

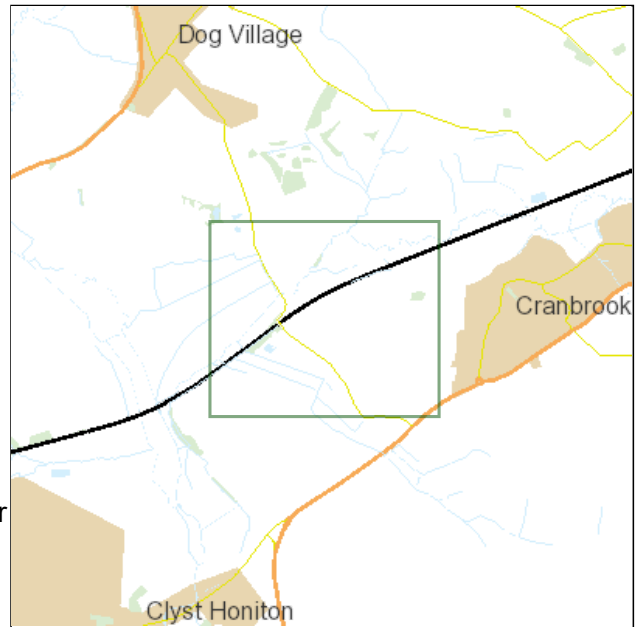
Ward Broadclyst

Reference 21/2604/OUT

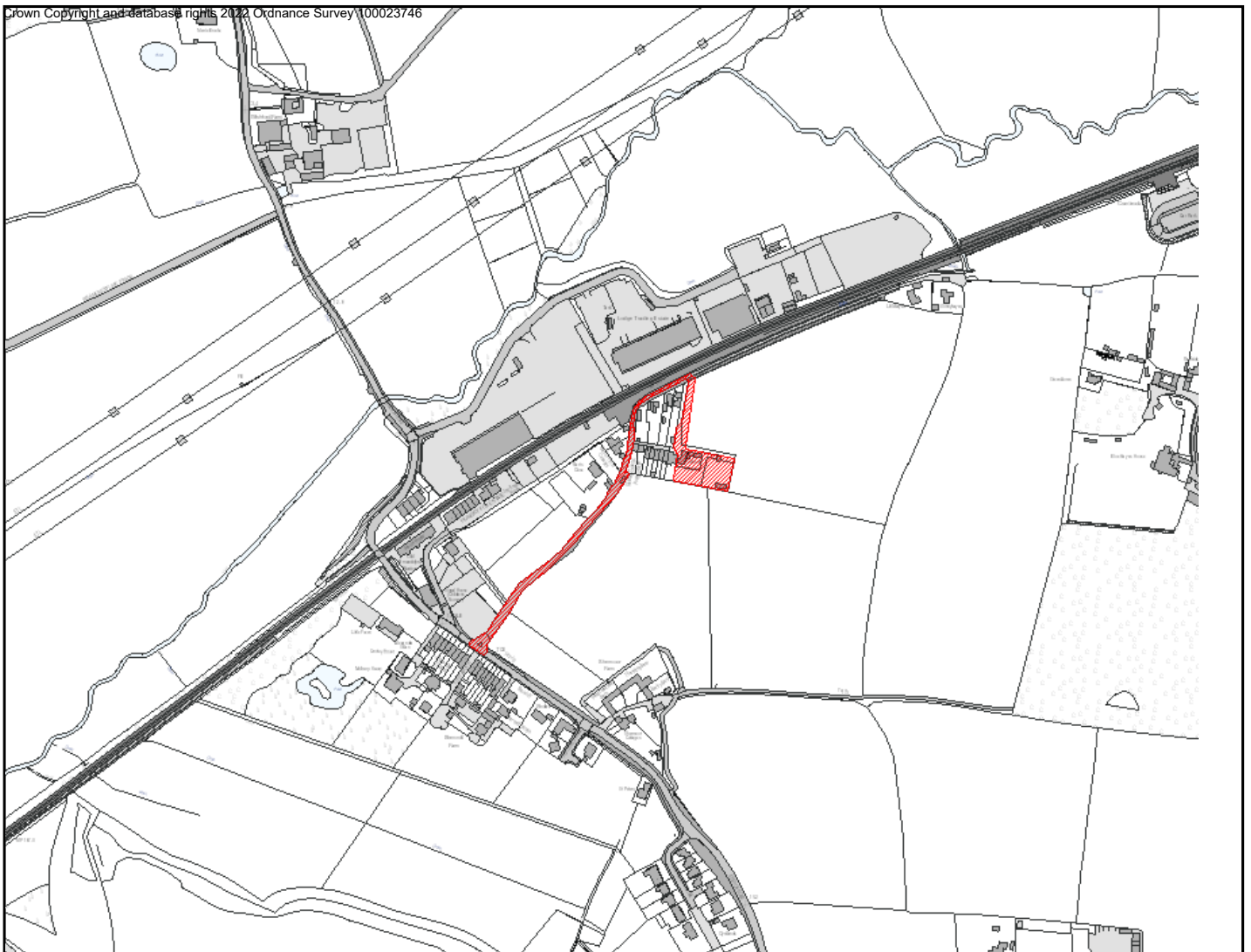
Applicant Mrs Sarah Chamberlain

Location 6 Railway Terrace Broadclyst Station Exeter
EX5 3AX

Proposal Outline application, with all matters reserved, for
the erection of seven dwellings.



RECOMMENDATION: Approval subject to a section 106 legal agreement and with conditions.



		Committee Date: 30.09.2022
Broadclyst (Broadclyst)	21/2604/OUT	Target Date: 08.12.2021
Applicant:	Mrs Sarah Chamberlain	
Location:	6 Railway Terrace Broadclyst Station	
Proposal:	Outline application, with all matters reserved, for the erection of seven dwellings.	

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EXECUTIVE SUMMARY

The outline planning application proposes the development of the site via the erection of 7 dwellings. The application is a departure from the development plan as the site for the residential development is outside of any Built-up Area Boundary albeit has contiguous boundaries with the Bluehayes residential development allocation for the western extension of Cranbrook, which bounds the site on three sides.

In recent weeks the Cranbrook Plan has been found sound and while not yet adopted and formally part of the Development Plan for the area, it can be given significant weight. Unlike the Local Plan this provides built up area boundaries for Cranbrook and Broadclyst Station and therefore accepts the principle of development in this location.

The site is a rectangular parcel of land and current boundary treatment means that the impact of the development would in part be mitigated in the short term, and more particularly seen within an urban context when the expansion development is brought forward.

While the site is served by a single private lane, and on this basis highway access is not ideal, it is on balance considered acceptable noting the relatively low number of vehicle trips generated, the slow speeds and the visibility between passing places

A range of identified requirements including pedestrian and vehicular access to the boundary with the Bluehayes allocation as well as other on and off site obligations which are necessary to make the proposal acceptable need to be secured through a Section 106 agreement. Subject to this the scheme is recommended for approval.

