

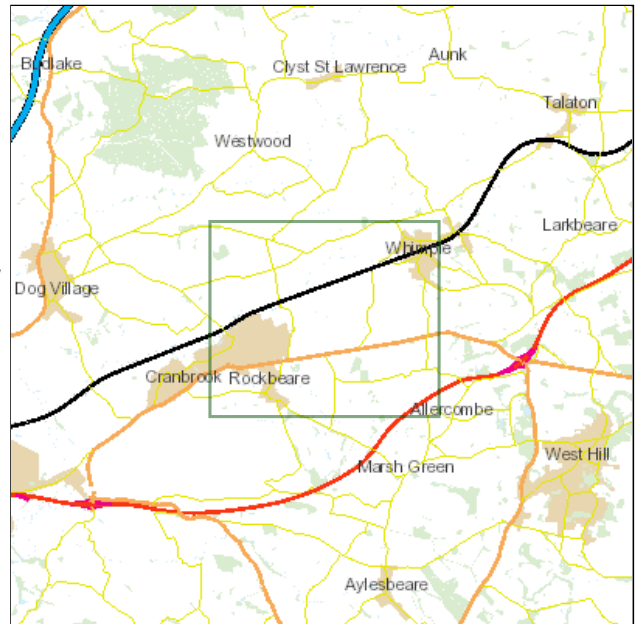
Ward Cranbrook

Reference 22/0406/MOUT

Applicant Persimmon Homes

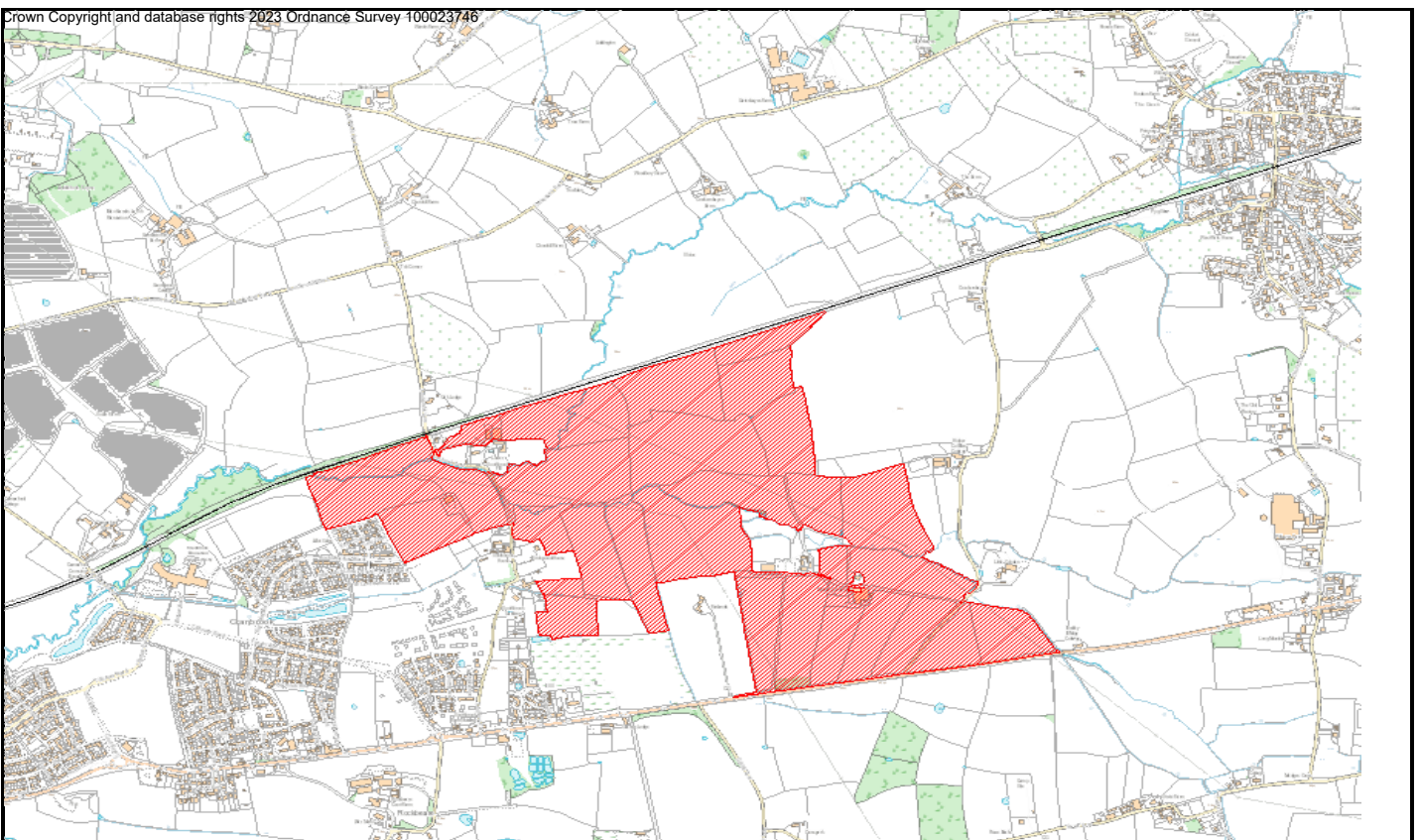
Location Land At Cobdens North Of London Road East Of Cranbrook

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



RECOMMENDATION:

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



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

RECOMMENDATION:

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

EXECUTIVE SUMMARY

This application is before members as it has received an objection from Whimple Parish Council.

