout of the development. This emerging policy carries limited weight at the time of determination.

The application was supported by a Sustainability and Energy Statement which sets out how the development would comply with Policy CB12.

In relation to Policy CB12 (1), the site would be located within the town centre of Cranbrook with public and active travel opportunities. The site would include links to adjacent parcels and the level of car parking amended to ensure sustainable modes of travel are more attractive. In relation to Policy CB12 (2), the development would apply the energy hierarchy and would result in a reduction in energy demand through low energy lighting, appliances, and fabric first measures. The majority of the proposed dwellings would include a south or south west facing elevation to maximise solar gain. In relation to Policy CB12 (3), the proposal subject to a legal agreement would connect to the District Heat Network which is a lower carbon form of heating and hot water. To comply with building regulations, dwellings would also include PV panels. In relation Policy CB12 (4), compliance with the Sustainability and Energy Statement and the measures outlined within it would ensure that the development is built in accordance with this Policy.

In relation to bin and bike storage, the proposal would include space for both with further details of bike storage to be conditioned. EV charging is included and would be required under Building Regulations and contributions towards Sustainable Travel and Car Sharing/E-Bikes would be secured via a legal agreement.

In relation to sustainability and climate change, the proposed development is considered to comply with Policy CB12.

J) LAND CONTAMINATION

Policy EN16 (Contaminated Land) of the adopted Local Plan (2016) states that where it is anticipated that contamination may be present on or near to a development site, a contaminated land assessment will be required. The assessment must be agreed with the Council and must: a) Identify and characterise the contamination; b) Identify the risks; and c) Identify remediation and/or mitigation measures. Where identified as necessary, the agreed measures must be taken to remediate the site prior to or during the development. Development on or in close proximity to active or former waste sites will only be permitted where it can be demonstrated that there will be no harm to future occupiers of the site from leachate or landfill gas or other waste arisings.

Policy OL07 (Contaminated land) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that where it is anticipated that contamination may be present on or near to a development site, planning applications should be supported by a proportionate contaminated land assessment. The assessment must: A. Identify and characterise the contamination; B. Identify the risks; and C. Identify remediation and/or mitigation measures if required. Where identified as necessary, agreed measures must be taken to remediate the site prior

to or during development. Ongoing monitoring may also be required. This emerging policy carries limited weight at the time of determination.

The proposed development is sensitive to contamination and following a request from the council's Land Contamination Officer a Geotechnical and Geoenvironmental Interpretive Report has been submitted. The council's Land Contamination Officer subsequently raised no concerns in relation to contaminated land.

K) DRAINAGE AND FLOOD RISK

Policy EN22 (Surface Run-Off Implications of New Development) of the adopted Local Plan (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. 5. Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate.

Policy CB26 (Landscape, Biodiversity and Drainage) of the Cranbrook Plan (2022) states that development will only be permitted where it is in accordance with an up to date Landscape, Biodiversity and Drainage Strategy (LBDS), and illustrated LBDS Framework plan, which has been agreed in writing by the Local Planning Authority. In addition, the LBDS will need to be periodically reviewed so that it remains in line with new legislation, guidance and best practice with a formal review at least every 5 years.

Strategic Policy AR01 (Flooding) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that all development should minimise the impact and mitigate the likely effects of climate change on existing and future occupants, together with the wider community and environment, through the delivery of developments and communities which are resistant and resilient to future floods. This emerging policy carries limited weight at the time of determination.

The application is supported by a Flood Risk Assessment and Drainage Strategy as well as a supplementary technical note (Technical Note No.11 rev.9). The site is currently a mix of undeveloped land and existing vegetation and does not include any watercourses. The entire site is within in Flood Zone 1. The Flood Maps do indicate that a small section on the north boundary of both parcels is at risk of flooding from surface water. The Environment Agency (EA) were consulted on the application and raised no concerns to the proposed development.

In relation to surface water run-off management, an additional allowance of 45% for climate change is required within East Devon. For this application, a 50% allowance has been used which is supported.

In relation to TC3, surface water from the northern portion of the site would either be conveyed by a below ground drainage network to existing surface water drainage on Tillhouse Road or be conveyed to an underground attenuation tank within the car parking court and then conveyed by a below ground drainage network to existing surface water drainage on Tillhouse Road. Surface water from the southern and central portions of the site would be conveyed by a below ground drainage network to existing surface water drainage on Court Royal. Proposed Permeable Paving is included for several car parking spaces in the northern portion of the site.

In relation to TC8b, surface water from the southern and western portion of the site would be conveyed by a below ground drainage network to existing surface water drainage on Badger Way. Surface water from the central portion of the site would be conveyed to an underground attenuation tank within the car parking court and then conveyed by a below ground drainage network to existing surface water drainage on Badger Way. The proposal would not include any above ground drainage infrastructure.

DCC Flood Risk do not object to the proposed development and recommend conditions should an approval be forthcoming.

Foul Water would be conveyed to existing sewers on Badger Way, Court Royal and Tillhouse Road.

Therefore, the application would be acceptable in relation to flood risk and drainage meaning that the proposal would comply with Policy EN22 of the adopted Local Plan.

L) HERITAGE AND ARCHAEOLOGY

Paragraph 207 of the NPPF (2024) sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. This position is further supported by EDLP Strategy 49 (The Historic Environment) and Policies EN8 (Significance Of Heritage Assets and Their Setting) and EN9 (Development Affecting A Designated Heritage Asset).

Policy EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) of the adopted Local Plan (2016) states that when considering development proposals which affect sites that are considered to potentially have remains of archaeological importance, the District Council will not grant planning permission until an appropriate desk based assessment and, where necessary, a field assessment has been undertaken.

Policy HE02 (Listed buildings) of the Emerging East Devon Local Plan 2020 to 2024 (Regulation 19 Plan February 2025) states that proposals for development within the curtilage of, or affecting the setting of a listed building will be expected to conserve, enhance or better reveal those elements, respect any features of special architectural or historic interest and be sympathetic to the listed building and its setting in terms of its siting, size, scale, height, alignment, materials, building methods and finishes (including colour and texture), design and form. This emerging policy carries limited weight at the time of determination.

Policy HE04 (Archaeology and Scheduled Monuments) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that development must protect the site and setting of Scheduled Monuments, designated or undesignated archaeological remains, including ancient routeways and milestones. Applicants will be expected to undertake an assessment of appropriate detail to determine whether the development site is likely to contain archaeological remains. Proposals must show how the development proposals have had regard to any such remains. This emerging policy carries limited weight at the time of determination.

The application site is not located within a Conservation Area and in relation to Parcel TC3, the parcel is not located in close proximity to any designated heritage assets and therefore is not considered to result in harm to any heritage assets.

In relation to Parcel TC8b, this parcel is located approximately 13.5m north of Stone Villa (Grade II Listed) and 20.4m north of Hillside (Grade II Listed). Stone Villa, constructed around 1800 is a detached red sandstone cottage with a thatched roof and is home to an existing brick garage/store. The proposed development of TC8b would result in a change from open grassland to residential

development directly to the north and north west of Stone Villa. The proposed development would be visible from London Road especially those proposed dwellings along the southern boundary albeit the existing single storey garage and vegetation along the boundary would be retained which would result in harm to the setting of Stone Villa. The setting of Stone Villa has already changed as a result of development at Cranbrook of which the proposal would further contribute to this change. It is considered that harm to Stone Villa would be less than substantial harm.

Hillside is a detached 16th or 17th century cottage finished in roughcast cob with a thatched roof. This listed building is adjacent to existing development on London Road including Rockbeare Garage meaning that its setting has already been altered by development. The proposal would be located to the north of London Road, approximately 21m from this listed building. The wider setting of this listed building has already been impacted by the ongoing development at Cranbrook and the setting of this listed building would be further impacted by the proposed development through the change from open countryside to residential development. This harm would be considered at the lower end of less than substantial due to the separation distance and presence of London Road between the site and listed building.

The council's Conservation Officer reviewed the application and stated that for TC3, there is considered to be no impact on the setting of the two listed buildings by the development of this site which is relatively removed and some distance from the two properties. For TC8b, the Conservation Officer stated that it is considered that the setting of the listed buildings (Stone Villa and Hillside) has already been compromised, and the further development of this site will only contribute to this further. However, the additional harm is less than substantial and should therefore be weighed against any public benefits. The Conservation Officer stated that mitigation should be sought in terms of landscaping, screening adjacent to Stone Villa and the use of an appropriate palette of materials in any construction. The proposed dwellings to the north of Stone Villa would be red brick with grey tiles which would be similar to Stone Villa.

The proposed development would result in several public benefits including the delivery of housing including 6 affordable homes which will support the town centre. The proposal would include economic benefits from construction to operation and benefits to local businesses and services by increasing footfall in the Town Centre. It is considered that the overall public benefits of the scheme would outweigh the harm identified to the setting of Stone Villa and Hillside.

This site in terms of archaeology was reviewed as part of the allocation of Cranbrook originally as well as the outline planning permission. Various reports on archaeological survey, evaluation, and excavation in and around the proposal area have been published and are publicly available.

As part of this application, DCC Historic Environment reviewed the application and stated that given the proximity of the development to the course of the Exeter to Dorchester Roman Road (London Road) they agree with the conclusions of the submitted Heritage Statement that there should be a programme of archaeological recording.

In response, the applicants submitted a programme of archaeological works prepared by Foundations Archaeology (dated July 2023). DCC Historic Environment subsequently reviewed and stated that the programme was acceptable. It would be necessary to condition compliance with this programme of works.

M) NATURE CONSERVATION AND BIODIVERSITY

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.

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.

Policy EN5 (Wildlife Habitats and Features) of the adopted Local Plan (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.

Policy CB14 (Habitat Mitigation and Delivery of Suitable Alternative Natural Green Space (SANGS)) of the Cranbrook Plan (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. These environments 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. Only where it is wholly impractical to meet the definitions, should off-site delivery or an off-site financial contribution be required.

Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that international followed by nationally designated wildlife sites are of greatest importance and must be given upper most protection. This emerging policy carries limited weight at the time of determination.

Policy PB07 (Ecological enhancement and biodiversity in the built environment) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that in addition to features required as part of biodiversity net gain, mitigation or compensation, all proposals are required to incorporate features of biodiversity value tailored to the specific proposals, relevant local receptors and in accordance with best practice to maximise potential benefits. This emerging policy carries limited weight at the time of determination.

The application is supported by an Ecology Assessment and Briefing Notes which set out that the sites are a mixture of grassland, bare ground and vegetation. TC8b is bounded by Hedgerow H4 on the eastern and southern boundaries. There are no statutory designated sites within or adjacent to the site however the site is located within the zone of influence for the East Devon Pebblebed Heaths SAC and SPA together with the Exe Estuary SPA and Ramsar sites. There are no non-statutory designated sites of nature conservation interest within or adjacent to the site. The nearest non-statutory designated site is Hellings Park Fen County Wildlife Site (CWS), which is located

approximately 1.6km north west of the site. The nearest Other Site of Wildlife Interest (OSWI) is Exeter Airport OSWI, which lies approximately 1.6km south west of the site.

Surveys for this site were undertaken in 2011, 2012, 2015, 2016, 2017, 2018, 2019, 2021 and 2022. Additional walkovers were undertaken in 2024 and 2025 as part of BNG calculations. The findings are summarised by species below:

- Badgers - The grassland and hedgerow habitats within the site offer some suitable foraging opportunities for Badgers, while the hedgerows offer some suitable shelter opportunities for this species.
- Bats - Bat activity is commonly associated with hedgerow H4 which provides some foraging and navigational resources for bat, albeit for common species. The retention of native hedgerows and trees as part of the development proposals would provide continued foraging and navigational opportunities for bats. Lighting along H4 within TC8b needs to be carefully considered. The development also proposed 5 new Bat Boxes.
- Birds - It is considered that the hedgerows and trees within the site offer some suitable foraging opportunities for House Sparrow and Cuckoo and some limited suitable nesting opportunities for House Sparrow. It is also considered that the hedgerows and trees offer some limited suitable foraging opportunities for Barn Owl. The grasslands are considered to provide suitable foraging habitat for House Sparrow and Barn Owl and suitable foraging and nesting opportunities for Skylark. Any clearance must be undertaken outside the bird nesting season. The planting of any new, native trees and shrubs would provide new nesting and foraging opportunities for a range of bird species. The proposal also includes 81 new Bird Boxes across the development site.
- Dormice - Dormice have been recorded in the wider area however they have not been found within the site or within Hedgerow H4. In any case this hedgerow is to be retained.
- Otters - No evidence of Otter was recorded within the site or wider area.
- Great Crested Newts - It is not considered that Great Crested Newts are present within the site.
- Reptiles - It is considered that the rough grassland within the site offers suitable habitat for reptiles. A watching brief is to be implemented together with a capture/rescue and relocation exercise as required
- Mammals - No evidence of any other mammals was recorded within the site; however, it is considered that the grassland and hedgerows offer some suitable opportunities for a range of small mammals.
- Invertebrates - Due to the habitats present it is likely an assemblage of common invertebrate species would be present within the site. The creation of any new areas of species rich grassland, and the planting of any new native trees within the site, will provide suitable opportunities for a range of invertebrates.

Overall, a number of mitigation and enhancement measures are proposed:

- Bee Bricks
- 13cm x 13cm Hedgehog Holes between boundaries
- 8 Bat Boxes.
- 81 Bird Boxes on north, west, east and southern elevations.

- Grassland areas to be a native seed mix to be secured through the landscaping scheme.
- New tree and hedgerow planting across the site and appropriate management.
- Grass cuttings and brash shall be left in piles beneath the vegetation.
- Watching brief is to be implemented.

These mitigation measures shall be secured via a condition.

The application has been reviewed by EDDC's District Ecologist who recommends conditions in relation to a revised Landscape and Ecological Management Plan (LEMP) and compliance with Ecological Mitigation Measures. A revised Landscape, Ecological and Biodiversity Specification and Management Plan was submitted as part of the application.

HABITAT MITIGATION

The site is located within 10km of the East Devon Pebblebed Heaths SAC and SPA together with the Exe Estuary SPA and Ramsar sites. During the operational phase, the development is likely to increase recreational pressures on these European sites which will likely have both direct and indirect significant effects when considered alone or in combination. This therefore requires the authority to undertake an Appropriate Assessment (AA) in accordance with the Conservation of Habitats and Species Regulations 2017. This has been undertaken which also concludes that the proposed development, as it is within 10km, is likely to have significant effects on the interest features of these European sites. The joint approach for mitigation by the relevant local authorities relies on a mechanism by which developers can make contributions to mitigation measures delivered by the South East Devon Habitat Regulations Partnership. The mitigation measures are set out in the Cranbrook Plan IDP and MOU which includes the following:

- Payment of £499 per dwelling for non-infrastructure mitigation
- Payment of £2,052 per dwelling for costs associated with delivery and maintenance of SANGS, including estimated land purchase costs.

Under this application, no direct SANG provision is provided.

Natural England were consulted on the AA and have advised that on the basis of the appropriate financial contributions being secured to the South-East Devon European Sites Mitigation Strategy, they would concur with this authority's conclusion in the AA that the proposed development will not have an adverse effect on the integrity of the European Sites. It is for the LPA to adopt the AA and accordingly there is a further recommendation on this at the end of the report.

BIODIVERSITY NET GAIN (BNG)

As this application was submitted in March 2023, the legal requirements under the Environment Act 2021 do not apply to this application.

Policy CB26 (Landscape, Biodiversity and Drainage Strategy) sets out that Landscape, Biodiversity and Drainage Strategy (LBDS) should be prepared in conformity with landscape character, biodiversity and sustainable drainage guidance and deliver at least 10% biodiversity net gain.

As part of this planning application, a High-Level Biodiversity Net Gain Calculation Summary was submitted and concluded that the proposal could result a 21.23% gain in hedgerow but a 41.59% loss in habitat units using the Statutory Biodiversity Metric.

In relation to Habitat Units, the proposal would result in a loss of 41.59%. In isolation this would be a conflict with Policy CB26 of the Cranbrook Plan as this fails to meet the 10% increase requirement

in respect of this element of BNG. In cases like this where it is not possible to achieve a 10% net gain on site, it would be expected that either mitigation is provided off site or units/credits are purchased. However, the requirement in this instance is a policy consideration and therefore the conflict with policy is to be considered in the wider planning balance. It is also noted that the MOU did not include expectations/provisions for any specific obligations in respect of BNG and therefore no additional contributions are sought in accordance with the MOU.

The application has been reviewed by EDDC's District Ecologist who stated that based on the constraints of the site and the limited areas for landscaping, the predicted BNG outcomes are typical for such developments and as the site is not subject to the mandatory BNG framework, this consideration will need to be taken into the planning balance.

The assessment provided was a guide and further information including the management of the biodiversity gains was submitted as part of the revised Landscape, Ecological and Biodiversity Specification and Management Plan.