CONSULTATIONS

Local Consultations

Broadclyst Parish Council

Thank you for consulting Broadclyst Parish Council on the outline application with all matters reserved for the proposed erection of 7 new dwellings: 1 detached house and 6 semi –detached houses.

The Broadclyst Neighbourhood Plan Officer has considered the proposal against policies in the emerging Broadclyst Neighbourhood Plan; Council has agreed that her report forms the basis of its representation.

Broadclyst NP policies.

There is little evidence of the following policies being delivered in this planning application.

1. D1 High Quality Design: bullet points 1, and D6 1 and 4.

The design and layout of the site does not respect or complement local character in relation to scale enclosure and façade. The existing local built character layout is a terrace of six houses of limited size but uniform style.

The new detached house does not reflect an understanding of the scale, enclosure, and façade rhythm of the surrounding built environment and therefore does not respect the existing character. A detached house is not appropriate in this location. The semi-detached design is more in keeping and has considered orientation and layout that is more in keeping with the local character, but size of semi-detached housing is in stark contrast.

We would expect the proposal to deliver housing type/tenure in line with requirements in the EDDC Local Plan; the proposal does not currently deliver any affordable housing.

2. D1 bullet 10.

An access route to Bluehayes is referred throughout the Design and Access Statement and shown in Figure 3. This will only be in conformity with NP policies if this access is conditioned, to ensure that a route into the Bluehayes site is safeguarded.

However, this access will need to be designed and located in alignment with the Bluehayes (Cranbrook Western Expansion zone). The present location might be inappropriate.

3. DC2 Incorporating renewable energy generation is not included.
4. DC3 Sustainable Drainage is not included and permeable paving driveways and parking areas are not considered or included.

5. T3 no provision of parking areas which have a maximum surface permeability
6. H6 (point 2).

The Transport Assessment has not addressed the priority order of: pedestrians, cyclists and thirdly vehicles. The role and provision of pedestrian use is poorly addressed. Where are people to cross Station Road? There are no pavements so they have to stand on the road.

7. T3: (bullet 4) car parking spaces are provided but requirement of electric charging points is not provided, and (bullet 7) requirement of cycle storage being covered is not provided.
8. NE5, d. All development is to require a biodiversity gain of 10% This has not been included or considered in the application.

The Clyst Valley Regional Park (CVRP)

This site lies wholly within the CVRP and the Broadclyst Neighbourhood Plan has had to be amended to acknowledge and incorporate the CVRP framework. The following clause has had to be added to the policies:

Proposals within the Clyst Valley Regional Park need to be aligned with the Regional Park objectives and make a contribution to green infrastructure and or public benefit. Nowhere in this application is there reference to the CVRP and development within the CVRP needs to be in conformity with CVRP objectives.

Transport Assessment:

1. In this document all the data provided is for 6 dwelling rather than proposed 7, meaning that all figures require adjustment and are therefore not accurate.
2. The solution to ease splay and visibility onto Station Road is to get rid of the existing green triangle. It was noted that a main drain hatch cover is presently protected by the existing green triangle. The hatch structure has not been considered in the TA.
3. Issues with cars queuing to get out at the junction will cause queuing on Station Road. Splay has answered visibility, but flow in & out not mitigated by getting rid of the mound. The design of existing road means that passing of cars is very limited after the junction area as the road is single track only.

Cranbrook Masterplan:

CB8 Cranbrook and Broadclyst Station Built-up Area Boundaries

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;

6. It would not impair highway safety or traffic flows;

There are issues with the present proposal meeting points 1, 2 & 6. (NB: we understand that the BUAB for Broadclyst Station may not be recognised in strategic proposals for Cranbrook western expansion zone, but as the applicant referred to the BUAB, we have included comment).

Conclusion.

The application falls short of being acceptable when measured against policies in the Broadclyst Neighbourhood Plan. Whilst some of the non-conformities can be addressed, we find that the impact of development and complexities with access to the site, are not considered to be outweighed by the benefits, and therefore cannot support this outline proposal.

Clerk To Cranbrook Town Council

Cranbrook Town Council's Planning Committee considered application 21/2604/OUT on 25 October 2021.

The Committee noted that the site was located in a private lane with access onto Station Road adjacent to the railway bridge. Station Road did attract complaints around congestion and at present the site would require use of the motor vehicle to gain access to facilities. On the face of it, it could therefore attract an objection as an unsustainable location. However the indicative proposals do include a foot / cycle link to the Bluehayes expansion area and this would provide good access to public transport including bus and rail services as well as more direct access to local neighbourhood shops and school that are due to come forward as part of Cranbrook's western expansion area. In light of this it would be unreasonable to maintain an objection on the basis of sustainability although the application could consider a road link to the town as an alternative to Station Road (particularly as current proposals seek to divert through traffic from Station Road on to the Bluehayes MLR).

The relationship of the site to Cranbrook is clear and is set out in the application's supporting documents. It is quite clear that this relationship is key to the success or otherwise of the application both in whether it might gain approval and in its integration if approved. The indicative terrace of homes, as shown in the accompanying documents is consistent with its immediate neighbours in Railway Terrace and would appear to be acceptable in principle. Whilst quite different from the vernacular in Cranbrook, there is no reason to feel that the two styles could not be complimentary. From an integration point of view, having a physical link between the town and the private lane would be positive and a benefit to all residents of the lane.

The Committee resolved to support planning application 21/2604/OUT.

Additional comments

The comments from the Planning Committee following the meeting held 8th August 2022:

Resolved to support the application 21/2604/OUT as the amended plans do not alter the previous recommendation of the Council subject to a full biodiversity survey be conditioned in any grant of outline consent

Technical Consultations

EDDC Landscape Architect

I have reviewed the additional information recently submitted in connection with the above application. This includes a BS 5837 tree survey and drainage details. I note there are potential conflicts where the proposed foul and storm water drainage encroach on RPAs of adjacent trees alongside the site access road. This does not seem to have been considered in the arboricultural report and further consideration of this should be required and plans amended as necessary. Proposed storm drainage comprises underground attenuation crates which will provide no biodiversity enhancement.

Aside from tree and hedgerow issues, as the site layout is unchanged my previous comments remain relevant. In particular I consider the application to be an overdevelopment of the site and recommend removal of one unit which would enable the provision of a wildlife area adjacent to the eastern site boundary.

Should the application be approved the following landscape condition should be required:

- a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings.
- b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.
External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.
- c) A full set of soft landscape details including:
 - i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new grass areas, existing vegetation to be retained and removed.
 - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
 - iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.

- iv) A management plan for the management and maintenance of existing trees and hedgerow and any ecological habitat provision for a minimum 10 year period. The plan should identify responsibilities for maintenance.
- iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.

DCC Flood Risk SuDS Consultation

Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning Development Management Procedure) (England) Order (2015). However, we have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the above planning application, which is outlined below.