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

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

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

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

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

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

The accesses have been the subject of much discussion over the course of the application and they have all been subject to a Road Safety Audit (RSA) stage 1 assessment. Final tweaks and adjustments have been made late in the process to largely bring them in line with considerations of safety and also try to address concerns from the DCC Highway Signals team. In part, the outstanding issues relates to the exact arrangement of the cycle lane provision where this crosses the Gypsy and traveller junction. This can be made safer with minor tweaks and therefore its arrangement can reasonably be subject of a condition. Final materials and a landscaping palette for all three of the junctions is required but this too can be secured by condition in the event of approval.

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

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

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

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

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

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

The Environment Agency initially objected to the proposal after considering the flood modelling information that they held gave insufficient certainty as to the extent of the flood zones which pass through the centre of the site. However significant work has been undertaken by the developer's consultant in producing flood modelling to satisfy the EA. While not finally signed off the EA have confirmed that the modelling now gives them sufficient comfort that final modelling work to refine the identified boundaries can be subject of a condition. As this is now about refinement rather than trying to resolve substantial uncertainty, the approach that the EA propose is pragmatic and reasonable.

The delivery of the neighbourhood centre and land for a place of worship, parsonage and cemetery are beneficial. The provision of these important community assets help with the sustainability credentials of the scheme. They also help to maximise the number of internal trips made within the site – thereby minimising the number of external vehicle based trips that would use the local and wider highway network.

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

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

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

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

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

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

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

CONSULTATION RESPONSES

Town and Parish Council responses

Cranbrook Town Council (13/04/2022)

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

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

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

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

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

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

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

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

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

Whimble Parish Council (22/04/2022)

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

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

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

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

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

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

Neighbour responses:

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

Objections

London Road

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

Other highway matters

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

Town Infrastructure

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

Design, landscape and wildlife

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

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

Drainage

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

Gypsy and Traveller

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

Other

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

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

Support

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

Technical consultation responses (summary)

(Full text included as appendix 1).

Technical consultee Responses		
	Arboricultural Officer (East Devon)	Amendments made to the scheme since its original submission are supported. Loss of trees at the Southbrook Lane junction are noted; and although regrettable their loss is acceptable and can be mitigated
	Church of England	Supportive of land for a place of worship and site for church workers dwelling. Location and site size for the place of worship needs to ensure that meets attributes appropriate for activities that may take place at the wedding e.g. weddings and funerals.
	Conservation	Acknowledged that the site is limited in terms of built heritage. Farmhouses on the site are of local interest and future design/development can be sympathetic to their setting. Potential harm from cumulative impact of development likely to the Killerton Estate and Registered park and garden. Degree of harm should be evidenced through additional visual assessments.
	Contaminated Land Officer	Targeted ground investigation may be required. Recommended condition.
	Devon County Council	
	Local Highway authority	Following receipt of updated and additional information including a Road Safety Audit (stage 1) support the scheme provided suitable conditions and section 106 obligations are secured
	Local Education Authority	No objection to this application on education matters subject to the imposition of appropriate conditions; securing of land for a 3FE primary and SEND schools, and

		provision of contributions toward education infrastructure. Condition requiring surface water flow path sought.
	Children's services	No objections subject to contributions towards children's services
	Youth service facilities	No objections subject to contributions towards youth service facilities
	Library services	No objections subject to contributions towards library services
	Extra care housing provision	No objections subject to contributions towards extra housing provision
	Gypsy and Traveller provision	Welcomes the provision of provision of 10 serviced permanent pitches for Gypsies and Travellers on a site of at least 1 hectare. This provision is consistent with the Policy
	Health and wellbeing (Public Health)	No objection to this application on matters relating to health and wellbeing subject to provision of s106 contributions and further details being resolved at reserved matters stage. Completion of allotments should be made early within the delivery of the scheme
	Lead Local Flood authority	No in-principle objections to the application from a surface water drainage perspective provided a pre-commencement condition is imposed for additional details
	Historic environment service	Subject to appropriate planning conditions, the council has no objection on this matter
	Waste team	Subject to an appropriate planning condition, the council has no objection on this matter
	District Ecologist	Revisions to the proposal address the majority of the concerns and suggestions raised by EDDC. BNG assessment continues to show shortfall within phase1 which needs to be addressed. No survey information has been presented for the northernmost barn.
	Environment Agency	Initial objections withdrawn provided conditions are attached to grant of permission which address matters including: <ul style="list-style-type: none"> • Flood resilience • Corridors adjacent to water courses • Water course crossing
	Environmental Health	EH do not anticipate any environmental health concerns.
	Exeter and Devon Airport	The proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria
	Green Infrastructure Project Manager	No reference to the Clyst Valley Regional Park and to LTN 1/20. Concern about lack of clarity over future use of Southbrook Lane and Cobden Lane and their potential as safe multi user routes