N) PLANNING OBLIGATIONS

Strategy 50 (Infrastructure Delivery) of the adopted Local Plan (2016) states that the Council produced and consulted (in June/July 2013) on an Infrastructure Delivery Plan to set out how the implementation of Local Plan policies and proposals will be supported through the timely delivery of infrastructure improvements. It identifies schemes, sets out how much they will cost, indicates potential funding sources and establishes a funding gap. Developer contributions will be sought to ensure that the necessary infrastructure improvements are secured to support the delivery of development and mitigate any adverse impacts.

Policy CB6 (Cranbrook Infrastructure Delivery) of the Cranbrook Plan (2022) sets out 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.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that new proposals for residential development in the Town Centre will be required to make contributions to on and/or off-site infrastructure in and around the town to mitigate for the likely additional pressure that would result from the increased occupation associated with the development.

Strategic Policy SP07 (Delivery of infrastructure) the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that new development proposals must be supported by appropriate infrastructure, delivered in a timely manner to support the needs of the development and the wider community. Where appropriate, the Council will use planning conditions or planning obligations to secure the provision of infrastructure and its ongoing maintenance. This emerging policy carries limited weight at the time of determination.

As set out within the MOU agreed between EDDC and the EDNCp, the development is subject to the following obligations (to be index linked from Q2 2022):

- o Delivery of 6 affordable dwellings comprising of Affordable Rented Dwellings. All of the affordable housing units will meet part M4(2).
- o Connection to the District Heat Network
- o £2,551 per dwelling for appropriate habitat mitigation
- o £1,742 per dwelling for primary school places
- o £1,045 per dwelling for sustainable travel
- o £72 per dwelling for car sharing/e-bikes

o Monitoring Fees

Draft legal agreements under S106 provisions have been submitted as part of the application and make provisions intended to be in line with the MOU. It is noted that DCC Education commented on the application requesting a contribution of £1,742 per Additional Residential Dwelling which aligns with the MOU.

It is acknowledged that the proposals would include contributions to mitigate the likely additional pressure on services, but that these fall short of the full infrastructure requirements of the Cranbrook Plan. However as detailed earlier in this report, these land and financial contributions were the subject of protracted negotiations aimed at ensuring that the town and its residents are served by the services and facilities in the town centre necessary to support their needs. Ultimately it was the decision of the council's Cabinet that the benefits secured in principle through the signing of the MOU outweigh any harm caused as a result of the limited package of infrastructure delivery and off-site financial contribution. It is for the Planning Committee to decide if they concur with this conclusion and the provisions of the MOU but the fact that it was made by the Cabinet in full awareness of the short- and long-term implications, is deemed to be a consideration material to the determination of this planning application.

CONCLUSION AND PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan relevant to this application site is the East Devon Local Plan 2013-2031, The Cranbrook Plan DPD and Devon Waste Plan, with the relevant policies of each having been discussed throughout this report.

The council is unable to demonstrate a 5-year supply of deliverable housing land and therefore the presumption in favour of sustainable development as set out in Paragraph 11d of the National Planning Policy Framework is engaged. For this application it means that permission should be granted unless policies in the NPPF relating to habitat sites (including the Pebblebed Heaths and Exe Estuary), archaeological interest or areas at risk of flooding provide a strong reason for refusal or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. This second element of the presumption requires an assessment against the policies in the NPPF taken as a whole, having regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The application site is located within the Town Centre of Cranbrook and has in principle policy support from Policy CB22 which supports residential development in the town centre of Cranbrook. The site is in a highly sustainable location with access to public and active transport, the Country Park, Education Campus and the emerging Town Centre of Cranbrook and therefore is supported by Strategy 1 and Strategy 3 of the East Devon Local Plan as well as the National Planning Policy Framework.

The proposal would result in 81 residential dwellings including 6 affordable dwellings and the overall scale and density accords with the Cranbrook Plan. The appearance and materials are acceptable and are in keeping with the overall design principles seen in the town, and with the town centre Design Principles Document which is appended to the signed MOU. The proposed landscaping scheme is reflective of the higher density form of development; however new trees, hedgerows and planting are proposed within the development to help soften the overall scheme.

The proposed dwellings would meet the Nationally Described Space Standards, and all but two dwellings would include private amenity spaces with communal open space provided for

apartments. The proposal is not considered to result in harm to neighbouring properties and the proposed dwellings would overall offer good levels of sunlight and daylight for future residents.

The proposed development at Parcel TC8b would result in less than substantial harm to the setting of Stone Villa, London Road (Grade II Listed) and less than substantial harm at the lower end to Hillside (Grade II Listed) through the change from undeveloped grassland to residential development. However, the context around this listed building has changed as a result of the ongoing development at Cranbrook. The dwellings to the north of Stone Villa would have similar material palette and the existing vegetation would be retained to mitigate harm. It is considered that the overall public benefits of the scheme would outweigh the harm to the setting of Stone Villa and Hillside.

The proposal has been assessed from a Drainage and Flood Risk, Trees, Transport, Land Contamination, Archaeology and Sustainability perspective and is acceptable. The proposal would retain existing trees and hedgerows at TC8b and would include ecological mitigation measures. As noted above the proposal would result in a biodiversity net gain in relation to hedgerow units but a net loss in relation to habitat units.

The development is acceptable in many regards but would conflict with several adopted policies. Conflict with Policy CB22 in relation to adaptable ground floors and infrastructure contributions required, Policy CB10 in relation to affordable housing, Policy CB20 in relation to unallocated parking and garage sizes, Policy CB26 in relation to biodiversity net gain and Strategy 43 in relation to Play Space Provision all stem from the in-principle agreement set out between the EDNCp and the council within the MOU and town centre design principles document. Conflict with Policy CB20 in relation to unallocated car parking being lower than required is a result of form of development proposed but is far higher than has been seen elsewhere within Cranbrook to-date.

The proposed development would result in a number of public benefits including the delivery of much needed housing including affordable homes within the district (albeit at a rate lower than policy requirement) as well as helping to unlock the development of the Town Centre of Cranbrook. The site has been vacant for several years and the proposal would help to deliver the town centre and land around Tillhouse Road in accordance with the MOU. The proposal, alongside the other residential parcels within the Town Centre as set out within the MOU would ensure that financial contributions toward the construction of the Town Council Offices, Children's Centre, Youth Centre and Library are provided by the EDNCp. These contributions would help to fund and bring forward these facilities within the Town Centre which would provide much needed services to residents. The proposal would include economic benefits from construction to operation and benefits to local businesses and services by increasing footfall in the Town Centre.

There is clearly a need to balance development which is in accordance with the adopted Local Plan and Cranbrook Plan against the need for housing within the district and material considerations which are relevant in the determination of this application.

In this case, the need to bolster housing within East Devon is a material consideration and the NPPF supports the delivery of sustainable development in principle. The need to bolster housing supply is given significant weight in the decision. In addition, the signing of the Memorandum of Understanding (MOU) is also given significant weight which set out that the application site could be brought forward for residential development and financial contributions were agreed for the Additional Residential Dwellings in the town centre.

In this instance and having regard to all planning matters, given the need to increase housing supply for the longer term, the sustainable location of the site and signing of the MOU which agreed the open and play space and affordable housing requirements and financial contributions, officers consider that the material considerations in this case would justify a recommendation for approval. Officers acknowledge that there are conflicts with adopted policies, however these alone or in

combination would not result in a development whereby the harm would significantly and demonstrably outweigh the benefits and officers consider that the proposed development would overall align with the principles of sustainable development.

It is recommended that the appropriate assessment is adopted, and that the application be approved subject to a S106 legal agreement and conditions.

The recommendation does not set a precedent for the approval of development which fails to fully comply with the development plan and in any case the precise context and material considerations for each site differs and each planning application must be determined on its own merits.

RECOMMENDATION

- a) ADOPT the Appropriate Assessment (as set out in Appendix 1).
- b) APPROVE the application subject to a S106 Legal Agreement and conditions (final wording of both delegated to Development Manager).

The heads of terms for the s106 Legal Agreements for recommendation b) above are detailed below. It should be noted that one or more of the legal agreements will cover multiple planning applications, including the additional obligations for application 23/0511/MFUL previously resolved for approval by Planning Committee.

1. To discharge the application sites from the obligations within the principle s106 agreement and to impose a new set of planning obligations, detailed in the following points.
 2. To provide 6 affordable houses through application 23/554/MFUL.
 3. Offer to transfer land parcel TC2 to EDDC within seven days of the grant of the additional planning permissions (being those for TC3, TC5a & b, TC6, TC7a & b and TC8b). EDDC to be allowed to develop the land for uses appropriate in a town centre.
 4. Offer to transfer land parcel TC4c for £1 to EDDC when the first of the additional planning permissions becomes free from an application for Judicial Review
 5. The dwellings are to connect to the District Heating Network provided connection charges are no more than £7,000 per dwelling and the network provides for the dwellings to comply with Parts L and F of the Building Regulations without the need for additional low carbon energy generation or energy recovery.
 6. Pay £592,500 index linked from May 2022 to Cranbrook Town Council for the Town Council Facilities. The definition of this to remove the minimum floor space to be delivered.
 7. Pay £72 per dwelling for car-sharing and e-bikes
 8. Pay £2,551 per dwelling toward the cost of habitat mitigation measures
 9. Pay £1,742 per dwelling towards the cost of providing primary education places
 10. Pay £1,045 per dwelling toward the cost of sustainable travel measures at Cranbrook
-
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. Sustainable Drainage System

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed surface water drainage system design based upon the Flood Risk and Drainage Strategy including details of Permeable Paving.
- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site.

No dwelling hereby permitted shall be occupied until the approved drainage infrastructure that relates to the dwelling have been implemented in accordance with the details under (a) - (d) above.

(Reason - The above conditions are pre-commencement 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.)

4. Tree Protection Measures

I. Prior to the commencement of the development, the tree protection fencing and / or ground protection approved shall be in place and in accordance with the Arboricultural Assessment & Method Statement and Tree Protection Plans (TPPs) and retained intact for the full duration of the development. The installed tree protection shall have been inspected by an appropriately experienced and qualified Arboricultural Consultant and the initial site inspection findings shall have been submitted to and approved in writing by the Local planning Authority.

II. During the development hereby approved, the following tree protections measures will be undertaken:

- o The Arboricultural Assessment & Method Statement (June 2024) and approved TPP shall be strictly followed.
- o Any departures from the approved TPP and Arboricultural Assessment & Method Statement (June 2024) shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

III. On completion of the development hereby approved:

- o A completed site monitoring log shall be submitted to the Local Planning Authority for approval and final discharge of the tree protection condition.

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.

No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any

area designated as being fenced off or otherwise protected in the approved protection 4 unless agreed in writing by the Local Planning Authority.

No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority.

(Reason - This is pre-commencement as to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2013-2031 and pursuant to section 197 of the Town and Country Planning Act 1990).)

5. Conveyance and Adoption Plan

Prior to the commencement of development above slab level, a Conveyance and Adoption Plan depicting to whom the following assets are proposed for transfer of ownership and/or maintenance shall be submitted to and approved in writing by the Local Planning Authority. Conveyance and Adoption shall take place in accordance with the agreed plans unless otherwise agreed in writing by the Local Planning Authority:

- o Highways and Private Drives
- o Car Parking Spaces (Private and Unallocated in accordance with Condition 14)
- o Pedestrian and Cycle Paths
- o Existing Trees and Hedgerows
- o Public Open Spaces (Hard and Soft Landscaped)
- o Private Dwellings and Gardens
- o Affordable Housing including Gardens and Communal Spaces.

(Reason - This is pre-commencement above slab level and is needed 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 inappropriate disposal of key assets and connecting routes.)

6. Noise Mitigation Measures

No development above slab level for any dwelling within Parcel TC8b shall begin until details of noise mitigation measures to meet the good standard night time internal noise levels for Plots 128, 129, 130, 131, 132, 133, 134, 135, 136, 137 and 138 within Parcel TC8b have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved measures which shall be installed prior to first occupation of such dwelling and retained thereafter for the lifetime of the development.

(Reason - To ensure compliance with BS8233:2014 and to protect the amenities of future residents in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan (2016).)

7. Details of External Materials

No development above slab level for any dwelling shall begin until details of the following materials have been submitted to and approved in writing by the Local Planning Authority:

- o Red Brick (for Apartments, Phyllis and Elterdale)

- o Red Brick (for all other house types)
- o White/Cream Brick (for Apartments and Phyllis)
- o Blue Brick (for Apartments, Phyllis and Elterdale)
- o Blue Brick (for all other house types)
- o Buff Brick
- o Mortar Colour
- o Brown Tile
- o Grey Tile
- o Block Paving
- o Coloured Tarmac
- o Rumble Strips
- o Paving Slabs

The development shall be built in the materials approved and retained for the lifetime of the development.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031.)

8. Further Detail Drawings

Notwithstanding the submitted details and prior to the installation or construction of the relevant element, detailed plans, elevations and sectional drawings at an appropriate scale of the following items shall be submitted to and approved in writing by the Local Planning Authority:

- o Front Canopies
- o Windows and Doors (including brick detailing, cills and profiles)
- o Boundary Treatments
- o Benches
- o Retaining Walls and Structures and Tanking

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

(Reason - This is prior to the relevant element as insufficient information has been submitted to satisfy the Local Planning Authority regarding the above to ensure that the development is acceptable in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

9. Estate Road, Cycleways, Footways

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

Development shall take place in accordance with the approved details.

(Reason - This is prior to their construction as insufficient information has been submitted to satisfy the Local Planning Authority regarding the above to ensure that the development is

acceptable in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)

10. Further Details - Tree Pits

Notwithstanding the submitted details, no development above slab level for any dwelling shall begin until tree pit details have been submitted to and approved in writing by the Local Planning Authority.

For proposed trees within or adjacent to hard paved areas or small planting beds, calculations of the required soil volumes appropriate for the species/cultivar shall be provided together with the actual volume to be provided on site. Where necessary this shall include for use of suitable proprietary soil crates extending under areas of paving in accordance with best practice guidance. The extent of any soil crating required shall be indicated on both hard and soft landscape plans.

Tree pits shall be constructed, and trees installed in accordance with approved details.

(Reason - To ensure the soil areas are adequate to allow the proposed trees to properly survive and prosper, in the interests of the visual amenity of the development and to accord with Policies D1 (Design and Local Distinctiveness), D2 (Landscape requirements) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013 to 2031.)

11. Lighting Scheme

No development above ground floor slab level for any dwelling shall begin until a Lighting Scheme for the site including the locations, heights and specifications of proposed free standing and any wall mounted external lighting including the location of trees, means of control and intended hours of operation has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme must comply with the requirements of the Institute of Light Professionals guidance (ILP), including ILP Guidance Note 08/23, on the avoidance of light pollution and on nocturnal wildlife. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused.

Development shall take place in accordance with the approved details and no further external lighting shall be installed within Plots 124, 128, 129, 130, 131, 132, 133, 134, 135, 136 and 137 within Parcel TC8b unless previously agreed in writing by the Local Planning Authority.

(Reason - Details are required to ensure that adequate measures are in place to comply with Policy EN5 and Policy EN14 for the avoidance of light pollution, the avoidance of impacts on protected species, and to avoid light pollution being detrimental to the amenity of local residents.)

12. Landscape Ecological and Biodiversity Specification and Management Plan and Ecological Enhancements

The development shall be carried out in strict accordance with the Landscape Ecological and Biodiversity Specification and Management Plan Rev K (2 September 2025), Section 5 of the Ecological Assessment by Ecology Solutions (September 2022) and Briefing Note: Information for Ecological Enhancements by Ecology Solutions for TC3 and TC8B (August 2025).

The final dwelling of the development shall not be occupied until a written record has been submitted and approved by the Local Planning Authority to include photographs of the

installed ecological mitigation, compensation, and enhancement measures as detailed within the reports unless otherwise agreed by the Local Planning Authority.

The development shall include bee bricks in location shown on the Ecological Enhancement Plans for TC3 and TC8B at a rate of at least 1 per dwelling unless otherwise agreed by the Local Planning Authority.

(Reason - To ensure that 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.)

13. Cycle Storage

Prior to the occupation of any dwelling hereby permitted, details of secure cycle storage facilities for each property including the apartments shall be submitted to, and approved in writing by, the Local Planning Authority. Cycle storage provision shall be a rate of one space per bedroom in each property and no dwelling hereby permitted shall be occupied until the cycle parking provision for such dwelling shown on the approved plans has been completed, and which thereafter, shall be kept free of obstruction and available for the parking of cycles only.

(Reason - To ensure the provision and availability of adequate cycle parking in accordance with Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan (2022).)

14. Unallocated Spaces

Notwithstanding the submitted layout, prior to the first occupation any dwelling within the development, a revised layout to identify the location of unallocated spaces (as indicated by 'vp' on the plans hereby approved) and a scheme to identify unallocated car parking spaces within the development shall be submitted to and be approved in writing by the Local Planning Authority. The unallocated spaces shall be provided in blocks of 4 unless otherwise agreed by the Local Planning Authority. The method of identification for each space must be installed prior to first use of each unallocated car parking space and must be retained for the lifetime of the development.