Although we are not a statutory consultee, the applicant is still required to provide the Local Planning Authority with a surface water drainage management plan which demonstrates how surface water runoff from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems (SuDS). The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found here:

<https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>.

Observations:

The applicant has noted that surface water is anticipated to be managed via soakaways. The applicant has also noted that details of the surface water drainage strategy shall be submitted at the reserved matters stage.

However, details of surface water management are required at this stage. The applicant should demonstrate a viable surface water drainage system. This system must be designed up to the 1 in 100 year (+40% allowance for climate change) rainfall event.

The applicant should complete infiltration tests at this stage to demonstrate the viability of managing surface water via infiltration.

The applicant must confirm how the surface water drainage system shall be maintained. The applicant must also confirm how exceedance flows shall be managed.

The applicant should review Devon County Council's Sustainable Drainage Design Guide:

<https://www.devon.gov.uk/floodriskmanagement/planning-and-development/suds-guidance/>

Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order (2015). However, we have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the above planning application, which is outlined below.

Additional comments

Following my previous consultation response (FRM/ED/2604/2021; dated 4th November 2021), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

If the Local Planning Authority is minded to grant planning permission for this site, they may also be minded to impose a pre-commencement condition on the planning permission to secure the detailed design of the proposed surface water drainage system. They may also be minded to impose a pre-commencement condition to secure details of surface water management during the construction stage.

The detailed design condition should also highlight the necessity for floatation calculations. The applicant encountered groundwater during the soakaway tests. The applicant must ensure that groundwater will not affect the surface water drainage system.

At the detailed design stage, the applicant should confirm the proposed exceedance routes. The routes should be safely designed.

Devon County Highway Authority

The application documents include a Design and Access Statement and Transport assessment, within these documents it is referenced that although no dedicated cycleway facilities exist, Station Road is a quiet country Road, I would like to note with Cranbrook a short distance away, Station Road Business park and through-traffic avoiding Junction 29, this road can get busy.

However that being said, to Cranbrook and with discussions with Cranbrook Town Council, this would be a positive benefit to the highway network and sustainability.

I see no problem with the proposal to remove the central island on the junction with Station Road, although this grass mound is kept below 0.6m high therefore extending the visibility will be minimal.

The trip generation from 7 dwellings will not intensify vehicular traffic in this location adversely, especially if the sustainable travel links come through. I will reserve comments on the site layout as the application is a reserved matters item, although with 7 dwellings the site access would need to be 4.8m wide with at minimal passing places to allow simultaneous entrance and egress.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Devon County Council Education Dept

DCC has identified that the proposed increase of 7 family type dwellings will generate an additional 1.75 primary pupil and 1.05 secondary pupils.

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:

We have forecast that the nearest primary schools do not have capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek a contribution directly towards additional education infrastructure at the local primary schools that serve the address of the proposed development. The contribution sought for primary would be £28,756 (based on the DfE extension rate of £16,432 per pupil). These contributions would relate directly to providing education facilities for those living in the development.

We have forecast that the nearest secondary school has enough capacity for the pupils expected to be generated by this development and therefore a contribution towards secondary education would not be sought.

All infrastructure contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2019 rates and any indexation applied to these contributions should be applied from this date.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and the costs of transporting children to Ilfracombe Academy. It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

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. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum. It is anticipated that these contributions would be provided for through CIL.

Police Architectural Liaison Officer - Kris Calderhead

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. I have no objection in relation to the scheme but would like to make the following comments and recommendations for consideration should the application progress.

- o The layout should be designed to provide overlooking and active frontages to the new internal street.
- o Detailed design should avoid having accessible space to the rear of residential back gardens, as this is generally accepted to assist in preventing crime.
- o Boundary treatments to the front of dwellings are important to create defensible space to prevent conflict between public and private areas and clearly define ownership of space. The use of low-level railings, walls, hedging for example would be appropriate.
- o Treatments for the side and rear boundaries of plots should be adequately secure (min 1.8m height) with access to the rear of properties restricted via lockable gates. Defensible space / buffers (i.e. 1m high by 1m deep planting or low-level railings) should also be utilised where private space abuts public space in order to reduce the likelihood of conflict and damage etc.
- o If any existing hedgerow is likely to comprise new rear garden boundaries then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function. Additionally, clear ownership and responsibility for the hedge must be established in order to ensure its effective maintenance and upkeep.
- o The site lighting strategy must provide proper and effective lighting for all relevant spaces which should include any pedestrian links, parking areas as well as new streets. Lighting is advised to meet BS 5489:2020.

DCC Historic Environment Officer

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

Contaminated Land Officer

No development approved by this planning permission shall commence until a remediation strategy to deal with any identified risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - I. all previous uses
 - II. potential contaminants associated with those uses
 - III. a conceptual model of the site indicating sources, pathways and receptors
 - IV. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete.

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

5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 3. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16.

EDDC Recycling & Waste Contract Manager

We have some reservations about recycling and waste collections at this proposed properties.

We already have difficulties servicing the existing properties as illustrated by the attached reply from my SUEZ colleague.

As the planning process progresses we would like to see a layout plan showing the proposed collection point for each property so that we can assess more carefully if we can gain vehicle access.

As an alternative it might be preferable to provide a shared recycling and bin store for a set of individual containers for each property at a location we can get vehicle access.

Email from Suez dated 15/10/21:

Hi

All collections down here are completed Narrow access on both services.

I am not too pleased with the layout of the houses, I do not see how we can collect from these properties, the original Railway terrace properties are collected by walking up the back of the properties, shared access.

The access to the properties does not have a clear turning area, it also has a long reserve back. That can only be accessed when proceeding up the road to the far properties at the end of the no through road, therefore I would suggest a bin store area at the bottom of the lane, or similar.

Exeter & Devon Airport - Airfield Operations+Safeguarding

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

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

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this I have included, as an attachment, Airport Operators Association (AOA) Advice note 4 Cranes and other Construction Issues which all developers and contractors must abide by during construction and commissioning.

Accordingly, Exeter Airport have no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AOA Advice Note, 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.

Natural England

Thank you for your consultation on the above dated 14 October 2021 which was received by Natural England on the same date.

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 DESIGNATED SITES [EUROPEAN] - FURTHER INFORMATION REQUIRED

Habitats Regulations Assessment - Recreational Impacts on European Sites

This development falls within the 'zone of influence' for the Exe Estuary SPA, East Devon Pebblebed Heaths SAC and East Devon Heaths SPA, as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

In line with the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council, we advise that mitigation will be required to prevent such harmful effects from occurring as a result of this development. Permission should not be granted until such time as the implementation of these measures has been secured.

Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context. Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4,

w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

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

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

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.

Annex A - Additional advice

Natural England offers the following additional advice:
Landscape

Paragraph 174 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced standing advice¹ 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 Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

1 <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

2 <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Ancient woodland, ancient and veteran trees You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 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 by planning authorities 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.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure

wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures.

Opportunities for enhancement might include:

- o Providing a new footpath through the new development to link into existing rights of way.
- o Restoring a neglected hedgerow.
- o Creating a new pond as an attractive feature on the site.
- o Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- o Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- o Incorporating swift boxes or bat boxes into the design of new buildings.
- o Designing lighting to encourage wildlife.
- o Adding a green roof to new buildings.

Natural England's Biodiversity Metric 3.0 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the Small Sites Metric may be used. This is a simplified version of Biodiversity Metric 3.0 and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- o Links to existing greenspace and/or opportunities to enhance and improve access.
- o Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- o Planting additional street trees.
- o Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- o Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside Biodiversity Metric 3.0 and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green

infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

Network Rail

Thank you for your email dated 14 October 2021 together with the opportunity to comment on this proposal.

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

The Design and Access statement states: "Whilst the final surface water and foul drainage details will be provided as part of a reserved matters application, it is anticipated that the proposed new dwellings will connect to a new surface water soakaway and either a septic tank or private package sewage treatment plant system". Network rail wish to be consulted on any drainage plans due to the proximity of the site to the railway. Any drainage plans submitted should show the location and distance of the surface water disposal system from the Network Rail boundary.

DRAINAGE

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

altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

SAFETY

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

South West Water

Thank you for your consultation request.

Based on the documents provided, South West Water have no comments or objections.

Environmental Health

I recommend approval with conditions:

A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site and no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

Other Representations

21 letters of objection from 19 addressees which identify the following issues:

- Terrible site access for emergency vehicles - particularly fire appliances which would be unable to take the bends in the road and lead to a blocking of the lane
- Access lane is unsuitable for additional vehicle movements associated with the development with only one passing place, poor alignment no lighting, ditches to the side and the risk of accidents to children and pets.
- In appropriate facilities along the lane for pedestrians
- Traffic study was undertaken a month before covid restrictions were lifted and is therefore not accurate

- Visibility is obstructed by parked cars in the adjacent layby and the applicant does not have rights to remove the central mound
- Applicant proposes connection to a hypothetical footpath and cycle way on adjacent land
- These additional houses are not needed noting the housing including affordable housing being delivered in Cranbrook
- The design of semidetached properties is out of keeping with the terrace
- The development represents over development with risk that it will encourage additional development - all with associated loss of wildlife habitat
- Plant machinery and deliveries will cause sever nuisance and obstruction for the duration of the build and risk damaging other neighbouring property
- Local heavy clay soils means that septic tanks and private package sewage treatment plants won't work efficiently and result in odour and potential pollution
- No affordable housing provided
- Loss of privacy and potential increase in crime
- Development will increase risk of light pollution
- Development will increase risk of surface water runoff and associated risk of flooding
- Proposals will increase stress to all local residents
- Development is for profit only

1 letter of support which raises the following issues

- Confident that the houses will be built to a great standard.
- The lane has accommodated a lot of vehicles previously without issue - including skip lorries for a local joiner business
- The access has issues due to other businesses and should not prevent this proposal

PLANNING HISTORY

Reference	Description	Decision	Date
89/P2259	Erection Of 3 Terraced Houses On Land Adjoining Le Ruche.	Refusal	30.11.1989
92/P0438	Single Storey Pitch Roof Extension To Provide Granny Annexe.	Approval with conditions	18.05.1992

POLICIES

Neighbourhood Plans

Broadclyst Neighbourhood Plan (In Preparation)

Adopted East Devon Local Plan 2013-2031 Policies

EN16 (Contaminated Land)

D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)
TC2 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)

Cranbrook Plan (Found sound but not yet adopted)

CB1 (Health and Well being At Cranbrook)
CB6 (Cranbrook Infrastructure Delivery)
CB8 (Cranbrook and Broadclyst Station Built Up Area Boundaries)
CB11 (Cranbrook Affordable Housing)
CB13 (Delivering Zero Carbon)
CB15 (Delivery of Suitable Alternative Natural)
CB16 (Design Codes and Place making)
CB17 (Amenity of Future occupiers)
CB18 (Digital connectivity)
CB21 (Parking at Cranbrook)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Site Description

6 Railway Terrace is an end terrace property that is located to the east of Station Road. The terrace is arranged on a north-west south-east axis and number 6 lies at the eastern end. Unlike the other properties which sit within the terrace, number 6 enjoys a long side garden and paddock that projects the terrace "block" further to the south east. This area is subdivided by fencing and currently has a number of sheds outbuildings and a stable on it which have been used to support the site's current use as a small holding. Hedges and a variety of trees lie on the north, south and eastern boundaries of the rectangular plot.

Access for the existing dwelling is taken from Station Road along a private lane which after leaving Station Road, extends firstly in a north-westerly direction before backing to the north and then veering eastern-wards. A southern access driveway then branches off from the main lane and extends to the existing property. This arrangement allows the lane to pass around existing gardens of the houses within the terrace.

Other than the terrace a small number of existing houses which lie to the west of the terrace are also served from the lane together with two detached dwellings which are located at its far eastern extent where it lies close to the railway line.

Proposal

The application which has been submitted in outline with all matters reserved, seeks permission for the demolition of all sheds, stable and other outbuildings within the garden and paddock together with a previously constructed side extension. In their

place, it is proposed to construct 7 dwellings. While in outline, the indicative layout plan that is submitted with the application indicates an attached dwelling in place of the existing extension (extending the terrace to 7 properties in total) together with 3 pairs of semi-detached dwellings - all arranged in the same plan form as the existing terrace. As with the existing terrace the properties would have their outlook north south, with gardens located to the south and parking to the north - the latter accessed from the same lane which serves the existing terrace and other surrounding properties.

ANALYSIS

As the application is submitted in outline it is in effect simply trying to secure the principle for development of this site for the 7 dwellings proposed. On this basis the report will consider in detail the current policy position and in particular the status of the Cranbrook Plan. It will also review the key detailed issues which have an effect on the principle - for this application, those are considered as access, drainage and impact on the local character. The report will also consider a number of more detailed policy requirements, likely contributions necessary in the event of approval and an appropriate assessment.

Policy Background

The application site is surrounded on three sides by an allocation for residential development that was established through the East Devon Local Plan 2013 to 2031 (EDLP). This Plan was adopted by the District Council on 28 January, 2016. Two outline applications (both covering the same area) for residential development of this allocation have been submitted. While these applications remain to be determined they give confidence that the allocation will be brought forward and delivered and therefore help to demonstrate that the principle for residential development on three sides of the application site is well established through adopted policy. As such there is a strong argument that the site represents sustainable development despite the fact that it is not allocated. Provided suitable connection is made with the allocation, the development will have excellent access to a range of services, facilities and public transport. In accordance with the NPPF and in particular paragraph 38 which in part states that Local Authorities should "seek to approve applications for sustainable development where possible" there is a strong argument in favour of the principle for this development.