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

(Reason - To ensure unallocated spaces are suitably located and to reduce conflict between private and visitor car parking spaces in accordance with Strategy 37 and Policy D1 of the adopted Local Plan and Policy CB20 of the Cranbrook Plan DPD.)

15. Obscured Glass and Restricted Windows

Notwithstanding the terms of the Town and Country Planning (General Permitted Development Order (England) (2015) as amended, (and any Order revoking/re-enacting the Order with or without modification), all windows located within the following schedule of elevations shall be fitted with a window restrictor preventing opening more than 10cm and fitted with obscure glazing to a Pilkington Level 4 or equivalent standard prior to the respective dwelling's first occupation. The obscured glazed windows shall be maintained and retained as such for the lifetime of the development.

- o Gilldale Plot 40 (TC3) - rear elevation
- o Gilldale Plot 41 (TC3) - rear elevation
- o Apartment 14 (TC3) - side elevation 2
- o Apartment 16 (TC3) - side elevation 2

o Apartment 18 (TC3) - side elevation 2

(Reason - To safeguard the privacy of the occupiers of the adjoining property having regard to in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan and Policy CB16 (Amenity of Future Occupiers) of the Cranbrook Plan 2013-2031.)

16. Close Boarded Fencing and Gates

All close boarded fencing and gates fronting the public realm, roads or vehicular parking spaces shall be painted or stained dark grey or another colour if previously agreed in writing by the Local Planning Authority.

(Reason - In the interests of visual amenity in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

17. Meter Boxes

All meter boxes shall be sited and treated/coloured to match the proposed immediately surrounding wall colour to minimise visibility from the public realm.

(Reason - In the interests of visual amenity in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

18. Landscaping

The landscaping proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is first ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for at least five years and any trees, hedgerows or plants removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with others of similar size and species to those originally required to be planted unless otherwise agreed by the Local Planning Authority.

Vehicle parking within the development site shall not encroach onto areas shown as soft landscaping unless otherwise agreed in writing with 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.)

19. Removal of Permitted Development - Boundary Treatments

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no boundary treatments including walls, fences, railings or other means of enclosure shall be erected, altered or removed without the prior written approval of the Local Planning Authority.

(Reason - In the interests of preserving and enhancing the character and appearance of the area and/or protecting the privacy of local residents in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

20. Highway Works

The roads, footpaths and turning spaces shown on the plans hereby approved, shall be constructed in such a manner as to ensure that, before it is occupied, each dwelling before is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway. Furthermore, the parking space/s for each dwelling shall be constructed and available for use prior to first occupation of the units to which it is associated. The gradient of the proposed drives shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

(Reason - To ensure that each property has adequate and suitable access and parking available prior to occupation, in accordance with the provisions of Policy CB23 (Parking at Cranbrook) of the Cranbrook Plan 2013 - 2031, and Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031).

21. Compliance with Construction and Environment Management Plan (CEMP)

The development shall be carried out in strict accordance with the Construction and Environment Management Plan (CEMP) (10822/CEMPTC01 Rv4) by Brookbanks (dated 26.08.23).

Construction working shall not take place outside the hours of 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 in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.)

22. Written Scheme of Investigation (WSI)

The development shall be carried out in strict accordance with the Written Scheme of Investigation for a Programme of Archaeological Monitoring and Recording (prepared by Foundations Archaeology; dated July 2023).

(Reason - To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.)

23. Designing Out Crime

I. Apartments

- a) Communal entrances to apartments must not have trades button or timed-release mechanism access installed.
- b) Apartments with communal entrances shall be fitted with a 'through-the-wall' mail delivery system into individual secure internal letterboxes.

Points a) to b) above must be implemented in full as relevant for each apartment before its first occupation.

II. Garden Gates

All garden gates shall be fitted with a method of locking them from both sides, prior to the first occupation of the property which they provide access to.

(Reason - To ensure that the garden areas are capable of being secured and to minimise the risk of anti-social behaviour, crime and unlawful access to communal developments in accordance with Policy D1 of the Adopted East Devon Local Plan 2013-2031.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Informative:

This planning permission is accompanied by a S106 Legal Agreement which must be read in conjunction with this decision notice

Biodiversity Net Gain Informative:

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will **not require the approval of a biodiversity gain plan** before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemption 1 from the list below are considered to apply:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or

(ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

(i) the application for planning permission was made before 2 April 2024;

(ii) planning permission is granted which has effect before 2 April 2024; or

(iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

(i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

(ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Plans relating to this application:

DR-A-0014_P05 TC8B	Location Plan	29.03.23
DR-A-0015_P05 TC3	Location Plan	29.03.23
10947-115-001 A : highways standard details sheet 1	Other Plans	15.07.24
10947-115-002 A : highways standard details sheet 2	Other Plans	15.07.24
10947-115-003 A : drainage standard details	Other Plans	15.07.24
10947-115-004 A : standard details	Other Plans	15.07.24

DR-L-0008 P01 : tree pit details	Other Plans	15.07.24
10947-100-020 H - Vehicle Tracking Parcel TC3 Sheet 1	Other Plans	12.08.25
10947-100-021 H - Vehicle Tracking Parcel TC3 Sheet 2.	Other Plans	12.08.25
10947-104-001 D - TC3 FIRE COVERAGE Sheet 1	Other Plans	12.08.25
10947-106-001 J - S38 Adoption Plan Parcel TC3 Sheet	Other Plans	12.08.25
10947-111-001 H - General Arrangement- Parcel TC3	Other Plans	12.08.25
10947-112-001 H - Highway Visibility TC3 Sheet 1	Other Plans	12.08.25
10947-112-002 G Highway Visibility TC3 Sheet 2	Other Plans	12.08.25
10947-503-001 H Gully Catchment Plan TC3 Sheet 1	Other Plans	12.08.25
10947-503-002 G Gully Catchment Plan TC3 Sheet 2	Other Plans	12.08.25
10947-506-001 F Adoptable	Other Plans	12.08.25

Drainage Layout
TC3 Sheet 1.

10947-506-002 F	Other Plans	12.08.25
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Adoptable
Drainage Layout
TC3 Sheet 2

10947-508-001 B	Other Plans	12.08.25
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Manhole
Schedule TC3.

10947-515-001H	Other Plans	12.08.25
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Impermeable
area plan TC3

10947-520-001 H	Other Plans	12.08.25
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Exceedance Plan
TC3

10947-700-001 H	Other Plans	12.08.25
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:Chainage &
Contour Plan
TC3 Sheet 1

10947-700-002	Other Plans	12.08.25
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G : Chainage &
Contour Plan
TC3 Sheet 2.

DP-A-1107-S2- A-EPH33 V1 :	Proposed Combined Plans	12.08.25
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PHYLLIS

DP-A-1110-S2- A-EPH33 V2 :	Proposed Combined Plans	12.08.25
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PHYLLIS

DP-A-1111-S2- A-EPH33 V3 :	Proposed Combined Plans	12.08.25
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PHYLLIS

DP-A-1303-S2- A-EMA33 V2	Proposed Combined Plans	12.08.25
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EYNESFORD

DP-A-1305-S2- A-EMT31 V2 :	Proposed Combined Plans	12.08.25
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AYNESDALE

TC3 REV A : material plan	Other Plans	12.08.25
TC8B A : MATERIAL PLAN	Other Plans	12.08.25
10947-100-022 F - Vehicle Tracking-Parcel TC8B Sheet 1	Other Plans	13.08.25
10947-100-023 G - Vehicle Tracking-Parcel TC8B Sheet 2	Other Plans	13.08.25
10947-104-002 B - TC8B Fire Coverage	Other Plans	13.08.25
10947-107-005 H - S104 Adoption Plan TC8B	Other Plans	13.08.25
10947-1100-005 F Paving and Kerbing Plan - Sheet 5.	Other Plans	13.08.25
10947-111-003 F - General Arrangement- Parcel TC8B	Landscaping	13.08.25
10947-112-005 G - Highway Visibility TC8B	Other Plans	08.09.25
10947-503-005 F Gully Catchment Plan TC8B	Other Plans	13.08.25
10947-506-005E Adoptable Drainage Layout TC8B	Layout	13.08.25
10947-508-003 B Manhole	Other Plans	13.08.25

Schedule-TC8

10947-515-003 F Impermeable Area Plan TC8B	Other Plans	13.08.25
10947-520-003 F Exceedance Plan TC8B	Other Plans	13.08.25
10947-700-005 F Chainage & Contour Plan TC8B	Other Plans	13.08.25
10947-701-003 B Longitudinal Section Parcel TC8B	Sections	13.08.25
10947-702-001 B Cross sections Parcel TC3	Sections	13.08.25
10947-702-005 B Cross sections- TC8B	Other Plans	13.08.25
110947-701-001 C Longitudinal Section Parcel TC	Sections	13.08.25
10947-106-001 K : S38 adoption plan TC3 sheet 1	Other Plans	22.08.25
10947-106-005 H : S38 adoption plan TC8B	Other Plans	22.08.25
10947-1100-005 G : paving/kerbing TC8B	Other Plans	22.08.25
10947-1100-001 K : paving/kerbing TC3 sheet 1	Other Plans	22.08.25

10947-1100-002 J : paving/kerbing TC3 sheet 2	Other Plans	22.08.25
10947-120-001 K : finished floor levels TC3 sheet 1	Other Plans	22.08.25
10947-120-002 J : finished floor levels TC3 sheet 2	Other Plans	22.08.25
10947-120-005 G : finished floor levels TC8B	Other Plans	22.08.25
DP-A-1100 C : apartment	Proposed Elevation	22.08.25
DP-A-1101 C : apartment	Proposed Combined Plans	22.08.25
DP-A-1102 B : gilldale	Proposed Combined Plans	22.08.25
DP-A-1103 B : beaford V1	Proposed Combined Plans	22.08.25
DP-A-1104 B : beaford V2	Proposed Combined Plans	22.08.25
DP-A-1105 B : aynesdale V1	Proposed Combined Plans	22.08.25
DP-A-1106 B : aynesdale V2	Proposed Combined Plans	22.08.25
DP-A-1108 B : elterdale	Proposed Combined Plans	22.08.25
DP-A-1114 B : beaford V3	Proposed Combined Plans	22.08.25
DP-A-1300 B : beaford V1	Proposed Combined Plans	22.08.25

DP-A-1301 B : beaford V2	Proposed Combined Plans	22.08.25
DP-A-1302 B : eynesford V1	Proposed Combined Plans	22.08.25
DP-A-1304 B : aynesdale V1	Proposed Combined Plans	22.08.25
DR-A-0100 B : site layout TC3	Layout	22.08.25
DR-A-0101 B : dwelling material layout TC3	Layout	22.08.25
DR-A-0102 B : boundary material layout TC3	Layout	22.08.25
DR-A-0103 B : refuse layout TC3	Layout	22.08.25
DR-A-0104 B : tenure	Layout	22.08.25
DR-A-0105 B : Storey Height Layout TC3	Layout	22.08.25
DR-A-0121 B : dwelling material layout TC8B	Layout	22.08.25
DR-A-0123 B : refuse layout TC8B	Layout	22.08.25
DR-A-0124 B : tenure layout TC8B	Layout	22.08.25
DR-A-0125 B : Storey heights layout TC8B	Layout	22.08.25
DR-L-0004 P17 : general	Landscaping	05.09.25

arrangement
TC3

DR-L-0005-0006 P17 : detailed planting TC3	Landscaping	05.09.25
DR-L-0007 P16 : detailed planting TC8B	Landscaping	05.09.25
DR-L-0009 P16 : general arrangement TC8B	Landscaping	05.09.25
10947-107-001 L - S104 Adoption Plan TC3 Sheet 1	Other Plans	03.09.25
10947-107-002 L S104 Adoption Plan TC3 Sheet 2	Other Plans	03.09.25
3150: TC3 ECOLOGICAL ENHANCEMENT B	Other Plans	03.09.25
3150: TC8B ECOLOGICAL ENHANCEMENT B	Other Plans	03.09.25
4671-T-58 F: plots TC3/TC8B	Tree Retention Plan	03.09.25
4671-T-59 F : plots TC3/TC8B	Tree Protection Plan	03.09.25
DP-A-1306 E : harrton V1	Proposed Combined Plans	03.09.25
DP-A-1307 E : harrton V2	Proposed Combined Plans	03.09.25
DP-A-1308 C : densdale V1	Proposed Combined Plans	03.09.25

DP-A-1309 C : densdale V2	Proposed Combined Plans	03.09.25
DP-A-1310-S2-B : EMT41 PLUMDALE	Proposed Combined Plans	03.09.25
DR-A-0120 D : site layout TC8B	Layout	03.09.25
DR-A-0122 D : boundary material layout TC8B	Layout	03.09.25
DR-A-0200 C : TC3	Street Scene	03.09.25
DR-A-0220 F : TC8B	Street Scene	03.09.25
Landscape, Ecological and Biodiversity Specification and Management Plan REV K	Landscape and Ecological Management Plan	03.09.25
TN11 Rev 10	Drainage report	03.09.25

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, 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.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality 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 1: Appropriate Assessment

Appropriate Assessment	
The Conservation of Habitats and Species Regulations 2017, Section (63)	
Application Reference, Brief description of proposal and Location	23/0554/MFUL Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) Parcels TC3 And TC8b Land Off Court Royal And Badger Way Cranbrook
Application Reference, Brief description of proposal and Location	23/0511/MFUL Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) Land To The South Of Tillhouse Road Cranbrook
Application Reference, Brief description of proposal and Location	22/2354/MFUL Development of residential dwellings and associated car parking, roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) Parcels Tc5a, Tc6 & Tc7a Tillhouse Road Cranbrook Town Centre
Site is:	<i>Within 10km of the Exe Estuary SPA site alone (UK9010081)</i> Within 10km of the East Devon Heaths SPA (UK9010121) Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602) Within 10km of the Exe Estuary Ramsar (UK 542) (See Appendix 1 for list of interest features of the SPA/SAC)
Step 1 Screening for Likely Significant Effect on the proposed development on Land Adjacent Old Tithebarn Lane, Clyst Honiton	
Risk Assessment	
Could the Qualifying Features of the European site be affected by the proposal? Consider both construction and operational stages.	Yes - additional housing within 10km of the SPA/SAC will increase recreation impacts on the interest features. The dwellings proposed under these applications are 'extra over' housing in Cranbrook and were agreed via a Memorandum of Understanding (MOU) on 11 May 2022 between the Council and East Devon New Community partners.
Conclusion of Screening	

Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?	East Devon District Council concludes that there would be Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the Exe Estuary SPA, Exe Estuary Ramsar Site, East Devon Pebblebed Heaths SAC and the East Devon Heaths SPA. See evidence documents on impact of development on SPA/SAC at: East Devon District Council - http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf An Appropriate Assessment of the plan or proposal is necessary.	
Local Authority Officer	Liam Fisher	Date: 30 October 2024
Step 2 Appropriate Assessment NB: In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.		
In-combination Effects		
Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.	Additional housing or tourist accommodation within 10km of the SPA/SAC will add to the existing issues of damage and disturbance arising from recreational use. East Devon has an emerging New Local Plan to 2040 which is currently in preparation. This has 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. The Teignbridge emerging Local Plan 2040 completed three Reg. 18 consultations between 2018 and 2021 and undertook Regulation 19 consultation in January 2023. At present, the Local Plan has been submitted for examination. 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. At present, Exeter is consulted on a full draft plan in January 2024.	
Mitigation of in-combination effects.	The Joint Approach sets out a mechanism by which developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership. A Suitable Alternative Natural Green Space (SANGS) has been delivered at Dawlish and a second at South West Exeter has been partially opened to attract recreational use away from the Exe Estuary and Dawlish Warren and Pebblebed Heaths. EDDC have submitted a planning application for 10.24 ha of SANGS at Clyst Meadows, Station Road, Broadclyst however this is still pending consideration.	

Assessment of Impacts with Mitigation Measures		
Mitigation measures included in the proposal.	The mitigation measures are set out in the Cranbrook Plan IPD and MOU which includes the following: • Payment of £499 per dwelling for non-infrastructure mitigation • Payment of £2,052 per dwelling for costs associated with delivery and maintenance of SANGS, including estimated land purchase costs. 23/0554/MFUL: £2,551 x 83 dwellings = £211,733 23/0511/MFUL: £2,551 x 65 dwellings = £165,815 22/2354/MFUL: £2,551 x 84 dwellings = £214,284 No direct SANG provision is provided under these applications.	
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	Yes - the contribution offered is considered to be sufficient. Cranbrook is nil rated for CIL so no additional contributions are to be secured via CIL hence why the contributions within the Cranbrook Plan IPD are higher than the Joint Approach.	
Conclusion		
List of mitigation measures and safeguards	Total contribution of £591,832 will be secured through the legal agreement for these sites.	
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of the Exe Estuary SPA, Exe Estuary Ramsar Site, East Devon Pebblebed Heaths SAC and the East Devon Heaths SPA can be ruled out.	
Conclusion of Appropriate Assessment	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: 30 October 2024
21 day consultation to be sent to Natural England Hub on completion of this form.		