Cranbrook Plan

Since the EDLP was adopted, the Council has also produced the Cranbrook Plan 2013 - 2031, which will form part of the overall Development Plan for East Devon. It seeks to integrate with and expand upon the adopted EDLP and again proposes to allocate land that surrounds the application site.

The Cranbrook Plan also introduces a built up area boundary (BUAB) for both the Bluehayes expansion area and separately for Broadclyst Station - for part of their length, these areas have contiguous boundaries. The application site sits within the BUAB for Broadclyst Station.

Having been through two rounds of public hearing sessions and the public consultation on proposed Main modifications, the Inspector who was examining the Cranbrook Plan wrote to the Council on the 11 August 2022. In that letter the Inspector formally advised that with her recommended changes the Plan is sound. The Council are moving towards adoption of the Plan during September but it has not yet completed that process. As such the Plan is not yet part of the Development Plan for the District but does in effect carry substantial weight and is a material consideration in the determination of this application.

With the adopted and proposed allocation of land on three sides and the inclusion of the site within the Built Up Area Boundary which has now been found, the principle of development in this location is strongly supported by policy. While technically contrary to the Development Plan there are no grounds to resist the application on this basis.

Layout

The accompanying plans and documents indicate a development of 7 x 2-storey dwellings comprising 3 pairs of semi-detached dwellings, with the seventh dwelling attached to the western end of the existing terrace. Each dwelling is shown as being served by 2 no. car parking spaces to the front (north side), which are served by the shared surface access road adjoining the northern site boundary.

It is considered that the indicative layout showing 7 dwellings extending in a line from No. 6, could be adequately accommodated on the site without appearing cramped, overbearing, or poorly related to existing dwellings in the terrace and those others located locally; providing sufficient amenity space in the form of south facing rear gardens; and, sufficient parking provision for two cars on each plot. This provision complies with the requirements of the Cranbrook Plan - Policy CB20, which sets out a minimum of 1.7 spaces per dwelling. The existing fencing on the northern site boundary, and trees and hedging on the western and southern site boundaries are shown as being retained, and would provide screening and a degree of softness for the development which would assist in assimilating it into its surroundings.

The proposed layout is considered to be acceptable, indicating how the site could be developed with seven dwellings. In the event of planning permission being granted, it should be conditioned that any submission for Reserved matters approval should closely follow the indicative layout as shown on the proposed block plan by XL Planning shown as Figure 3 in the Railway Terrace, Broadclyst - Technical statement - June, 2021.

Landscape and visual Impact including wider biodiversity

The application site comprises a rectangular shaped plot of approximately 0.2 ha, containing a number of outbuildings, garden structures, animal shelters and a separate stable block. It is bounded by close-boarded fencing on its northern side; has a mature hedge containing hedgerow trees marking its eastern boundary; and, a low hedge interspersed with trees on its southern boundary. Except for the attached dwellings in the adjoining terrace to the west, land use to the other three sides is currently agricultural. To the north and beyond the immediate field lies the Exeter- London Waterloo railway line.

While in plan form the introduction of an additional 7 dwellings elongates built form and could appear as an awkward developed incursion into the rural landscape, the visual impact of the development is likely to be very limited. This is not least the case as, when the adjoining allocation is developed (for which there is a high degree of confidence) the context of the site will change significantly. Were the 7 dwellings to come forward in advance of the allocation, existing hedgerow trees and boundary treatment would in any event help to soften the wider impact. With this arrangement, it is acknowledged that the development would appear a little more awkward, but it remains nonetheless an acceptable impact.

One caution that must be noted here is the presence of disease within the trees along the short eastern boundary. These trees have reached a height where they are now beginning to suffer and even over the course of the application, their decline has been noticeable. Were all the trees on this boundary to fail, it would expose the narrow profile of the development from the east. This is unfortunate but not an issue over which development could be resisted. It is considered that at Reserved Matters stage, suitable mitigation could be secured if necessary.

In terms of ecology, consultants acting for the applicant have undertaken a preliminary ecological appraisal, consisting of daytime visual inspection for bats and birds, and habitat assessment in January 2022. Recognising the presence of buildings and structures that were suitable for bat roosting two bat emergence surveys were undertaken in May and June 2022. The outcome of these surveys is that the site is a confirmed day roost for common pipistrelle and whiskered bats and a European protected species licence (EPSL) will be required to carry out the proposed demolition. In addition a range of mitigation measures are identified including provision of temporary bat boxes, a detailed lighting design to ensure that light levels around the site remains low and that integrated bird boxes and bat tubes are incorporated into the new dwellings. All these measures can be secured by condition in the event that the application is approved.

In advance of National Legislation, the Cranbrook Plan makes it a requirement that sites deliver 10% Biodiversity Net Gain. It is acknowledged that for small sites this can be challenging and as it is an application where all matters are reserved, the consultant ecologist has submitted high level commentary on the likelihood of obtaining 10% rather than undertaking a full assessment against the latest Metric 3. In summary the ecologist considers that 10% on site can be achieved. However given the limited support for this claim it is considered appropriate that in the event that the application is approved, it is supported by a legal agreement. This could place an obligation on the land owner or future developer which recognises that in the event that 10% on site cannot be achieved, off site credits are acquired to ensure the full value of BNG is still delivered.

This approach is not one that would be supported for larger sites but given the scale of development, and the safeguarding that can be secured through the legal agreement is considered a reasonable approach in this instance.

Highways, access, movement and links

The application has been submitted in outline but nonetheless it is important to consider whether a realistic access to serve the site can be obtained. Apart from the principle of development and the relationship/impact on the surrounding area, the main concerns and objections that have been received, relate to the use of the single track lane, its suitability to serve the development both during the construction and operational stages and the safety implications in respect of its junction with Station Road.

Considering firstly Station Road, it is noted that this is a busy link serving Dog Village and Lodge Trading estate to the north and the London Road, airport and other employment sites to the south. It is however acknowledged and set out within the Transport Assessment that accompanies the application that vehicle speeds in the vicinity of the access are relatively low. This results partly from the number of parked cars arising from existing houses that are opposite the entrance and partly from the geometry and alignment of the road which in particular has a notorious sharp S bend just to the north where it crosses the railway line.

While in outline, the application indicates the removal of the central mound that forms a triangle in the middle of the access. While of only limited benefit, this would allow vehicles emerging from the access to position themselves slightly further to the north within the junction and thereby improve their visibility to the south. In this direction oncoming traffic should be positioned to the far side of the road - although with parked cars it is often the case that they are in fact in the middle of the road. As a result of this arrangement vehicle speeds are relatively low and it is considered that sufficient visibility can be obtained. Visibility to the north is better and noting that vehicles are on the near side of the road is important.

Understandably concern has been raised about the ability for cars to pass each other within what amounts to a long private lane. An assessment of the passing places that are available is therefore important. The first passing place is around 120m in from the entrance. While there is one slight bend between the entrance and this passing place, space to manoeuvre in the approach to the bend is relatively good and from the bend there is then a clear line of sight to the passing area. Helpfully there is subsequently a line of sight between that passing place and the next which is approximately 80m further on in the vicinity of existing garages. From this point and over the next 75m or so, the road passes through a more village like environment, with the small number of houses and garages set at varying angles and proximity to the lane but with manoeuvring space available. Beyond and where the land runs parallel with the railway line, the lane is of a different character being wider, with clear visibility and more than sufficient turning and passing space in the entrance to the driveway where it branches to the south and the application site.

Overall, this issue is more balanced, but in considering the vehicle numbers, slow speeds and passing opportunities, it is considered acceptable, although additional improvements, were these to be possible, would certainly assist.

The Local Highway Authority recognise that the trip generation from 7 dwellings will not intensify vehicular traffic in this location adversely, noting that this is particularly

the case if the sustainable travel links come through. They are right to reference this latter point as with the likelihood of development occurring to the north south and east of the site, access from this site into that of the adjacent allocation would allow residents easy access to the range of services facilities and importantly public transport that will be available. It is recommended that in the event of approval a condition is imposed on this application that requires the private driveway to be taken to the site boundary on its eastern edge, as this would allow vehicles to access and connect with development in the allocation when this comes forward. Policy in the Cranbrook Plan ensures that access points are taken to the boundary of the allocation to ensure that connectivity can be secured and therefore the chance of this link being achieved is high. Such a link would reduce the traffic using the lane and facilitate use of the enhanced access and junction arrangements that will connect Bluehayes with London Road.

In addition it is also considered that a pedestrian and cycle link is formed and while it would have been an advantage if this would have connected along the full length of the lane, it is understood that land ownership issues makes this difficult to secure. On balance it is considered reasonable to secure this link for the 7 dwellings with a right for others to connect into it if they wish. It is not considered that this access point necessarily needs to run parallel with the access driveway and could connect to a different part of the adjacent allocation.

Flooding and drainage

The site lies within Flood Risk Zone 1 (Low Risk) according to the Environment Agency's Flood Risk Map. Devon County Council as Lead Local Flood Authority (LLFA) identified that the applicant needed to prepare a surface water drainage management plan which demonstrated how surface water runoff from the development would be disposed of in a manner that does not increase flood risk elsewhere and, in accordance with the principles of Sustainable Drainage Systems (SuDS).

Since this request was made, additional information has been received which identifies that due to the high water table and impermeable nature of the ground condition attenuation and controlled discharge was necessary rather than using infiltration. Given experience from Cranbrook, this arrangement is not surprising.

In this instance given the lack of any locally suitable water course to discharge to, the applicant is proposing to install an attenuation tank under the car parking and driveways of the 7 dwellings with a restricted outfall to mimic as closely as possible greenfield rates. They have sought to increase the very low calculated 0.6l/s rate to 1l/s to help prevent blockages. It is proposed that this would connect with the combined public sewer located to the north. Maintenance for this facility would need to be secured and could be controlled by condition and/or through a legal agreement.

As part of this method for dealing with surface water drainage, an allowance has to be made for climate change. Within the submitted statement that allowance has been set at 40% which was the correct position at that time. However following a change in advice published by the Environment Agency, allowances are now refined and for East Devon this means an allowance should be made of 45%. This marginal increase

means that a larger storage system would be needed, but given the available space this should be capable of being accommodated. At this stage and noting the scale of the application, it is not considered necessary to have an updated statement. However a condition should be imposed on any grant of approval to require the final design to be revised and a 45% allowance made. Maintenance and updated exceedance flows could also be reviewed again at Reserved Matters stage.

Foul drainage would be connected either to the existing private network that currently serves the host property or directly to the adopted network to the north. The latter in particular is an acceptable arrangement and can be managed at the detailed stage.

Affordable housing and housing mix

The application proposes 7 dwellings and is submitted in outline. While National Policy indicates that on site affordable housing should not be sought for schemes less than 10 dwellings Paragraph 23 of the planning Practice guidance Reference ID: 23b-023-20190901 sets out that "In designated rural areas local planning authorities may instead choose to set their own lower threshold in plans and seek affordable housing contributions from developments above that threshold. Designated rural areas applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty." This more particularly set out within the Affordable Housing SPD adopted in November 2020.

The site of the current application falls into this category and in line with other contributions East Devon seek obligations on schemes of 5 dwellings or more. While not adopted yet the Cranbrook Plan has been found sound and on that basis and in accordance with Policy CB10 a contribution equivalent to 15% affordable housing can be secured. While lower than the rest of East Devon, this recognises the infrastructure costs that are local to Cranbrook and Broadclyst Station development and will be discussed in subsequent paragraphs. If approved the affordable housing contribution would need to be secured by a legal agreement

With regard to the on-site housing mix, the indicative layout indicates 3 pairs of semi-detached dwellings and 1 dwelling attached to the end of the existing terrace. Policy CB15 (Design Codes and Place Making) requires at clause 4 "Homes for everyone" - namely a mix of housing types and tenures to suit local requirements. In this instance the site is small and self-restricting as to the variety of size and type that can be achieved. Given the plot constraints and the known local market for this size of units, no objections are raised in this regard.

Education provision

Devon County Council - Education Department has commented on the application and has forecast that the nearest primary schools do not have capacity for the number of pupils likely to be generated by the proposed development. The County Council have therefore sought a contribution towards additional education infrastructure at the local primary schools that serve the address of the proposed development. The contribution sought for primary would be £28,756 (based on the DfE extension rate of £16,432 per pupil). Such a sum would be secured as a planning obligation by entering into a S.106 Legal Agreement.

It is considered that the amount requested, which is based on established educational formulae (related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and the costs of transporting children to school is acceptable in establishing the contribution sought and that such a contribution is fairly and reasonably related in scale to the development proposed.

One area of particular contention within the hearing sessions for the Cranbrook DPD was phasing and the trigger that prevents new housing coming forward within the expansion areas ahead of the first new primary school. This phasing approach which sought to put education at the forefront of delivery has been found sound. However the current scheme which is for 7 dwellings (only generating 1.75 primary pupils) is not caught by this phasing requirement which is only effective within the allocated expansion areas. As such it is considered reasonable that a contribution is sought and secured in this instance

Other matters

Historic Assets - Archaeology, Conservation and Listed Buildings

The site is not located in or near any Conservation Area, and there are no Buildings Listed as being of Architectural or historic merit on or in the vicinity of the site. Devon County Council's Historic Environment Team has advised that it has no comments to make on the application. In respect of any impact on Historic assets, the proposed development is considered to be acceptable.

Environmental Health

The concerns raised by neighbours in respect of noise and disturbance, dust and fumes, and deliveries during construction, and other construction associated activities have been noted. The Council's Environmental Health Team has considered the application in this regard, and has raised no objections to the proposed development subject to a condition securing a Construction and Environment Management Plan (CEMP) being applied to any permission granted. This would also prohibit any burning on site or the use of high frequency audible reversing alarms, and should secure the best possible site management practise in terms of maintaining and controlling Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. In this regard, with such a condition in place, the proposed development is considered to be acceptable.