Appendix 1. List of interest features:

Exe Estuary SPA

Annex 1 Species that are a primary reason for selection of this site (under the Birds Directive):

Aggregation of non-breeding birds: Avocet *Recurvirostra avosetta*

Aggregation of non-breeding birds: Grey Plover *Pluvialis squatarola*

Migratory species that are a primary reason for selection of this site

Aggregation of non-breeding birds: Dunlin *Calidris alpina alpina*

Aggregation of non-breeding birds: Black-tailed Godwit *Limosa limosa islandica*

Aggregation of non-breeding birds: Brent Goose (dark-bellied) *Branta bernicla bernicla*

Wintering populations of Slavonian Grebe *Podiceps auritus*

Wintering populations of Oystercatcher *Haematopus ostralegus*

Waterfowl Assemblage

>20,000 waterfowl over winter

Habitats which are not notified for their specific habitat interest (under the relevant designation), but because they support notified species.

Sheltered muddy shores (including estuarine muds; intertidal boulder and cobble scars; and seagrass beds)

Saltmarsh NVC communities: SM6 *Spartina anglica* saltmarsh

SPA Conservation Objectives

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- ☐ ☐ **The extent and distribution of the habitats of the qualifying features**
- ☐ ☐ **The structure and function of the habitats of the qualifying features**
- ☐ ☐ **The supporting processes on which the habitats of the qualifying features rely**
- ☐ ☐ **The population of each of the qualifying features, and,**
- ☐ ☐ **The distribution of the qualifying features within the site.**

Dawlish Warren SAC

Annex I habitats that are a primary reason for selection of this site (under the Habitats Directive):

Annex I habitat: Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes'). (Strandline, embryo and mobile dunes.)

SD1 *Rumex crispus*-*Glaucium flavum* shingle community

SD2 *Cakile maritima*-*Honkenya peploides* strandline community

SD6 *Ammophila arenaria* mobile dune community

SD7 *Ammophila arenaria*-*Festuca rubra* semi-fixed dune community

Annex I habitat: Fixed dunes with herbaceous vegetation ('grey dunes').

SD8 *Festuca rubra*-*Galium verum* fixed dune grassland

SD12 *Carex arenaria*-*Festuca ovina*-*Agrostis capillaris* dune grassland

SD19 *Phleum arenarium*-*Arenaria serpyllifolia* dune annual community

Annex I habitat: Humid dune slacks.

SD15 *Salix repens*-*Calliergon cuspidatum* dune-slack community

SD16 *Salix repens*-*Holcus lanatus* dune slack community

SD17 *Potentilla anserina*-*Carex nigra* dune-slack community

Habitats Directive Annex II species that are a primary reason for selection of this site:

Petalwort (*Petalophyllum ralfsii*)

SAC Conservation Objectives

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

List of interest features:

East Devon Heaths SPA:

A224 *Caprimulgus europaeus*; European nightjar (Breeding) 83 pairs (2.4% of GB population 1992)

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

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

East Devon Pebblebed Heaths SAC:

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 heath – bog-moss (*Erica tetralix* – *Sphagnum compactum*) wet heath. The dry heaths are characterised by the presence of heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent *Agrostis curtisii*, purple moor-grass *Molinia caerulea*, cross-leaved heath *E. tetralix* and tormentil *Potentilla erecta*. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts of the UK. Populations of southern damselfly *Coenagrion mercuriale* occur in wet flushes within the site.

Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath
H4030. European dry heaths

Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:

S1044. *Coenagrion mercuriale*; Southern damselfly

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

Exe Estuary SPA

Qualifying Features:

A007 *Podiceps auritus*; Slavonian grebe (Non-breeding)

A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)
A130 *Haematopus ostralegus*; Eurasian oystercatcher (Non-breeding)
A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)
A141 *Pluvialis squatarola*; Grey plover (Non-breeding)
A149 *Calidris alpina alpina*; Dunlin (Non-breeding)
A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)
Waterbird assemblage

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

Exe Estuary Ramsar

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).

Appendix 2: Technical Consultations

National Highways – 19 August 2025

Thank you for consulting National highways regarding application 23/0554/MFUL.

The application seeks full permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities).

The development consists of Parcels TC3 and TC8b at land off Court Royal and Badger Way, Cranbrook. The site is approximately 3.6 miles by road to M5 Junction 29, and 2.3 miles to the A30 / Bishop's Court Lane / B3184 Junction. The potential for the development to impact on the safe and efficient operation of M5 J29 and the A30 represents National Highways principal interest in the application.

National Highways' most recent response to application 23/0554/MFUL was on 21 January 2025, and raised no objections.

We have reviewed the additional information submitted since 21 January 2025, and are satisfied that these proposed amendments are unlikely to result in an adverse impact on the safe and efficient operation of the strategic road network, and therefore consider that our previous response recommending no objections remain appropriate.

I trust the above is clear, but please do not hesitate to contact me should you wish to discuss further.

National Highways – 21 January 2025

Referring to the consultation on a planning application dated 14/04/2023 referenced above, in the vicinity of the A30 trunk road that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is as follows:

- a) No Objection: see reasons at Annex A.

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application reference 23/0554/MFUL.

Statement of Reasons

The application seeks full planning permission for 80 residential dwellings comprising 62 houses and 18 flats on land off Court Royal and Badger Way (parcels TC3 and TC8b), Cranbrook. The site is located approximately 3.5km north-east of the A30/B3184 Exeter Airport junction and 5km north-east of M5 Junction 29, both of which form part of the SRN.

National Highways has also been consulted on a second full planning application (23/0511/MFUL) for 69 residential dwellings on nearby land to the south of Tillhouse Road (parcel TC7b), Cranbrook. Both applications relate to land allocated for development within the Cranbrook New Community (CNC) and seek to provide residential development on Town Centre sites. Our principal interest is the impact of the continued expansion of Cranbrook on the safe operation of the SRN and its junctions.

Following consultation on the application in April 2023 National Highways issued a recommendation of non-determination on 3 May 2023 for a period of six months. This was to provide time for the applicant to demonstrate the traffic impact of the development on the safe operation of the SRN. Our recommendation of non-determination was subsequently extended, most recently in November 2024. This response should therefore be read in conjunction with our previous responses.

Following receipt of a Transport Assessment Addendum (dated July 2024), National Highways wrote to East Devon District Council (EDDC) on 27 July 2024 to set out our comments on the supplied assessment and to update our position.

In summary, National Highways accept that the impact of the current application in isolation would not have an unacceptable impact on highway safety or a severe impact on the operation of M5 Junction 29. Regardless of any debate over the scale of development trip generation, additional movements via M5 Junction 29 will not be material. Nevertheless, National Highways must consider the current application in the context of wider development proposed at Cranbrook.

Whilst Devon County Council (DCC) has undertaken strategic modelling work associated with the proposed expansion of Cranbrook, National Highways has requested an operational assessment of Junction 29 to understand the cumulative impacts on SRN performance. In lieu of this work being undertaken by DCC or applicants, National Highways has been progressing its own modelling work to enable us to provide informed advice to EDDC on the impact of proposed growth.

Position Update

On behalf of the applicants, WSP have submitted a letter to National Highways providing additional information in relation to both applications currently subject to recommendations of non-determination (23/0554/MFUL and 23/0511/MFUL). Alongside National Highways modelling work, the letter (dated 17 November 2024) has informed an update to our position on both applications.

National Highways has previously confirmed that up to 7,750 units can be accommodated across the CNC and Cranbrook Plan area, subject to agreed infrastructure improvements and the implementation of sustainable transport measures to support modal shift. The currently proposed uplift in development is understood to amount to some 500 dwellings over the quantum previously accepted.

We recognise that the Cranbrook development is at a relatively early stage of its delivery, with around 3,000 dwellings understood to be occupied to date. National Highways has previously expressed concern over delays in the delivery of supporting services and facilities, and the replacement of non-residential uses with additional residential dwellings. However, we appreciate that the development is evolving in response to changes in land use demand and welcome the recent opening of the new 15,600sqft Morrisson store.

The WSP letter of 17 November 2024 compares the targeted mode share for future journeys between Cranbrook and Exeter with the equivalent mode share for journeys between Exmouth and Exeter as evidenced by the 2011 Census. Should the targeted mode share for Cranbrook be achieved, then the share of trips into Exeter made by car would be consistent across the two towns. The targeted mode share reflects a vision-led approach, which is reliant on the continuation of existing trends and sustained investment in non-car travel opportunities. The adoption of a vision-

led approach is now ingrained in national policy following the update of the National Planning Policy Framework (December 2024).

To support this vision for Cranbrook, we understand that £6.4million of funding is being provided towards bus improvements by the Cranbrook Expansion Areas, alongside ongoing investment in pedestrian and cycle infrastructure and DCC's own investment through the Bus Services Improvement Plan (BSIP). We expect EDDC and DCC to continue to coordinate the implementation of this vision for Cranbrook, to ensure that the targeted mode share is realistic. Similarly, in line with policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the adopted Cranbrook Plan, it is expected that "New proposals for residential development in the Town Centre will be required to make contributions to on and/or off site infrastructure in and around the town to mitigate for the likely additional pressure that would result from the increased occupation associated with the development".

The submitted WSP letter highlights that the application sites are allocated within the East Devon Local Plan for Town Centre uses. The Cranbrook Plan identifies residential use as a permissible Town Centre use. WSP therefore conclude that the proposals can be considered as windfall sites included within the provisions of the existing Local Plan. On this basis, and in line with footnote 21 of the DfT Circular 01/2022, WSP contend that any cumulative assessment need only account for consented or allocated development where this is a reasonable degree of certainty that it will proceed within the next three years. WSP consider that the overall scale of development under assessment would therefore fall within the 7,750 dwellings which National Highways has previously confirmed can be accommodated.

Notwithstanding this point, as a responsible highway authority, National Highways must consider the current applications in the context of wider development proposed at Cranbrook. National Highways has been progressing microsimulation modelling of M5 Junction 29 and the A30, to provide an operational assessment of projected traffic growth. The work has drawn on outputs from the DCC strategic modelling work, along with selected adjustments to assess the sensitivity of assessment findings.

The modelling work is currently being finalised, but emerging findings provide sufficient comfort to suggest that a small increase over the currently accepted limit of 7,750 dwellings can be accommodated without unacceptable safety impact or severe residual cumulative impacts for the SRN. It is therefore concluded that an increase of 149 residential dwellings as proposed by the current applications would not alter the previously accepted position.

In light of the emerging model findings and the continuing commitment of the Local Authorities to deliver the vision for sustainable development at Cranbrook, National Highways offer no objection to the proposed development. Our recommendation of non-determination dated 1 November 2024 is withdrawn.

Recommendation

National Highways has no objection to application reference 23/0554/MFUL.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 77 and 110 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up as part of a vision-led approach.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon

Exeter & Devon Airport - Airfield Operations+Safeguarding – 26 August 2025

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

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this I have included, as attachments, some safeguarding notes which all developers and contractors must abide by during construction and commissioning. These include: Airport Operators Association (AOA) Advice notes: Cranes and other Construction Issues.

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

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

County Highway Authority – 03 September 2025

I refer to the above-mentioned planning application and additional information submitted and have the following observations for the highway and transportation aspects of this proposal. DCC provided previous comments and recommended conditions through our consultation response, dated 5th August 2024.

The applicant has since submitted revised plans for both parcels that would see alterations to the internal layouts and accesses.

Parcel TC3

Alterations to the internal layout now include a shared surface arrangement, revisions to the turning head and the removal of the pedestrian link to the north onto Tillhouse Road and an additional pedestrian link onto Court Royal. Should the site be offered up for adoption in the future, it will need to comply with DCC requirements. Detail of the dimensions for the non-motorised user (NMU) access routes will also need to be agreed, and be appropriately lit, drained, and constructed. Dropped kerbing and the proximity of the traffic calming features on the estate road can be established and agreed at detailed design stage. Notwithstanding, Shareford Way to the south, where the vehicular intersection for this parcel is located, is yet to be adopted which would need to be successful to enable this site to be offered up for adoption in the future through the s38 process.

Parcel TC8b

The applicant has relocated the point of vehicular access to the eastern side of the parcel. It should be noted, DCC previously raised queries regarding an initial vehicular access serving a small number of dwellings around this location. There does not appear to be any supporting information detailing the achievable visibility from this revised point. Whilst suitable visibility splays appear to be achievable DCC require this is clarified by the applicant in advance of any favourable decision notice.

Like parcel TC3, should the site be offered up for adoption in the future, it will need to comply with DCC requirements.

The applicant has since removed a NMU access that previously navigated around the oak tree that abuts London Road. Whilst the existing Cranbrook Plan has policy requirements for associated allocated parcels to deliver and feed into pedestrian and cycle improvements yet this parcel falls under Cranbrook phase 1, it is important to note that recent CIL funding has been secured by DCC to help with the delivery of the policy obligation (CB24) that includes London Road improvements adjacent to this proposed development parcel. It is expected that such works will be completed over the next 2/3 years.

With the above in mind, DCC do not see any overriding reason the NMU access, as initially put forward cannot be delivered and align with the intended London Road improvements as currently planned. This is likely to deliver and offer a more attractive and suitable cycle and walking route at this location to promote and help achieve policy CB24 in the Cranbrook Plan. As such, DCC would actively encourage and welcome this to be secured as part of planning consent should approval be granted and work with the applicant on its detailed design at a later stage.

Recommendation

Should members be minded approving this application, our previous recommended conditions dated 5th August 2024 and comments regarding s106 obligations remain applicable.

County Highway Authority – 05 August 2024

I refer to the additional information submitted, received by the Highway Authority in July 2024 in relation to the above-mentioned planning application and have the following observations for the highway and transportation aspects of this proposal.

In our previous comments dated 25 July 2023, DCC recommended alterations and requested further information for both respective parcels for the applicant to address. The additional supporting information has since been assessed by the Highway Authority.

Parcel TC3

Alterations have been made to the residential and parking arrangement along the sites frontage, where our previous queries raised regarding plots 35,36 & 38 have now been removed. EDDC will need to determine whether the level of parking is acceptable and in line with their relevant strategy for Cranbrook.

The applicant has since provided a swept path drawing, based on a 10.8m refuse vehicle. The analysis appears achievable, however in adoptable terms, this will be confirmed should the site be offered up for adoption at the s38 stage.

The initial block paving arrangement for the turning head area has since been removed and a traffic calming feature now implemented by the proposed non-motorised user (NMU) crossing, as advised by DCC. The NMU crossing doesn't appear to completely align however, this minor amendment can be dealt with at detailed design. The NMU access appears to form part of the intended s38 adoption plan in the future, which will need to be constructed, lit, and drained to an appropriate standard. Any of the sites suitability for adoption, as offered up will be determined by DCC Highway Agreements Team.

Parcel TC8

This site has also seen alterations to the parking layout, for EDDC to determine. Unlike parcel TC3, the swept path analysis doesn't currently afford for a minimum length of a 10.4m refuse vehicle. For clarity, this may preclude the ability for the site to be offered up for adoption. There is no guarantee that the local waste management company can serve this site by refuse vehicles with a maximum length of 8.6m, as denoted in the supporting swept path analysis. A suitable swept path analysis is a standard requirement for any s38 proposal.

In liaison with DCC the applicant has altered the internal layout to also include a NMU access at the sites southwestern parcel, to help promote active travel and feed into future London Road NMU improvements as part of policy CB24 in the Cranbrook Plan. The principle of this welcomed, however it is unclear whether the tie in of the eastern access conflicts with third party land. Ideally, the NMU access would be 3m wherever possible.

The applicant has maintained a proposed separate vehicular access to the northeast, serving plots 126-131. As stated previously, albeit not adopted highway, visibility onto Badger way and the accesses eastern splay remain unclear on what would be achievable, given the proximity of the vegetation to the east which runs up both sides of this stretch of Crannaford Lane. Crannaford Lane, does and will continue to be an important form of NMU access. As such, we request that EDDC condition that the immediate vegetation to the east is cut back and maintained, in the interest of highway safety.

Recommendation

Prior to consent being granted, DCC advise that it is established whether, the NMU access proposed in the southwestern corner of Parcel TC8 can lawfully tie into DCC highway/land. If it transpires that the eastern access ties into and conflicts with the adjacent third party land, a minor amended would be require to remove this.

Once the above has been established and if necessary amended, the following conditions are recommended to be attached to any favourable decision notice, with previous comments regarding s106 obligations remaining applicable:

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

The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Any tandem parking spaces must be a combined minimum of 11.5 metres in length (as measured from the nearside edge of the highway to the edge of the building/garage door where the doors are of an up-and-over type).

Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing

by the Local Planning Authority. Such provision shall be made before commencement and maintained thereafter at all times.