In respect of the potential for the site or part of it comprising contaminated land, a safeguarding condition has been proposed by the Council's Environmental Health Team. This should be attached to any permission that may be granted. Compliance with such a condition should ensure that any contamination that may or may not be present would be adequately mitigated against and would render the site safe for human habitation.

Recycling and Waste

The comments received from the Council's recycling and Waste Contract manager regarding recycling and bin stores are noted. Details for bin and recycling storage facilities on site and access to them would be dealt with at the Reserved Matters stage as they would form a part of the overall site layout and design. Details can be secured by way of a condition being attached to any permission that may be granted.

Airport safeguarding and Network Rail

The comments received from both Exeter Airport - Safeguarding; and, Network Rail are noted. Exeter Airport has raised no objection from an airport safeguarding stance; and, the comments received from Network Rail regarding drainage details can be forwarded to the applicant as an Informative Note attached to any permission that may be granted.

Other Cranbrook Plan matters

The Cranbrook Plan also secures high quality development which should be built to be zero Carbon. Policy CB12 seeks to minimise the need for travel, minimise energy demand, maximise the proportion of energy from renewable sources and ensure in use performance is measured. On a scheme of this scale, the latter is difficult to achieve but requirements 1, 2 and 3 can be fully addressed. Requirement 1 can be met through ensuring good connectivity with the rest of the Bluehayes development as previously discussed and requirement 2 can be met through achieving a minimum of 19% carbon reduction improvements over the 2013 Part L building Regulations (or current Building Regulations - whichever is higher). This can be secured by condition.

Requirement 3 expects the connection of the development to the District Heat network which already serves Cranbrook Phase 1 and is expected to be rolled out for the Cranbrook expansion areas in the coming months. However this application site is poorly related to the network for early connection and therefore while it is still expected that connection is made, interim or alternative renewable energy provision is required. To meet the expectation of this policy, it is expected that in the event of approval a legal agreement secures best endeavours to connect to the Heat Network but that in the event that this is not possible, alternative renewable energy solutions are delivered to serve the 7 dwellings.

Policy CB16 (Amenity of Future occupiers) requires that homes within the Plan are built in accordance with Nationally Described Space Standards. This requirement is an important component of driving up the quality of homes in Cranbrook and therefore can be secured by condition for these units in the event of permission being granted.

Finally Policy CB17 (Digital technology) requires all new homes to be ready for digital connectivity and in the absence of further guidance the minimum is the requirement for ducting with capacity for more than one provider to install fibre optic cables or sub ducting is provided. Such ducting can be secured by condition.

Infrastructure Obligations

Policy CB6 of the Cranbrook Plan recognises that development which comes forward on unallocated sites but within the Cranbrook Plan area continue to place additional pressures on local infrastructure and this site is no exception. Based on the terms of this policy and in noting the size of the site and the government advice in respect of small sites, contributions rather than direct on site delivery is expected for most infrastructure requirements relevant to this proposal.

Policy CB6 sets out that the infrastructure obligations are derived from 4 categories. Categories 1 and 2 will be addressed in detail and 3 and 4 will be considered more briefly

Category 1 - Physical Infrastructure to be provided by all (generally on site)

For this particular development proposal and noting the size and scale of the development site, some requirements of this category can be expected on site and some will have to be provided as commuted sums off site. In summary:

- Provision and enhancements of open space covering 4 typologies - off site
- Biodiversity net gain - expected to be delivered on site but can be transferred to off-site credits if necessary
- SANGS - off site financial contribution
- Enhanced building requirements (Fabric first measures) - necessarily on site
- Connection to the District Heat Network - as discussed above, all reasonable endeavours to connect are required to be made but if such cannot be made (primarily due to a lack of any local connection point) then alternative energy efficiency measures will be required.
- EV charging provision - to be provided on-site in accordance with Policy or Building Regs

Category 2 - Contributions necessary from all development

Infrastructure in this category is entirely based on off-site measures. As such to meet the obligations, contributions are expected for each of the following three categories:

- SANGS maintenance
- Additional Habitat mitigation
- Travel planning

Category 3 - This category is site specific and to be delivered by the developer. In this case there is no specific on site infrastructure that would need to be captured for/required by this this proposal.

Category 4 - This is off site contributions used to balance the overall package of contributions to ensure a fair and equitable distribution of obligations when measured against those derived from category 3. Category 4 items to which a contribution could be secured include the health and Wellbeing hub, leisure centre, sustainable transport and off site walking and cycling.

In addition and for non-allocated sites, Policy makes an overriding requirement that proportionate contributions shall be made to "on and off site infrastructure in and around the town to mitigate for the increased occupations associated with the development". On this basis contributions towards primary school education (which is otherwise a category 3 item) can still be reasonably secured where additional pressures would result over and above that identified for the allocated housing. For the 7 dwellings identified and based on Q1 2020 figures, proportionate contributions towards category 3 and 4 projects and those more generally located in and around the town amounts to £14,948 per dwelling. This includes contributions towards education.

For the avoidance of doubt CIL does not, in effect, apply at Broadclyst Station, where new residential development is zero rated.

Appropriate Assessment

Natural England has advised that this development falls within the 'zone of influence' for the Exe Estuary SPA, East Devon Pebblebed Heaths SAC; and, East Devon Heaths SPA, all of which are protected areas where the impact of visitors should be mitigated against to both manage visitor numbers and protect the natural resource they are visiting. This is picked up within Policy CB14 of the Cranbrook Plan which requires suitable mitigation to be made to ensure that there is no likely significant effect on these protected environments.

Legislation also requires that the Local Planning Authority undertake an appropriate assessment before determination of an application and that it can only support and approve proposals where it is demonstrated that adverse effects on a sites integrity are prevented.

Supporting the Cranbrook Plan is a specific Habitat Regulations Assessment which found the suite of measures embodied within the Plan to be appropriate and that provided these are followed there is confidence that adverse effects on integrity can be avoided.

In fulfilling this requirement Policy CB14 sets out an expectation that mitigation should be provided - this is in the form of SANGS (delivery and maintenance) and a contribution towards off site measures. The first to encourage recreational activities on less sensitive land (taking pressure off the protected environments), the second to fund direct measures on and around the protected environments to mitigate/manage and reduce the direct impact.

Noting that this site is too small to provide onsite SANGS, it is required to provide the following contributions:

- £990 per dwelling for delivery and enhancement of SANGS
- £600 per dwelling for maintenance of SANGS
- £496 per dwelling to provide habitat mitigation on and around the protected environments

These required contributions fall as category 1 and category 2 obligations based on the above criteria and would therefore be ring fenced for these uses. The figures have

been derived from work done on habitat mitigation measures through the Cranbrook Plan.

The applicants have agreed to make such a contribution in accordance with the provisions of The Conservation of Habitats and Species Regulations 2017 which can be secured as part of the Section 106 agreement. On this basis it is concluded that the scheme can provide adequate mitigation to ensure that there is no significant effect on the designated environments as a result of this development.

RECOMMENDATION

APPROVE subject a Section 106 legal agreement that secures:

- Biodiversity net gain to be delivered as on-site habitat or failing that off site credits
- Off site financial contributions towards SANGS delivery and habitat mitigation
- Other category 1 and 2 infrastructure as set out above
- Proportionate contributions to other infrastructure projects derived from the categories 3 and 4 and the Cranbrook IDP as set out above
- Off-site affordable housing contribution
- The ability for others to connect into and use the footway and cycleway required by condition

and the following conditions:

1. Approval of the details of the layout scale and appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.)
3. Reserved Matters – Layout

The layout of the scheme proposed at reserved matters stage shall closely follow the indicative layout set out on the block Plan prepared by XL Planning and shown as Figure 3 in the Railway Terrace Broadclyst Station Technical Statement dated June 2021.

Reason: In the interest of proving a layout that protects residential amenity of existing neighbouring properties and facilitates future connection within surrounding land all in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and Policy CB15 of the Cranbrook Plan.

4. Reserved Matters – Ecological update

Accompanying the reserved matters application(s) shall be a statement of compliance setting out in detail how the proposed development complies in full with the mitigation measures that are listed within either the preliminary ecological report dated July 2022 which accompanies this application or in the event that reserved matters submissions are made after July 2024 an updated appraisal which re-evaluates the site to ensure that schemes are considered against the up-to-date situation and fully recognises the ecological status of the site.

Reason: To ensure that adequate ecological mitigation is delivered on site in accordance with Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan.

5. Reserved matters – Access to the boundary

For the avoidance of doubt and notwithstanding the indicative block plan drawing P/BP shown in Appendix B of the Technical Statement dated June 2021, vehicular access to serve the 7 dwellings hereby permitted, and existing retained dwelling known as 6 Railway Terrace, shall be taken to the eastern boundary of the site. The driveway which forms this access shall be properly constructed and surfaced in its entirety (including to the eastern boundary) before first occupation of at least three of the properties hereby permitted. In the event of connection with development parcels to the east, it shall thereafter be retained as an open and unobstructed private driveway serving the eight identified properties.

With the same triggers provision for a footway and cycle path shall also be made on site and taken to a boundary with the adjoining Bluehayes allocation. This too shall be surfaced and available before first occupation of at least three of the properties hereby permitted. In the event of connection with development parcels to the east, it shall thereafter be retained as an open and unobstructed route.

Reason: To ensure that an opportunity for adequate connection and integration within the allocated expansion area to the east (known as Bluehayes) is secured in the interest of proper planning, and sustainability and to ensure that a safer alternative access route could be provided all in accordance with Policies TC7 (Adequacy of Road network and sit access) of the adopted East Devon Local Plan and Policy CB15 (Design Codes and Place making) of the Cranbrook Plan.

6. Reserved Matters requirement – Nationally described space standards

Dwellings hereby permitted shall be designed, laid out and constructed in a manner which ensures that they comply with the requirements of the nationally described space standards (NDSS).

Reason: To clarify the terms of the permission and expectations for the dwellings in accordance with Policy CB16 (Amenity of future occupiers) of the Cranbrook Plan.

7. Reserved Matters – detailed drainage proposals

The reserved matters application shall be accompanied by detailed drainage details which demonstrate where and how both foul and surface water arising from the development shall be managed.

For the avoidance of doubt, surface water drainage calculations shall make an allowance for climate change based on the current and updated requirements - that being 45% rather than 40 % as used within the details which accompanied this outline application.

Reason: For the avoidance of doubt and in the interest of securing a robust drainage scheme in accordance with Policy EN22 (Surface Run off implications of new development) of the East Devon Local Plans

8. Reserved Matters – Waste and recycling

Accompanying the reserved matters application shall be full details of waste and recycling collection point(s) and any housing/structure required for it. In accordance with approved details, the point(s) and associated structures shall be provided in full in accordance with those details prior to the first occupation of any of the 7 new dwellings.

Reason To ensure that details of waste and recycling are considered early in the detailed planning of the site and that these recognise the layout of the scheme, the length of the private driveway and the limited passing opportunity for refuse vehicles, in accordance with Policy D1 (Design and Distinctiveness) of the adopted East Devon Local Plan.

9 Reserved Matters – Energy Strategy

Accompanying the reserved matters application(s) shall be a detailed energy strategy which sets out how the development hereby permitted can reach Zero Carbon through a mix of onsite fabric first measures and renewable energy generation which will ensure that each dwelling achieves a minimum 19% Carbon reduction improvement over Building Regulations Part L (2013) together with connection to the District Heat Network. Where evidence is provided that such a connection is not reasonably practicable having used all reasonable endeavours, details of additional on plot renewable energy technology necessary to ensure that the scheme can still reach zero Carbon must be provided.

Development shall only be undertaken in accordance with the approved details.

Where connection to the District Heat Network is achieved, details of the necessary on site infrastructure, which ensures that systems within the property

connect at the plot boundary shall have been submitted to and agreed in writing by the Local Planning Authority. In addition 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. Development 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) and Policy CB12 (Delivering Zero Carbon) of the Cranbrook Plan

10 Pre commencement – Tree protection

Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

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

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

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

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

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

11. Pre commencement – CEMP

A Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and must be implemented and remain in place throughout the

development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site. (Reason: A pre-commencement condition is required to ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

12 Pre commencement – Land contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (add as appropriate i.e. 1, 2, 3 and/or 4) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed, and the provision of reports on the same must be prepared, both of which are 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's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the requirements of Policy EN16 - Contaminated Land of the Adopted East Devon Local Plan 2013-2031.)

13 Pre occupation – Management of surface water

The development hereby permitted shall not be first occupied until a scheme for the maintenance and management of the surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt this shall include details of any proposed adoption of the system and how maintenance of the private sections of the network would be funded and how and when the maintenance would be implemented.

Reason: In the interest of securing a robust drainage scheme which is properly maintained and managed interests of flood prevention in accordance with Policy EN22 (Surface Run off implications of new development) of the East Devon Local Plan.

14. Prior to installation - Below ground infrastructure

Prior to the installation of below ground infrastructure, details of the infrastructure and a timetable for their 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. This shall be capable of accommodating at least 2 providers' sub ducting or 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 gigabit technology 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), and 38 (Sustainable Design and Construction) and policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013 - 2031 together with Policy CB17 (Digital Connectivity) of the Cranbrook plan.

Informative:

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

Plans relating to this application:

EX/SLP	Location Plan	13.10.21
2021_041_01 :	Landscaping	30.09.21
topographic survey		
0500 P1 :	Other Plans	07.02.22
Drainage strategy		

List of Background Papers

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