Prior to first occupation of the development hereby permitted, access to covered cycle and motor cycle parking, numbers and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Prior to first occupation of the development hereby permitted, access to appropriate electric vehicle charging points will be committed to being available to all dwellings. This is to be provided within the garages or through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

NOTE

The applicant may be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of 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

Officer authorised to
sign on behalf of the County Council 5 August 2024

Conservation – 28 August 2025

23/0554/MFUL

Parcels TC3 And TC8b, Land Off Court Royal And Badger Way, Cranbrook

Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities)

On the basis of the information provided through DWG No 0120_S2_Rev B Proposed Site Layout TC8B dated February 2025, the introduction of primarily 2 storey houses to the rear of Stone Villa a Grade II heritage asset is welcomed subject to the use of an appropriate natural material palette. Beyond which conservation do not wish to offer any further heritage comment beyond those provided 09.05.2023 by KBH and 09.05.2024 by SLG. Case Officer to assess on planning merit.
27.08.2025 – SLG

Conservation – 05 September 2024

On the basis of the information provided through the proposed amendments conservation do not wish to offer any further heritage comment beyond those provided 09.05.2023 by KBH. Case Officer to assess on planning merit.

Summary of previous comments

In terms of the heritage issues, this relates to the impact of the proposed development on listed buildings, Hillside Cottage and Stone Villa, which are located to the south and east of the 2no. sites TC3 & TC8B.

TC3: there is considered to be no impact on the setting of the two listed buildings by the development of this site which is relatively removed and some distance from the two properties.

TC8B: It is considered that the setting of the listed building has already been compromised and the further development of this site will only contribute to this further. However, the additional harm is considered to be less than substantial and should therefore be weighed against any public benefits. If the development is permitted mitigation should be sought in terms of landscaping, screening adjacent to Stone Villa and the use of an appropriate palette of materials in any construction.

Conservation – 09 May 2023

CONSULTATION REPLY TO CRANBROOK TEAM
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Parcels TC3 And TC8b, Land Off Court Royal And Badger Way,
Cranbrook

GRADE: Setting II APPLICATION NO: 23/0554/MFUL

PROPOSAL: Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities)

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Hillside Cottage, Jack-in-the-Green: Listed Grade II
Stone Villa, London Road: Listed Grade II

See listing descriptions and detailed information within the submitted Heritage Statement.
There are no other buildings in close proximity to the sites of any heritage significance or any other designated heritage assets.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

In terms of the heritage issues, this relates to the impact of the proposed development on the above listed buildings, Hillside Cottage and Stone Villa, which are located to the south and east of the 2no. sites TC3 & TC8B.

TC3: there is considered to be no impact on the setting of the two listed buildings by the development of this site which is relatively removed and some distance from the two properties;

TC8B: whilst the setting of Hillside Cottage within the streetscene adjacent to New Cottages and the petrol station remains relatively the same, the wider setting has already been much compromised by the extent of the Cranbrook development, clearly seen by looking at Streetview images dating from 2008 to the present day. Once open and rural countryside with fields bounded by hedgerow, Stone Villa, is now viewed in a developed residential setting, with longer views blocked by vegetation and new housing to the east. Already bounded by this and the Cranberry Farm Public House to the west, it will soon be completely surrounded by the further development of this site. It is noted that there is already some mature vegetation screening between the site and Stone Villa, but it is likely that there will be glimpses of any new development to the north of this boundary. It is considered that the setting of the listed building has already been compromised and the further development of this site will only contribute to this further. However, the additional harm is considered to be less than substantial and should therefore be weighed against any public benefits. If the development is permitted mitigation should be sought in terms of landscaping, screening adjacent to Stone Villa and the use of an appropriate palette of materials in any construction.

DATE: 09/05/23
INITIALS: KBH

Contaminated Land Officer – 22 August 25

As per my previous comments

Contaminated Land Officer - 26 July 2024

I have reviewed the Geotechnical and Geoenvironmental documentation and I do not anticipate any concerns in relation to contaminated land.

Contaminated Land Officer – 21 April 2023

I cannot find any information in relation to any previously carried out Contaminated Land assessments and therefore I recommend the following:

No development approved by this planning permission shall commence until a remediation strategy to deal with any identified risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

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

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

5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 3. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16.

Housing Strategy/Enabling Officer - Cassandra Pressling – 23 July 2024

I understand that a Memorandum of Understanding was entered into by East Devon District Council, Devon County Council, Cranbrook Town Council and the New Community partners setting out requirements and obligations to be entered into for the additional residential development within the town centre. This confirmed that the requirement for Affordable Housing for the additional dwellings in the town centre would be removed.

It was agreed however that the affordable housing requirement from the shortfall from the consent for 26 dwellings in parcel TC4a (EDDC reference 21/2020/MRES) would be delivered through the consortium town centre applications.

I note Parcel TC8b is not providing any affordable housing.
Parcel TC3 will provide 6 affordable units. These will be apartments in a 3-storey block.

Due to high service charges in blocks of flats, I require these apartments to be a rented tenure, preferably Social Rent tenure.

Natural England - 07/08/24

DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as East Devon Pebblebed Heaths SAC. It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI.

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of its conservation objectives) with regards

to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

If the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant, it is your responsibility (as the competent authority) to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

Other advice

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

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Natural England - 07/08/24

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

European sites - East Devon Pebblebed Heaths SAC & East Devon Heaths SPA

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the East Devon Pebblebed Heaths SAC & East Devon Heaths SPA and has no objection to the proposed development due to the mitigation previously secured by S106 agreement.

European sites - Exe Estuary SPA

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Exe Estuary SPA and has no objection to the proposed development due to the mitigation previously secured by S106 agreement.

Exe Estuary Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

East Devon Pebblebed Heaths Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has produced standing advice 1 to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Ancient woodland, ancient and veteran trees The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Should the proposal change, please consult us again.

Environment Agency – 13 August 2025

However, the information submitted does not change our position from our previous response sent 07/01/ 2025.

If information is submitted that may change our position, please reconsult us for further comments.

Environment Agency – 07 January 2025

Thank you for your re-consultation dated 6th January 2025. There is no new information which would affect our current position and therefore our previous comments (dated 2nd August 2024) still apply. These are copied below for ease:

We were notified of this application by the Health and Safety Executive Business Support Team in addition to your direct consultations.

Environment Agency position

We have no objection to the proposed development. We were notified by HSE for consideration regarding implications to COMAH (Control of Major Accident Hazards) sites. However, the proposal is not near to any COMAH site or any regulated installations. We therefore have no comments.

Please contact us again if you require any further advice.

Environmental Health – 22 August 2025

The applicants NIA does highlight that the properties closest and facing London Road (Plots 116 - 124) will exceed the levels detailed within BS8233:2014. I recommend that additional sound mitigation is considered and assessed to determine if it is at an appropriate level to achieve the 'desirable' internal noise levels in line with the current British Standard. This may need to include the provision of a forced acoustically treated mechanical ventilation system.

Reason: To protect future residents from noise.

Devon & Somerset Fire And Rescue Service – 14 August 2025

Further to my email response on 31 July 2024, included below:

The queries are for the following plots and relate to access for fire vehicles and firefighters.

- o TC3- Plots 1-12 Apartments, I believe this is ok as the apartments are single storey but it is difficult to assess travel distances and the 45m rule has been met.
- o TC8B- Plots 121-130 and 137-139. On some of the plots it is not clear on the access route for vehicles or firefighters along with the distances from the rear of a fire appliance and the furthest point within the dwelling.

The amended plans give no further details to enable me to assess the points raised.

I/We will await the building regulations consultation which should provide the detail required.

Historic England – 27 August 2025

Thank you for your letter of 13 August 2025 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

Network Rail – 21 August 2025

Thank you for your email dated 13 August 2025 together with the opportunity to comment on this proposal.

Network Rail continues to have concerns regarding development around Crannaford level crossing and the significant increase in its usage that developments will generate. These concerns have been highlighted within multiple policy document responses as well as objections to developments around the level crossing.

Consequently, it would not be reasonable for Network Rail to support the forthcoming development proposals as concerns remain around the safety of those using the railway.

EDDC Trees – 28 August 2025

Briefly based on the attached site layout, I can confirm that my previous concerns appear to have now been taken on board which I am pleased to see and that in principle it is likely that I would be able to support the new layout. I note that parking spaces and road are still proposed within the RPA of T145 which ideally I would prefer not to see due to previously raised concerns. Appropriate tree protection and construction methodology (car parking spaces will need to be no dig etc) will need be required. However, I am willing to compromise in this scenario as the redesign overall is much improved over the initial layout.

The landscaping also appears to be more acceptable though details of species, size and appropriate size volume etc will still need to be confirmed to see if the landscaping is appropriate.

EDDC Trees – 05 August 2024

I currently still object to the proposals for plot TC8B. Only slight amendments have been made and no changes to offset the RPA have been made. Previous concerns still remain and it is considered that the site is being overdeveloped. Car parking, access road and footpaths are still proposed within the RPA of protected trees. The design is not considered sustainable and will lead to significant pressure to prune or remove important trees on site. Construction within the RPA of the trees should be a last resort and only to take place in exceptional circumstances. The current proposed location of plots 116, 117, & 126 to 130 in relation to nearby trees is contrary to BS5837:2012 and our planning policy D3 and unless the scheme is amended the application should be refused.

Comments:

There are only three tree constraints on site, all of which are protected by 06/0018/TPO.

Stem diameters on have been estimated; these need to be accurately measured.

T145, Oak is described as a mature Oak of fair condition which contains large deadwood. On site it was clear that the main leader has historically been lost (it is still hanging within the tree). A cavity is visible at the failure point. Throughout the crown there are a number splits, failure points and significant deadwood. It is considered that the tree is starting to show features which are generally associated with veteran trees which are noted for the habitat potential and under NPPF are considered 'irreplaceable habitats'. Any development which leads to the loss or deterioration of irreplaceable habitat should be refused. Unfortunately these features (deadwood, cavities) tend to be highlighted as concerns in risk assessments. Therefore the location of parking area within the crown spread of the tree is considered inappropriate as this would undoubtedly result in the removal of deadwood (and loss of important habitat features) and immediate pressure to prune the remaining overhanging crown to reduce debris fall, bird droppings etc onto cars parked beneath. Both the road and car parking spaces should be located outside of the RPA. The RPA should be seen as sacrosanct and development should only take place if absolutely necessary; this is not the case. Any development within the RPA is likely to have a detrimental effect on the health of the tree which can lead to the decline of trees. Therefore the area under the trees should be retained as open space.

Both T144 & T145 are also located on raised bank with a ditch to the east, raised verge and road which potentially may inhibit root growth and with the more favourable growing conditions to the west it is likely to mean the RPA should be offset to the west.

It is noted that the plots 126 to 130 have been moved slightly to the west giving some degree of separation between the RPA and the eastern edge of dwelling though the change is considered minor and design layout considered poor.

Oak T148; is located approx 1.5m from the kerb edge of the highway on a raised bank. It was noted that the within the western edge of the crown spread and within the RPA, a street light has been installed with further landscaping to the west, both of which is likely to have impacted the rooting environment of the tree. The less favourable growing conditions of the road are likely to inhibit

significant root growth to the south with more favourable rooting environment to the north. The RPA therefore should be offset to reflect this resulting in nearby footpaths and parking area needing to be moved outside the RPA.

One plot closest to T148 has been moved (plots 116 to 124 have been moved to the east), thus reducing the impact of shading on the number of plots from T148. However as shown by the TPP, shading will still have a significant impact on the nearest 2 plots (116 & 117) resulting in unnecessary pressure to prune the tree. Both T145 and T148 are located on a raised bank. It is difficult to see how the proposed no dig footpath can be installed without significant level changes (and potential severance of roots). On site it was noted that the footpath could be located to the west of T148, therefore outside of the RPA (tho the RPA of this tree still needs to be offset) which would also link up with the existing footpath to the west. The footpath needs to be removed outside of the RPA of T145.

The over development of the site is reflected in a lack of space for significant tree planting. The proposed landscaping scheme is devoid of large or medium sized trees, lacking in number and the provision of appropriate soil volumes.

Devon County Council Education Dept – 11 May 2023

In response to confirmation from East Devon with regards to the number of family type dwellings (RE Planning Ref 23/0554/MFUL - Parcels TC3 And TC8b) please find the amended education response.

Dear Planning,

Regarding the above planning application, Devon County Council has identified that a proposed increase of family type dwellings in Cranbrook would have a direct impact on the schools within Cranbrook.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

Our contribution request is based upon the 'Town Centre Memorandum of Understanding' which was signed on 11.5.22, which specifies that contributions of £1,742 per Additional Residential Dwelling will be paid towards provision of additional primary school places.

The documentation associated with this application indicates this application would see an increase of 71 family type dwellings which would equate to an education contribution to the sum of £123,682

All contributions will be subject to indexation using BCIS and any indexation applied to the contributions requested should be applied from 11.5.22, the date the 'Town Centre Memorandum of Understanding' was signed.

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 Agreement.

DCC Flood Risk SuDS Consultation – 03 September 2023

I can withdraw our objection to this planning application (23/0554/MFUL).

DCC Flood Risk SuDS Consultation – 05 May 2023

Recommendation:

At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order 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.

Observations:

The applicant has proposed impermeable areas above those accounted for within Basin 2C. Therefore, the applicant has proposed an attenuation tank within Parcel TC3 and also within Parcel TC8b.

The applicant should confirm whether any previous revisions of drawing No. 10301-DR-13 (title Phases 3 and 4 Strategic Surface Water Management Plan as Designed) show that Parcel TC3 was accounted for within Basin 2. Rev. G (dated 18th March 2019) does not depict Parcel TC3. Rev. G only accounts for 0.62ha from Parcel TC8b, and this is at 55% impermeable area, not 50%.

If 1 or 2 dwellings can be removed from each parcel, then space could be provided for some above-ground features.

MicroDrainage model outputs (or similar) are required for each parcel to demonstrate the sizing of the attenuation tanks. Model outputs for Basin 2C should include all of the proposed attenuation tanks which will connect in. Neither of the model outputs within the appendices to the Technical Note No. 11 Rv3: Drainage Strategy (dated 6th February 2023) appear to demonstrate these.

The exceedance flow plans depict areas of 'ponding'. These areas will only have a limit of 'ponding', therefore, the applicant should confirm where flows will be routed from these areas.

The applicant should confirm who shall be responsible for maintaining the proposed attenuation tanks.

Could the apartment blocks (within TC3) use rain gardens or SuDS Planters to manage surface water before overtopping into the surface water drainage system? Perhaps small depressions could be used for managing surface water from downpipes before overflowing into the system.

Yours Faithfully
Joshua Lewis
Flood and Coastal Risk Officer

DCC Historic Environment Officer – 25 April 2023

I can confirm that the programme of archaeological works as described in the Written Scheme of Investigation (WSI) prepared by Foundations Archaeology, dated July 2023, and submitted in support of this planning application is acceptable to the Historic Environment Team.

The applicant should ensure that the archaeological works are implemented as described in order to avoid breach of the Condition.

DCC Historic Environment Officer – 25 April 2023

I refer to the recent planning application for the above development.

Given the proximity of the development to the corse of the Exeter to Dorchester Roman road (London Road) I agree with the conclusions of the submitted Heritage Statement that there should be a programme of archaeological recording. This can be secured by condition. I recommend the following wording:

'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'

I will be happy to discuss this further with you, the applicant, or their agent.

EDDC Recycling & Waste Contract Manager – 14 April 2023

No comments from Recycling & Waste.

Police Architectural Liaison Officer - Kris Calderhead – 18 August 2025

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on the revised plans of this application. For ease I have annotated my initial comments below in red in response to previous amended plans.

There are aspects of the design that I cannot support as they do not conform to designing out crime principles and therefore increase the opportunity for crime and anti-social behaviour (ASB).

Additionally, such design features also conflict with National Planning Policy Framework guidance and strategies (Strategy 37 - Community Safety) within the East Devon Local Plan.

o As with previous parcels, it is disappointing to note that developments are still being designed with large amounts of accessible space to the rear boundaries of plots as per plots 19-34 in parcel TC3. As previously stated, the rears of plots are the most vulnerable in terms of offences such as burglary, theft and trespassing and Secured by Design recommends that 'the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings1'.

I do appreciate that the plots opposite will provide some good surveillance opportunities of this space however, it seems excessive to allow legitimate access to the rear boundaries of this number of plots.

There does not appear to be any change to this design. There is still accessible space to the rear of plots 19-36 which in my opinion is excessive.

o Where private space immediately abuts public space, it can cause issues. The use of the public open space in this example is likely to cause conflict and nuisance to the adjoining plots particularly as they are not afforded any defensible space or buffer.

Additionally, the space should be clearly defined and afforded a boundary treatment such as knee-high railing prevent desire lines and control movement.

I appreciate it appears that some defensible space has been provided to these plots. However, the green space would still benefit from a knee high rail or similar to define it, control movement and discourage misused that could negatively impact the adjacent plots.

Further Recommendations

- External residential communal doorsets for apartments must not have trades button or timed-release mechanism access as they have been proven to contribute to anti-social behaviour (ASB), crime and unlawful access to communal developments.

As an alternative one of the following options should be considered:

- o A 'through-the-wall' mail delivery into secure internal letterboxes.
- o Boxes located within an 'airlock' access controlled entrance hall / lobby, whereby access can be gained by a postal worker through the outer door only.
- o External letterboxes meeting the requirements of the Door and Hardware Federation standard Technical Standard 009 (TS009).

If utility readings cannot be carried out remotely it would be preferable that they were located externally near the main entrance or in the 'airlock' space, thus again negating the need of a trades button or timed-release mechanisms.

It's not clear but the revised boundary treatment plan does not show any boundary treatment in place.

- This public open space within TC8B should be afforded a boundary treatment that defines the space and prevents vehicle access such as knee-high railing. (IMAGE)

- Gates providing access to rear gardens should be capable of being locked (operable by key from both sides of the gate).

These spaces should be afforded knee-high railing boundary treatment or similar to control movement, define the space to prevent misuse and provide some defensible space to the apartments.

Urban Designer – 20 August 2025

Court Royal Houses:

Gaps between houses

Along Court Royal there are 1.2m gaps between every three houses. The apparent explanation is that they provide residents with direct Court Royal access should the ground floor be converted to commercial use. Each of these gaps is private and serves just one household, so of the fourteen properties on this frontage that would have this issue the gaps serve just four. As a design solution they have failed.

If ground floors are converted, residents of floors above can access Court Royal via Shareford Way to the south, the public footpath between the apartments and houses to the north, and the public footpath between plots 24 and 25. This is not onerous and access to shops and services would remain convenient.

The street elevation along Court Royal needs to be strong and continuous to offset the open space of the supermarket car park on the opposite side of Court Royal. It needs to provide a convincing and attractive approach to the main street and spaces in the town centre. Having gaps every three properties brakes s up the street elevation in a way that is out of place and appears, and is, unnecessary. It reduces the visual strength of the approach to the high street.

The gaps create 9.5m long, 1.2m wide spaces that are 7.8m deep, shown in the lefthand pair of houses in Figure 1 with an average height person for scale. The only opening at ground floor level

within this gap is a WC window which will be unoccupied and with the light off for the vast majority of time.

For residents of the four homes with access them, the gaps will feel unsafe and unwelcoming at any time of day but will be particularly grim during the evening and night where they open onto what will be one of the busiest public areas in Cranbrook that is exposed, with no properties overlooking them from the other side of the road. They increase the area of external wall for properties either side and thereby reduce the thermal efficiency of eight properties. The gaps provide limited and questionable benefit to just four households while having a direct negative impact on eight and indirect negative consequences to the development overall.

These gaps contravene Cranbrook Plan policy:

CB1 points 3 and 7 by reducing the safety and wellbeing of residents

CB12 overall, by not being designed to the highest practicable and viable sustainability standards and not taking the opportunity to help deliver a Zero Carbon new town;

CB12 - 1d, not following active design principles

CB15 points 2, 7, 9 (BfHL 2, 7, 9)

Combining the three gaps through plots 25-36 into one publicly accessible space between plots 30-31 would create a 3.6m wide walkway (Figure 1, centre) without the safety and security issues caused by the proposed gaps. It would also benefit everyone rather than just one household. Closing the gap at plot 22 and using the additional space to widen the gap at 30-31 further would create a 4.2m walkway (Figure 1, right) allowing more light that could support planting and make the space more attractive still. This would encourage active travel by residents of this and surrounding parcels and support the policies the current proposal contravenes.

The proposed gaps are unattractive, will feel uncomfortable and unsafe to be in and very unlikely to promote active travel for anyone, including the households with access to them. They provide no meaningful benefit while creating problems that could become harms. They should not be allowed. Any permission should be conditional on these gaps being closed and a wider, public gap created.

Side entrances

Having side entrances on houses facing the pedestrian links to Court Royal is not convincing as there is no reason for the door to be on this elevation without a corresponding private open space. Running the private path down the side of the elevation to Court Royal, rather than linking directly to the path running through the space, demotes the private path to read as a rear utility path and reduces the relevance of the public path.

If the front entrance is to work here it needs convincing and well defined private open space in front of it or well designed landscape planting along the elevations to ensure that it reads as defensible space. This may be challenging given the north-facing orientation and height of the buildings. The link from private space should run directly to the pedestrian path running through the space rather than to Court Royal.

Materials

The arrangement of materials is more legible than before though there is significant ambiguity about the appearance as bricks are noted simply as red, blue or "quartz white", render is "opal", and roof finish is grey. This is not adequate information to make an informed decision. However, the drawings indicate relatively dark brick for both the red and blue while "Quartz White" suggests a

Marshall's brick that is subtly off-white. There is a lot of scope for the red and blue bricks to be a lot paler than indicated while still maintaining contrast so the street elevation overall is less oppressive but maintains interest and differentiation between each plot.

Rear elevations

The rear elevations appear as rear elevations when, if ground floors are converted, they will be front entrance elevations. They need to be designed so that they can visually perform this function and be a welcoming and inviting façade for people coming to their homes.

The third-floor window is very slightly off-centre and not in line with any other wall feature or opening. Lining it through with the outside edge of the window to bedroom 2 (as depicted in Figure 1 elevations) would help.

Apartments:

Street elevations

The street elevation on Tillhouse Road has a confused, inconsistent and messy appearance despite the relatively disciplined use of materials:

The elevation suggests a regular rhythm of gables that is broken by inconsistencies in their dimensions and those of their built elements. These inconsistencies are clearly visible but not enough to appear deliberate so look discordant and ill-thought through in an area of the town centre where design care and design quality are high priorities.

The four projecting gables are two different widths with the western gable being just under a metre narrower than the others.

Under each gable part of the floorplan projects out. The projections under the middle two gables run to the mid-point, at the western end the projection runs about 0.4m beyond the peak and at the eastern end it doesn't quite reach the mid-point so reaches the gable just before the ridgeline to create a visually awkward junction.

The middle gables and floorplans beneath do not extend out as far as those at either end and should be moved forward so they line through to create a consistent building line.

The floorplates and facades being mirrored at the mid-point of the façade breaks up any visual rhythm that could be created along this façade. Mirroring, without building elements being mirrored due to their differences, accentuates the inconsistencies along this frontage.

The balconies span different proportions of the gables due to the inconsistent width and arrangement of the gables. They should not be on the street elevations as they will lack privacy and the orientation of the elevations means they will not gain direct sunlight, which is what people tend to enjoy balconies for.

Balconies

As stated in previous comments, the balconies are on the street elevations facing north and east and will not provide good quality outdoor space for residents of the apartments they serve.

North facing balconies will not receive direct sunlight apart from late evening on a few days in mid-summer. The east facing balconies will receive direct sun in the morning when people are generally busy rather than the afternoon and evening, when they are most likely to want to use balconies. The balconies also face onto what will be the busiest streets in Cranbrook for both vehicles and

pedestrians so will lack privacy and suffer from noise and particulate pollution, further reducing their appeal.

As suggested before, putting balconies on the west and south elevations would make a great deal of sense. They would be more private and away from the noise, bustle and vehicle traffic of Younghayes Road and Court Royal. They would benefit from direct sunlight during the afternoon and evening when people are most likely to want to enjoy being outside.

On the south elevation balconies would also provide some shade to windows beneath during the hottest months of the year and would help to reduce the risk of overheating. In winter they would allow direct sunlight into the apartments so they benefit from passive solar gain when it would be wanted.

On the west elevation there would be some benefit from shading but not as much as on the south due to the lower angle of the sun. However, privacy screening to balconies could be designed to provide shade to apartments while still allowing balconies to receive direct sunlight.

Having balconies on these more private elevations would reinforce the residential feel of this mews street and make it a more interactive, social and welcoming area.

Bin and bike store

In general, bikes should not have to be accessed through a bin store either from the street or the apartments.

The bin and bike store on the west elevation on Tillhouse Road should be flipped so the bike store is accessed first and without having to go through the bin store, as on the Court Royal elevation southern stairwell. Having experienced somewhere with the proposed configuration I can personally attest to it being a layout that will discourage bike use.

Coach houses

Garden Access - These need a door from the garage into the hall and another from the back of the garage into the garden to provide relatively direct private access to the private gardens of plots 40 and 41. At present residents need to exit their property, walk through public space, then enter their garden via a private gate having squeezed past someone else's car. This change will have a significant impact on the ability and willingness of people to use and maintain their gardens.

Street environment

The mews street should be seen as a tertiary street, certainly from where the public footpath currently crosses it and on to the apartments. As such it should be shared surface to:

- free space for the additional trees that are missing along this northern part of the street
- use street trees and planting to create a cooler environment and reduce storm-water run-off rates
- make a more attractive, less car dominated and safer environment. This area will have more pedestrians than vehicles and should be designed more as a social environment for people than for vehicle movement.

Urban Designer – 15 December 2023

TC3.

What this area must do and why

The area TC3 occupies has to perform a number of roles that must be delivered well to work. It must attract people from the London Road and draw them to the main high street for Cranbrook. This is more than a simple pragmatic or functional purpose. It has to be attractive and interesting so that people living at Cranbrook have something in which to feel a sense of collective identity and pride. This is not made any easier by the supermarket and car park TC3 faces onto, but that is its task. No person living in Cranbrook should have to feel the need to apologise for what visitors will see as they come to their town centre.

On top of this introduction, TC3 has to host the people and future businesses that will occupy it. The expanse of hard landscape opposite creates a fairly harsh environment overall, as does the scale of the road in front. The area behind therefore must be attractive to help encourage people living here be outside and meet each other in an informal setting, to form the community bonds that are so important to their health and wellbeing. This area should also feel safe enough for children to be able to use it as a play space whether as young children accompanied by adults or as older children playing unsupervised.

With the proposed design, the units to the front can have their front converted to commercial use but the residential unit above would then only have an entrance to the rear. This makes it even more important that the area behind the Court Royal frontage is well designed as a public space, rather than as a service and parking area.

The apartments perform the function of drawing people through to the main high street from within Cranbrook itself. Being immediately opposite the commercial units and apartments that will make up the first phase of the high street, the apartments must at least match them in design quality to maintain the quality of place these commercial units aim to set and need to thrive.

What it does

The layout appears to lack a clear design brief or design concept, so struggles to pull itself together or achieve anything being the sum of its parts, i.e. housing and parking. There have to be clear outcomes for the design to achieve, and a clear design concept to help achieve it, otherwise any success will only be by accident.

The layout lacks a sense of place with the area behind the frontage being heavily car dominated and with no feeling of it being anything other than a service area for cars and bins when homes open onto it. The rows of parking broken with the occasional tree is not a good look and must change to make this area work.

The frontage onto Court Royal lacks character and the use of semi-detached units reduces the sense of enclosure it can achieve. This frontage has a lot of work to do as it overlooks the supermarket car-park and has to therefore make up for the absence of anything on the other side to help create any sense of place.

Where the frontage units have a ground floor that can become a commercial space the buildings and the area around them must be designed to be attractive in both conditions; it is not good enough to design the back as a back when it will become a front.

The space onto Court Royal between 24 and 25 looks like a space where something is missing rather than being a place. It lacks enclosure and is without definition or purpose. Nothing overlooks it and nothing opens onto it. It is unlikely to be used as anything as other than a space to pass

through as a result. This has to be remedied as it will be a rare dedicated public recreation space in the town centre, perhaps the only one, so must rise to this purpose.

The opening between 43 and 44 is ill-defined and the houses either side do not relate to it well. These should be angled, or otherwise designed, providing visual and tactile clues for people approaching from the Court Royal to be drawn through to the area beyond. It would also be better if houses on both sides opened onto it so there is more sense that people live there and more sense of ownership and management as a result.

Changes

1. The layout is based around a cul-de-sac that will have a low level of vehicle traffic even at peak times. The overall width given over to carriageway, footpaths and parking is high relative to this level of use and it can therefore be reduced.
2. The carriageway itself can become shared surface with no need for separate pavements. A carriageway width of 4.8m with a paved service strip on one side of it would be enough. The service strip should be differentiated from the carriageway using materials such as a block or concrete drainage channel so there is an implied pedestrian area.
3. This reduced width would be more in keeping with the back lane or mews street character this location should have and the space that has been freed enables housing to be realigned, for parking to become less formal. Boundaries, building frontages and vehicle entrances do not have to run parallel with the edge of the carriageway so informal spaces can emerge as part of the design that provide social spaces or where parking can be tucked away.
4. Breaking the straight visual lines next to the carriageway will help to reduce vehicle speeds and vehicle dominance making this a safer, more attractive, pedestrian friendly and pro-social space.
5. Streets for a Healthy Life gives a helpful breakdown of what could be expected in this sort of street environment. The design guidance it gives, along with other documents, including Manual for Streets, suggests that parking should be integrated within the street scene and not visually dominant. The parking for the frontage units can and should be incorporated into the rear curtilage areas behind gates but the additional space also allows for units on this side of the internal street as well. FOG's would help provide a live street elevation while retaining parking space.
6. Semi-detached units are not suited to this town-centre location as they give a broken frontage and reduce density. Terraced town houses will create a better street scene, avoid wasted space, make the units themselves more thermally efficient and allow at least one additional unit to form part of this frontage.
7. A run of identical buildings along this street edge is also unlikely to work. There should be difference in design and materials to create an engaging street frontage that people are drawn along rather than simply trying to walk past.
8. Creating a variety along this Court Royal elevation can come through varying widths, orientation and height and through articulation of the facades. Balconies would help, roof terraces would help more by stepping back upper floors and making this frontage less imposing and more alive.
9. Where changes along this frontage may reduce numbers this can be regained when designing units into the rear of these plots to provide the live, inhabited edge internally.
10. There is no need for gaps between plots to allow direct access to the street should commercial conversion leave homes above with a rear entrance. There is plenty of opportunity to get to the street through the space between 23 and 24 or at either end of the parcel. Breaks between houses can be provided but there is no real need for them.
11. The architectural quality of the frontage housing and apartments is far below where it should be. Below are some examples of housing that is a similar shape but very different in design quality.

Figure 1. 3 storey house, Great Kneighton. Proctor and Matthews Architects.

Figure 2. Kidbrook Village, Phase 1. Lifschutz Davidson Architects.

Figure 3. Parking integrated within a house footprint. Gretz, France. Arc-Pole Architects, Paris.

Figure 4. Parking and private outdoor space, Lovedon Fields. John Pardey Architects.

1.1 Parcel TC3

Site Layout

Adjust parking bays adjacent plots 23 and 24 and associated access paths as per overmarked plan extract below in order to increase size of planting bed to north.

Clarity is needed between private garden areas and communal/ public planting and open space areas. An ownership plan indicating this should be provided.

Boundaries – dwg. no. 0102 rev. B

It is not clear what boundary type is proposed to the west side of the rear gardens to plots 37; 40-48 and plots 1-6 due to the application site boundary line obscuring any detail beneath. All these boundaries should be 1.8m brick walls. Please amend drawing accordingly so this is clear.

Railings should be provided to the southern edge of the open space to the west of plots 1-6.

Elevational details of proposed boundary details are required, including proposed section sizes and finishes of steel railings.

Show on plan locations of hedgehog holes in c/b fence and provide detail for same.

Hard landscape treatments and site furniture

The Paving and Kerbing plans, sheets 1 and 2, rev. K and J respectively, should include details of all pavings and edgings including on-plot. It should also show locations on Court Royal where drop kerb will be provided for pedestrian crossing convenient to proposed pedestrian access routes from the site.

Locations and details of proposed external lighting should be provided. These should avoid proposed tree planting locations.

Details of proposed seating should be provided.

Refuse collection

The submitted plan does not make clear where refuse will be left for collection. In particular, for plots 19-24 and 25-36 it will be difficult to collect bins from the access path between their rear gardens and adjacent parking, as the path itself would be blocked by bins if they were to be left there.

Planting generally

Street trees approved/ planted along Court Royal and Tillhouse Road outside of the site boundary should be shown.

Proposed street/ parking court trees are generally too small and slow growing. Medium/ large canopy trees are generally required with appropriate soil volumes.

Planting palette is too monotonous comprising a very limited range of evergreen shrubs. Planting should include a mix of ground cover and specimen plants both evergreen and deciduous plants to provide seasonal interest, biodiversity value, and differentiation between site areas (character areas) and private/ communal space and taking account of aspect and ground floor windows. In addition to above factors the limited planting palette makes the soft landscape scheme very vulnerable to introduced disease/ climate change factors and greater species diversity is required for future resilience of the scheme.

Rear gardens should be shown turfed on 300mm depth topsoil.

Planting bed to north of parking bay 19 is too narrow to sustain healthy growth and should be omitted. The space won should be used to increase the width of the two planting islands to the south.

Planting bed to the north of plot 48 is also too narrow. Proposed species are mostly sun loving and unlikely to do well on this north-facing aspect. A few suitable climbers/ wall shrubs is probably the best treatment here with a gravel mulch beneath.

Proposed planting mix to front of plots 1-12 is viciously spiny and vigorous and therefore inappropriate in this location where pedestrians are regularly passing to and fro on adjacent narrow paths.

Planting within the main POS between plots 24 and 25 should have greater interest. Tree species selection seems random. A line of flowering avenue trees such as cherry would provide greater design cohesion.

1.2 Parcel TC8b

Site Layout

Plot 124 appears to impact adversely on the existing native hedgebank to the east. Further detail is required to verify that this is not the case.

More detail is required to show how the southern edge of the open space in the SW corner of the site integrates with the adjacent highway and associated levels, pavings and planting.

Access to plot 137 is awkward and hedge between private access and public path through open space being too narrow. Alternative layout below addresses these points and provides greater buffer with open space.

Clarity is needed between private garden areas and communal/ public planting and open space areas. An ownership plan indicating this should be provided.

Boundaries

Proposed 1.8m c/b fence to western site boundary is unnecessary as there is an established native hedge adjacent which will provide security and screening. Replace c/b fence with 1.2m post and wire mesh/ chain link.

Boundary proposals to east side plots 124 and 128 should be clearly shown.

Proposed 1.8m chain-link fence to rear boundaries plots 128-137 should be reduced to 1.2m height.

Confirm boundary treatment to southern side POS in SW corner of site.

Elevational details of proposed boundary details are required, including proposed section sizes and finishes of steel railings.

A line of low peeled hardwood logs as an edging to the footway along the POS on the eastern site boundary would probably be better than knee rail as it allows access along the full length avoiding grass wear that would otherwise occur at set entry points.

Show on plan locations of hedgehog holes in c/b fence and provide detail for same.

Hard landscape treatments and site furniture

The Paving and Kerbing plan should include details of all pavings and edgings including on-plot.

Provide raised pedestrian crossing at junction of site access road with Badger Way.

Locations and details of proposed external lighting should be provided. These should avoid proposed tree planting locations.

Details of proposed seating should be provided.

Planting generally

Proposed street/ parking court trees are generally too small and slow growing. Medium/ large canopy trees are generally required with appropriate soil volumes.

Provide 4 no. street trees in footway along Badgers Way.

Provide 4 no. street trees in footway adjacent plots 123, 125 and 126.

Planting palette is too monotonous comprising a very limited range of evergreen shrubs. Planting should include a mix of ground cover and specimen plants both evergreen and deciduous plants to

provide seasonal interest, biodiversity value, and differentiation between site areas (character areas) and private/ communal space and taking account of aspect and ground floor windows. In addition to above factors the limited planting palette makes the soft landscape scheme very vulnerable to introduced disease/ climate change factors and greater species diversity is required for future resilience of the scheme.

Rear gardens should be shown turfed on 300mm depth topsoil.

Replace proposed ornamental hedge with native mix hedge to east side of POS in SW corner of site and north and south side POS on eastern boundary.

2 CONCLUSION & RECOMMENDATIONS

I have concerns about the density of housing proposed to both parcels which compromise landscape quality. Notwithstanding this, amendments and additional details are required as noted above before the scheme can be considered acceptable in terms of landscape design

EDDC Landscape Architect - 31 May 2023

1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site. The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 REVIEW OF SUBMITTED INFORMATION

2.1 Cranbrook Town Centre Parcel TC8B

Layout

The overall layout is appropriate but the following issues need to be addressed:

The parking court in the southwest corner does not work well as the western-most parking bay for plot 114 has insufficient space to turn in/out of. Putting a pair of tandem spaces next to those of plot 116 would resolve this and create more space for planting along the southern edge of the court. (refer fig. 1 below).

The driveway access to plots 121-131 and parking bays for plot 126, together with the western boundary of plot 125, appears to be too close to the existing hedge which forms the eastern site boundary which is likely to compromise its integrity and in particular the TPO trees within it. The layout needs to be jiggled by moving units 126-131 and 137-139 and the access road serving them westwards by some two metres to increase the distance between the access road and hedge (refer fig 1).

The rear garden boundary to plots 117 -125 is too close to the boundary hedge to Stone Villa and should be moved northwards by approx. two metres to avoid undue cutting back of the hedge and to allow a maintenance access between.

The island bed to the front of plot 122 should be extended northwards to align with that to the front of plots 123-4.

The planting bed between the footway and the south side of plot 140 should be increased in width to minimum 1.5m to allow more planting as a backdrop to the green.

Windows should be provided to the gable ends of plots 137 and 140 in addition to the small, first floor bathroom window.

It is not clear whether a pedestrian access is intended to be created from the end of the site access road on to the green lane to the east of the site and this should be clarified. If so details of how this will be constructed should be provided.

Boundaries

Garden boundaries fronting on to public/ communal space including parking courts should be brick not close board fencing (see areas circled in red, figure 1 above).

The southern boundaries to plots 117-125, the eastern boundary to 125 should be post and wire mesh instead of close-board fence, to allow light to the adjacent hedge (figure 1).

The western boundary with the pub comprises a well-established and maintained mixed native species hedge with 1.2m high post and wire mesh fence to the pub side and cleft chestnut post and rail fencing to the site side. There is therefore no need for any further boundary treatment to the rear boundary of plots 116-141 except to address any defects in the existing chestnut fencing and minor hedge gapping up.

The northern end of the existing hedgerow forming the eastern site boundary comprises outgrown elm which is likely to succumb to Dutch elm disease if left to grow unchecked. Advance works are required to lay this in traditional fashion, which should reinvigorate it and create a low and manageable, dense hedge.

Materials

The manoeuvring areas to the two parking courts should be block paved.

Soft landscape plan

The planting beds between Badger Way and the rear gardens to plots 131 and 141 and the parking bays to plots 134 and 135 should be treated as communal and planted with street trees and appropriate groundcover under planting.

The proposed magnolia in the centre of the open space opposite plots 137-139 is too small both in terms of proposed supply size and ultimate size. There is scope here to provide a feature landmark tree which should be supplied as 16-18cm girth.

Larger and more vigorous trees should be planted to the front of plots 123-124 instead of the Hamamelis proposed which is very small and slow growing.

A suitable tree should be added to the island bed to the front of plot 122.

Soil volume calculations should be provided for trees in/ adjacent hard paving. The extent of any soil cells required should be indicated on the soft and hard works plans.

Contrary to statements in the ecological appraisal grass areas are generally shown as Rowlawn Medallion turf. A flowering lawn or wildflower grassland should be provided instead.

2.2 Cranbrook Town Centre Parcel TC3

Layout

Apart from providing a pedestrian link to Court Royal, the open space between plots 24 and 25 serves little purpose and appears as wasted, left over space. There is scope to reduce its width to 7m and use the space gained to increase the distances between plots 20/21, 22/23, 28/29 and 32/33. This would allow the overly narrow planting beds between parking bays to be increased in width. Further space would be gained if plots 25/26 were rotated slightly clockwise which would also fit better with the road geometry of Court Royal.

The access path between the rear garden boundaries and adjacent parking bays to plots 19-36 needs to be a minimum 1.2m wide to allow passage of prams, cycles and wheelie bins. A link path should be provided to connect to the access road in the vicinity of plots 29/30 and 21/22.

A clear crossing point should be provided at the junction of the site access road with the pedestrian access routes between plots 42 and 43 and plots 24 and 25, incorporating a pedestrian priority raised junction table.

Clarification should be provided as to whether the pedestrian access on to Tillhouse Road between apartments 1-6 and 7-12 is intended to be public or for use of apartment residents only.

The footway indicated to the side of plot 48 seems unnecessary and should be omitted, allowing the creation of a larger area of soft landscape at the site entrance.

The layout of the external space around the apartment blocks needs further consideration. A hedge or low wall should be provided along the back edge of the adjacent parking court to provide a physical separation from the apartment grounds and, where possible, ground floor flats should be provided with enclosed private garden space.

The planting bed between the entrances to the bike and bin stores for apartments 1-3 should be removed to facilitate bin manoeuvring.

In private plots, patio paving and connecting paths to rear garden access gates should be provided.

Boundaries

Rear garden boundaries abutting public/ communal areas should be brickwork, not close-board fencing. Changes are required to plots 19, 42, 43-46, 47 and the western boundary plots 1-6. Front gardens to plots 37-43 should have suitable enclosure such as railings or hedge with post and wire fence.

Soft landscape

Planting around the apartments consists entirely of a limited pallet of four different shrub species around the entire apartment buildings which is inappropriate and dull. The design does not take account of entrance requirements for the bin and cycle stores. Planting should be amended to reflect circulation and private space requirements and to provide greater visual interest and biodiversity value using different pallets of ground cover with appropriate accent planting according to aspect etc.

More variation in planting mixes is also required to the frontages of individual plots to provide greater interest and individual identity.

The planting bed between the access road and eastern rear garden boundary to plot 42 should be treated as communal and planted accordingly to include a suitable tree.

Grass areas within the parking court for the apartments are very small and would be better planted with a shrub/ herbaceous mix.

2.3 General

Layout

Junction radii at entrances to site access roads off existing streets should be reduced to 1m to facilitate pedestrian and cycle crossing.

Further detail is required in respect of bin storage areas. Collection areas should be discretely sited and hard paved avoiding locations where they will block footways particularly where these are to be adopted.

Screen wall and fence details

The proposed side access gate detail is shown as ledged and braced feather board. This is an inherently weak construction method and for durability, the gate should be drawn and specified as framed, braced and ledged.

Railings should be specified as galvanised and painted.

Hedgehog holes, minimum 130 x 130mm, should be provided to allow passage between gardens. Locations should be indicated on the boundaries plans and a note included on the c/b fence detail.

Landscape specification

Generally

- Add parcel references to title page
- Omit irrelevant sections eg. Attenuation basins, marginal planting etc.
- Given that most of the soft landscape comprises ornamental planting the aims and objectives need to be reconsidered.
 - o Species selection for ornamental planting areas should favour invertebrate value.
 - o Maintenance of ornamental planting should seek to allow natural growth habits to prevail
- Cross reference hedgerow management plan

Section 3

- Specify 300mm min depth of topsoil to rear gardens
- Confirm settled soil levels in relation to adjoining surfaces.

Section 4

- Para. 4.5 Omit. Add - All tree planting to be as approved plans unless otherwise agreed in writing with the LPA.
- Para. 4.14 Specify 75mm depth bark mulch to base of trees.
- Provide details of tree pits and staking/ guying.

Section 5

- Extend tree maintenance to 5 years
- Ornamental planting
 - o Pruning only as necessary to maintain natural form and flowering and to control spread over areas of paving and lawn.
 - o Early flowering shrubs should be pruned in mid-summer, not winter, in order to promote flowering in following season.
- Include site specific maintenance prescriptions for existing retained hedges to include initial works and subsequent maintenance.

- Maintenance of biodiversity enhancement measures should be included. A plan showing locations of proposed biodiversity enhancement features eg bird/ bird boxes and hibernaculae should be provided.

Hedgerow management plan

The submitted plan should be updated to reflect the current composition and condition of the hedge to the eastern site boundary (H46) with outgrown elm to be managed by traditional laying as noted above.

2.4 Additional information required A

plan should be provided showing the areas to be adopted by DCC Highways, the Town Council, management company and private plot owners. Existing hedgerows should not be conveyed to individual plots.

Details of cycle storage for flats/ apartments should be confirmed. This should include provision for minimum two secure, covered, lit spaces per dwelling with provision for e-bike charging.

3 RECOMMENDATIONS

Amendments and additional information are required as noted above, before the submitted details can be considered acceptable in terms of landscape design.

Should satisfactory amended and additional information be provided and the application is approved the following conditions should be attached:

- a) Tree pit and staking/ guying details
- 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) Site plans at 1:500 scale or greater showing the locations and depths of all underground services and clearly showing the locations of proposed trees and existing tree and hedgerow RPAs in order to avoid conflicts between tree and hedge locations.
- d) 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.
- e) Any new planting or grass areas which fail to make satisfactory growth or dies within ten years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

EDDC District Ecologist – 2 September 2025

I have reviewed the Biodiversity Net Gain Report (Ecology Solutions, August 2025a) and Briefing Note: Information for Ecological Enhancements (Ecology Solutions, August 2025b&c) for TC3 & TC8B Phase 3 – Town Centre relating to 23/0554/MFUL.

Biodiversity net gain (BNG)

The submitted BNG assessment considers both sites (TC3 & TC8B) collectively. Most of the metric data is displayed in tables within the report and no standalone Statutory Biodiversity Metric has been provided, e.g., to interrogate what strategic significance has been applied, which is not detailed within the report.

Based on the submitted information, the development would result in a net loss of 1.29 habitat units (-41.59%) and net gain of 0.57 hedgerow units (+21.23%). The scheme is proposing some onsite habitats which are unlikely to be achievable in such a location, i.e., species-rich grassland, and this could result in a lower predicted BNG outcome but is unlikely to result in a significant difference.

Based on the constraints of the site and the limited areas for landscaping, the predicted BNG outcomes are typical for such developments.

Information for Ecological Enhancements

The submitted BNG report recognises the limitations of delivering habitat enhancements onsite and provides a detailed plan for each parcel (TC3 & TC8B) providing ecological enhancement features for species including bats, nesting birds, hedgehogs, and insects. The measures are considered proportionate, and the plans are appropriate.

Summary

The proposal as submitted would not deliver 10% BNG for area habitats and it is not proposed to use biodiversity offsetting to deliver 10% BNG. Therefore, the development is not in accordance with Policy CB26 (Landscape, Biodiversity and Drainage) of the adopted Cranbrook Local Plan 2013-2031. As the site is not subject to the mandatory BNG framework, this consideration will need to be taken into the planning balance.

In terms of delivering successful environmental outcomes, it is considered that the appropriate establishment and maintenance of habitats will be key. In particular, the establishment of street trees and hedges should have appropriate soil volumes, be planted at appropriate times, and receive sufficient aftercare and maintenance.

Should the application be minded for approval it is recommended that a Landscape and Ecological Management Plan (LEMP) and a pre-occupation ecological compliance condition be imposed, to secure the establishment and maintenance of habitats and to ensure that the proposed species enhancement features are installed.

Reason

To ensure ecological impacts are mitigated for (given the constraints of the site) in accordance with Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031 and to ensure the successful protection and establishment of trees in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031 and Policy CB15(7) (Design Codes and Place Making) of the adopted Cranbrook Plan 2013-2031.

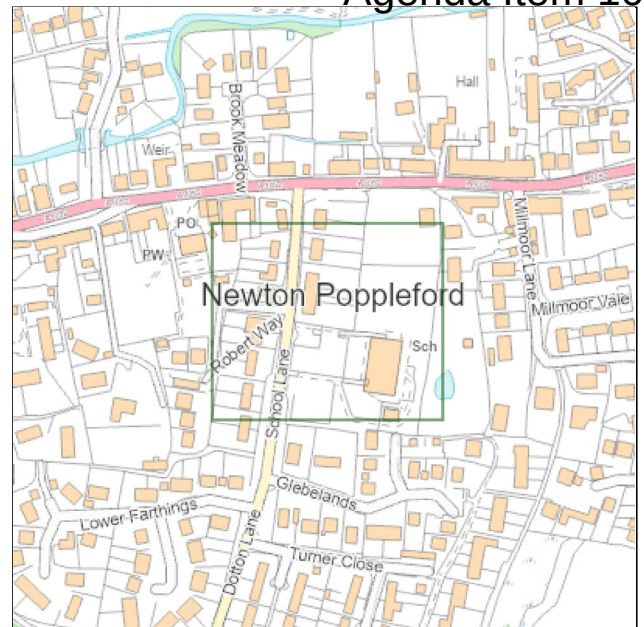
Ward Newton Poppleford And Harpford

Reference 25/0081/FUL

Applicant East Devon District Council

Location 1 School Lane Newton Poppleford Sidmouth
EX10 0EJ

Proposal Single storey side extension, remove existing chimney externally, off street parking space and external ramps for disabled adaptation.



RECOMMENDATION: Approval with conditions



		Committee Date: 23.09.2025
Newton Poppleford & Harpford	25/0081/FUL	Target Date: 25/09/2025
Applicant:	East Devon District Council	
Location:	1 School Lane Newton Poppleford Sidmouth EX10 0EJ	
Proposal:	Single storey side extension, remove existing chimney externally, off street parking space and external ramps for disabled adaptation.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the proposal relates to a property that is owned by East Devon District Council and received consultee objections.

The applicant seeks permission for a single storey extension, measuring approximately 5 meters in width, 7 meters in depth and 4.8 meters in depth. The roof design would be hipped, with a flattened peak.

The Site lies within the Built-up area boundary of Newton Poppleford. The site is also within the East Devon National Landscape.

The Parish Council and Ward Member have objected to the original design of the scheme.

Two neutral third-party comments have been received.

CONSULTATIONS

Town Council – Council are concerned that a flat roof is contrary to our neighbourhood plan. a pitch roof would be preferred. The rights of the other tenants to be retained with neighbours still having access.

Ward Member - As this appears to be an application by EDDC for an EDDC social house, I would have hoped that the design would have taken into account the made neighbourhood plan for Newton Poppleford which clearly shows that we have a strong preference against flat roofs.

I would therefore ask that the design be amended to include a pitched roof for the extension, otherwise I cannot support it in its current guise. If we can't be bothered to enact NHP policies for even EDDC applications it does rather beg the question of what's the point.

I note the comments from neighbours concerned about preserving access to the rear of their own dwellings and I would ask that any works ensure that this access continues to be facilitated.

Amended Plans Comment - Thank you for amending the design to incorporate a pitched roof.

Provided the concerns of the neighbours regarding access are taken into account then I have no other objections to this application.

Councillor Burhop 5/9/25

I agree with the conclusions and recommendations of your report

County Highways – no response.

PLANNING HISTORY

No Relevant Planning history.

Third Party Comments

Two (2) neutral comments were received from third parties during the notification period. The comments both stated that the key issue was that they wished for access, via a right of way existing on their title deeds, to be maintained. There is a right of way for properties 2 and 3 School Lane to access their rear gardens via the subject site.

POLICIES

Local Plan 2013-2031

Strategy 6:	Development within Built-Up area boundaries.
Strategy 48:	Landscape Conservation and Enhancement and AONBs
Strategy 48:	Local Distinctiveness in the Built Environment
Policy D1:	Design and Local Distinctiveness
Policy EN22:	Surface Run-Off Implications of New Development
Policy TC9:	Parking Provision in New Development

Draft Local Plan 2025-2042

Policy DS01: Design and Local Distinctiveness
Strategic Policy SP05: Development inside Settlement Boundaries

Newton Poppleford and Harpford Neighbourhood Plan 2020-2031:

Policy EP1: Conservation and enhancement of the East Devon AONB and Natural Environment
Policy TD1: Infill and garden developments and extensions within the Built-up area boundary
Policy H2: Housing which caters for those with mobility issues.

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

National Planning Practice Guidance

Site Location and Description

1 School Lane is a two-storey, end of terrace dwelling located within the village built-up area boundary of Newton Poppleford. The internal configuration provides a living room, bathroom and kitchen on the ground floor and 3 bedrooms upstairs. The property is bound by number 2 School Lane on the northern (side) elevation, and Newton Poppleford Primary School to both the rear and southern (side) boundaries. The rear garden is reasonably sized, being approximately 25m deep. The site is on a gently sloping topography, falling to the north. The property is owned by EDDC.

The site is within the East Devon National Landscape (formerly AONB).

Proposal

The applicant seeks permission to construct a single-storey side extension approximately 5 meters in width and measuring approximately 4.8 meters in height when measured from ground level. The extension depth would be equal to the existing dwelling, approximately 7 meters. The extension would be set back 1m from the southern (side) boundary. The extension would contain an entrance, bedroom, and shower room that is wheelchair accessible.

The extension was originally proposed to have a flat roof; a revised design has been provided proposing a hipped roof to mimic the slope of the existing roof slope while minimizing the height of the extension. The external materials are proposed to match those of the existing dwelling, being brickwork and render. Included in the application are access ramps to the extension and a vehicular access with associated hardstand for parking.

The dwelling is currently under the control of Housing Regulated Services and it is intended to provide accommodation for a family with a member who has special needs; the width of the extension is said to be the minimum necessary to meet these needs.

The principle of the development

The principle of the development is supported by local and neighbourhood policies. Specifically, Policy D1 (Design and Local Distinctiveness) and Strategy 6 (Development within Built-Up Area Boundaries) of the Adopted East Devon local plan 2013-2031 and, Policy TD1 (Infill and garden developments and extensions within the Built-up area boundary) of the Newton Poppleford and Harpford Neighbourhood Plan 2020-2031.

Design and Impact upon Local Character

The amended plans propose a part-hipped roof single-storey extension, while minimizing the overall height of the extension. The height of the extension has been designed to the minimum possible whilst being able to accommodate the ceiling tracks hoists to aide in the mobility and care of a tenant. The width of the proposed side extension is greater than is normally considered good design, being almost as wide again as the existing dwelling. There have been elements worked in to the design of the extension to attempt to address this issue. This includes minimising the height of the extension as much as practicably possible, using the same external materials to match the existing dwelling, stepping back the extension by approximately 250mm from the existing front elevation, and mirroring the details of the existing fenestration. Whilst the extension would be prominent when having regard to the dwelling as a single entity, when viewed within the context of the terrace it would have less of an overall impact, constituting a 16-17% increase in length to the 30m long terrace.

The Agent has confirmed that the width of the extension is the minimum to meet both the building regulations requirements for a person with a disability, and the Occupational Therapist's requirements for the occupant.

There are similar side extensions, although less wide than that proposed, in close proximity to the subject site.

In this instance, the need for appropriate housing stock to accommodate a person with a disability is a material consideration. Whilst there would be some adverse impacts due to the width of the development, there are design elements to try and ameliorate this. On balance, and having regard to the needs of the tenants, the benefit of the proposal is considered to outweigh the adverse impacts to the street scene. Furthermore, conditions are proposed for any permission granted to safeguard the local distinctiveness of the area.

The proposed hardstand and ramps would result in the loss of much of the front garden area, as well as the side garden. The reasonably sized rear garden would be largely unimpacted. The dwellings in the street generally have front gardens that are fenced or hedged. However, some examples are visible of little to no front garden, such as the front of 15 School Lane which is completely hardstand with concrete access ramps.

A condition is recommended for any permission issued for details of a landscaping plan to be submitted and approved by the LPA. This is to ensure that there are appropriate landscaping elements to continue the attractive and verdant nature of the street scene.

It is therefore considered that the proposal aligns with Policy D1 (Design and Local Distinctiveness) of the Local Plan 2013-2031 as well as Policy TD1 (Infill and garden developments and extensions within the Built-up area boundary) and Policy H2 (Housing which caters for those with mobility issues) of the Newton Poppleford and Harpford Neighbourhood Plan 2020-2031.

Impact on Amenity

As the proposal is single storey and does not propose any windows or glazing above ground floor level there is not considered to be any unreasonable impacts due to overlooking. Further, given the orientation of the property, there would negligible if any overshadowing caused by the proposed development upon a residential neighbour. There would be a 1m open access maintained along the southern (side) boundary of the property, that would allow access for those benefitting from a right of way in accordance with Title Deeds. It should be noted that the right of way specifically mentions 'by foot', therefore the 1m gap would provide reasonable access.

It is for these reasons that there is not considered to be any unreasonable adverse impact upon neighbour amenity. It is therefore considered that the proposal aligns with Policy D1 (Design and Local Distinctiveness) of the Local Plan 2013-2031.

Parking

The property fronts School Lane and does not have any footpath nor raised kerb along the frontage. As School Lane is a class C road, a licence would need to be sought from DCC for the new access point if planning permission is granted. Notwithstanding this, the application was referred to National Highways who did not provide comment.

The proposed parking area in front of the property is to accommodate a carparking space that would grant access to the dwelling via the proposed ramps. The space would be 4.8m in width and depth and is proposed to be constructed of SUDs complaint tarmac. There is no existing off-street parking on the property nor is there on-street parking immediately in front or opposite. A condition is recommended for inclusion on any permission issued that the tarmac used is porous and that surface water runoff would be dealt with via on-site soakaways unless an appropriate alternative is agreed in writing with the LPA.

It is for these reasons that there is not considered to be any adverse impact upon Highway safety, nor neighbouring properties due to surface water runoff. It is therefore considered that the proposal aligns with Policies TC9 (Parking Provision in New Development) and EN22 (Surface Run-Off Implications of New Development) of the Local Plan 2013-2031.

Conclusion

The proposed development at 1 School Lane is considered as aligning with national, local and neighbourhood policies and is therefore considered acceptable.

RECOMMENDATION

Approval subject to the following conditions:

- 1.) The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

- 2.) The 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).

- 3.) 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. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The development hereby approved shall not be brought into use until the agreed drainage scheme has been provided and it shall be retained and maintained for the lifetime of the development.

(Reason - In the interests of adapting to climate change and managing flood risk, and in order to accord with Policy EN22 of the East Devon Local Plan 2013 to 2031)

- 4.) The parking area hereby permitted shall be constructed of porous tarmac unless details of an alternative SUDs compliant material are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

(Reason - In the interests of adapting to climate change and managing flood risk, and in order to accord with Policy EN22 of the East Devon Local Plan 2013 to 2031)

- 5.) No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme is to include the planting of any trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatments. The landscaping scheme shall be carried out prior to the first occupation/use of the development hereby approved, unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority. The landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Plans relating to this application:

Location Plan, received 16/01/2025.

Proposed Combined Plan, reference: D023-24-102 REV A, received 13/08/2025.

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, 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.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality 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.

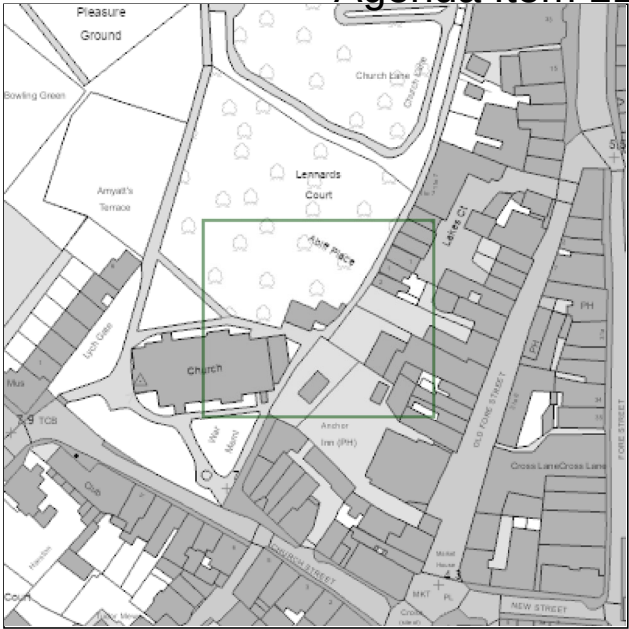
Ward
Sidmouth Town

Reference
25/0810/FUL

Applicant
Cllr Mike Goodman

Location
Church Cottage Church Lane Sidmouth EX10 8LG

Proposal
The retention of fencing, and proposed erection of picket fence



RECOMMENDATION: Approval with conditions



Reference Number: 25/0810/FUL		Committee Date: 23.09.2025
Ward: Sidford Ward		Target Date: 30/09/2025 (EOT)
Applicant:	Cllr Mike Goodman	
Location:	Church Cottage Church Lane Sidmouth EX10 8LG	
Proposal:	The retention of fencing, and proposed erection of picket fence.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the applicant - Cllr Mike Goodman – is a member of the Council – Sidford Ward (see application form).

It is considered that the development is acceptable in principle, will not have any significant, detrimental impacts upon the character of the surrounding area, the Sidmouth Conservation Area and nearby Listed Building, nor would there be significant, detrimental harm to the amenity of neighbours. No other concerns are raised in respect of drainage / flood risk and ecology / biodiversity.

The application is acceptable, accords with the development plan and is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Conservation – No objections: *‘On the basis of the information provided through this application, for the retention of retrospective close board fencing and the proposed erection of picket fencing at Church Cottage a curtilage listed building located in Sidmouth Conservation Area. Would on account of the simplistic design, scale and location of the fencing, continue to preserve the setting of the listed building and surrounding conservation area. Case Officer to assess on planning merit.’*

Parish / Town Councils – No objection.

Ward Members – No response.

Technical Consultations

DCC Foot Path Officer (PRoW) – No response.

DCC Highways – No response.

Other Representations - None.

PLANNING HISTORY

- Ref: 08/0340/TCA – Crown Lift 2 Yew Trees by 2 Metres over Lynch Gate – Approval, 13/03/2008.
 - Ref: 25/0724/LBC - Retention of various works to include: lathe and plaster ceilings re-plastered; insulate ceilings; strip back partition walls to stud work and re-instate; install new partition walls; replace fireplace surround with lintel and fire in living room; re-plaster walls and ceilings; new vent in bathroom and install new cowl – Approval, 18/07/2025.
-

Policies

National Planning Policy Framework
National Planning Policy Guidance.

Local Plan 2013-2031

Strategy 6:	Development within Built-Up area boundaries
Strategy 48:	Local Distinctiveness in the Built Environment
Strategy 49:	The Historic Environment
Policy D1:	Design and Local Distinctiveness
Policy EN5:	Wildlife Habitats and Features
Policy EN8:	Significance of Heritage Assets and their Setting
Policy EN10:	Conservation Areas
Policy EN22:	Surface Run-Off Implications of New Development.

Draft East Devon Local Plan (2020 – 2042) - Emerging

Policy SP05: Development inside Settlement boundaries
Policy HN07: Householder Annexes, Extensions, Alterations and Outbuildings
Policy DS01: Design and Local Distinctiveness
Policy PB07: Ecological enhancement and biodiversity in the built environment
Policy HE01: Historic Environment
Policy HE03: Conservation Areas.

Sidmouth Neighborhood Plan:

Policy 1 – Sid Valley Development Principles
Policy 6 – Infill Development, Extensions and Trees
Policy 7 – Local Distinctiveness.

Site Description and Proposal:

The application site comprises the existing dwelling Church Cottage and its rear garden area. The wider site comprises consecrated land, with a number of large, mature trees within the grounds of the Grade II* listed Church of St Giles with St Nicholas. Beyond this, other residential and commercial buildings are present along Church Street.

The site is located near the following listed buildings / heritage assets:

- Church of St Giles with St Nicholas – Grade II* Listed Building.
- Sidmouth War Memorial – Grade II Listed Building.
- The Anchor Inn – Grade II Listed Building.
- Barnwell House – Grade II Listed Building.
- Premises Occupied By Hyatt Antiques / Pottery Plus – Grade II Listed Building.
- Premises Occupied by Sambati – Grade II Listed Building.
- Premises Occupied by Baskerville House / Charles Wood Jeweller / La Boutique / Lake's Plumbers / Ruths – Grade II Listed Building.
- Old Ship Café – Grade II Listed Building.

The site also lies within the Sidmouth Conservation Area.

The application site is not located within a flood risk zone as identified by the Environment Agency, nor a critical drainage area, as illustrated below:



This application seeks the following schedule of works:

- Retrospective Planning Permission for the retention of 1.5m high close boarded fencing along the western boundary.
- Planning permission for proposed erection of a 0.9m high picket fence along the southern boundary.

ANALYSIS

Principle/ Sustainable Development:

The works comprise minor, residential development within the Built-Up Area Boundary of Sidmouth, and is surrounded by residential development. As such, the works are deemed acceptable, in-principle.

Design / Visual Impacts:

No significant concerns are raised in respect of the siting, design / type nor amount of all existing and proposed fencing. The proposed picket fence measures 6 metres long and 0.9m high and will not feature any colour finish. The existing close boarded fencing measures 7 metres long and 1.5m high with return ends measuring 1 and 2m respectively with a natural wood finish. The pre-existing fencing has been confirmed as being approximately 1.5 – 1.8m in height.

The works are not prominent from the street scene and will be limited to views from the adjacent public right of way / footpath.

As such, the works are deemed acceptable in respect of design / visual impacts and in accordance with Local Plan policy D1 and Emerging Local Plan policy HN07.

The Historic Environment:

The council's conservation officer makes the following observations:

'On the basis of the information provided through this application, for the retention of retrospective close board fencing and the proposed erection of picket fencing at Church Cottage a curtilage listed building located in Sidmouth Conservation Area. Would on account of the simplistic design, scale and location of the fencing, continue to preserve the setting of the listed building and surrounding conservation area. Case Officer to assess on planning merit.'

Officers agree with this comment and as such, the works are deemed acceptable in respect of the historic environment and accord with Local Plan policies EN8 and EN10.

Neighbouring Amenity:

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

As such, the proposal would not likely lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impacts. As such, the works accord with Local Plan policy D1 and Emerging Local Plan policy HN07.

Drainage / Flood Risk:

The site lies within flood risk zone 1, as identified by the Environment Agency and is not located within a critical drainage area. No significant concerns are raised in

respect of on-site drainage / flood risk in this instance. As such, the works accord with Local Plan policy EN22.

Ecology / Biodiversity:

The site lies within Bat Consultation Area and Landscape Connectivity Zones. Given the small-scale nature and type of the works, no additional information / surveys are deemed necessary in this instance. As such, the works accord with Local Plan policy EN5 and Emerging Local Plan policy PB07.

Conclusion

In this case, the proposed development is considered acceptable in principle due to its minor, residential type / nature. The final design and siting are also deemed satisfactory, with no significant adverse impact anticipated on the amenities of nearby dwellings. Furthermore, there are no outstanding concerns regarding the historic environment, drainage or flood risk, highway safety or access, nor ecology or biodiversity.

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.)

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 works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Biodiversity Net Gain Informative:

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the Biodiversity Gain plan.

In this case the planning authority you should submit the Biodiversity Gain Plan to is East Devon District Council.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These exemptions can be viewed in full using the following link: Biodiversity net gain - GOV.UK (www.gov.uk)

Householder applications are exempt from submitting a Biodiversity Gain Plan so you do not need to take any further action in this regard.

Plans relating to this application:

- Location Plan – Ref: CC-002.
- Cottage Fence Plan - Ref: CC-003: Cottage Fence.
- Block Plan – Ref: CC-001.
- Proposed Picket Fence Elevations – Received 02/09/2025.
- Existing Side Close Boarded Fencing Elevations – Received 02/09/2025.
- Existing Front Close Boarded Fencing Elevations – Received 02/09/2025.

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, 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.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality 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.