Historic England	The LPA need to be satisfied of the cumulative impacts on the setting of Killerton Park - the grade II* listed House, the grade II* Registered Park and Garden and various other designated assets
Housing Strategy (EDDC)	Once adopted the Cranbrook Plan will clarify the % of affordable dwellings. Future discussions will be needed on housing products and mix and tenure split. Any viability issues will need to be evidenced.
Landscape Architect	Amendments address many of the initial concerns. London Road frontage appears to lack a coherent approach and junction sizes are questioned. Adequate details through condition and at Reserved Matters stage important.
NHS Devon	In the event that a Health and Wellbeing Hub at Cranbrook is not forthcoming, request contributions of £804,518. This is requested to enhance the primary care health facilities that can accommodate the expected increase in population.
NHS - RDUH	Royal Devon University Healthcare NHS Foundation Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare and requests £920,750 to go towards the gap in the funding created by each potential patient from this development.
National Highways	No objection but recommend that conditions should be attached to any planning permission that may be granted. Excess housing sits within the identified total 4170 dwellings which have been previously assessed.
Natural England	Proposed car parking for the SANGS is welcomed. Most other issues addressed although care will need to be taken in respect of BNG calculations and conditions required to protect soil resources.
Network Rail	No objection in principle but asset protection is required. In addition fencing is required along the length of the site to ensure that a trespass proof fence exist between the site and railway line.
Police Crime prevention Officer	Designing out crime principles must be embedded in the detailed design of the scheme.
Recycling and Contract Waste manager	No comment
RSPB	Recommend that complying with BS42021:2021 is made a condition of the consent; proposed details will need to be captured in a future LEMP.
South West Water	No objection subject to details of foul and surface water drainage being submitted for prior approval. Care will need to be taken with waste waters resulting from construction activity and waste tankered off site.
Sport England	No objection in principle to housing growth but raise a number of points in this response that should be considered. The principles of Active Design should be

		followed in future detailed considerations. Seek community use agreement for facilities
	Urban Design (EDDC)	There is a sound framework from which detailed reserved matters can be developed. Further details and delivery of appropriate cycle network is important. Careful choice of materials is important for the public realm is important.

APPENDICES:

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

Appendix 2 – Appropriate Assessment

PLANNING HISTORY

Reference	Description	Decision	Date
03/P1900	A new community comprising up to 2,900 residential dwellings; a town centre and a local centre including retail, residential and employment; assembly and leisure uses; non-residential institutions (including two primary schools and one secondary school); sports and recreation facilities; a country park; a railway station; landscaping; engineering works; associated infrastructure; and car parking for all uses.	Approval with S106 agreement and conditions	29.10.2010
15/0047/MOUT	Up to 1,750 residential dwellings, one 2-form entry primary school, local centre comprising up to 1,000sq m of A1 uses plus A2, A3, A4, A5 uses and up to 1,250sq m B1 Business use. Sports and recreation facilities including children's play, green infrastructure (including open space), community uses (including non-residential institutions), assembly and leisure, landscaping and allotments. Access from former A30, engineering (including ground modelling and drainage) works, demolition, associated infrastructure and car parking for	Not determined (closed)	07.04.2022

	all uses. All matters reserved except access.		
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POLICIES

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

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

In this instance, the relevant Development Plan comprises

- The Cranbrook Plan Development Plan Document 2013-2031;
- East Devon Local Plan 2013-2031

Relevant Cranbrook Plan Policies

CB1 (Health and Wellbeing At Cranbrook)
 CB4 (Cobdens Expansion Area)
 CB5 (Grange Expansion Area)
 CB6 (Cranbrook Infrastructure Delivery)
 CB7 (Phasing)
 CB8 (Cranbrook and Broadclyst Station Built Up Area Boundaries)
 CB9 (Public Transport Enhancement)
 CB10 (Cranbrook Affordable Housing)
 CB11 (Cranbrook Custom and Self Build)
 CB12 (Delivering Zero Carbon)
 CB13 (Safeguarding of land for energy uses)
 CB14 (Delivery of Suitable Alternative Natural Green Space)
 CB15 (Design Codes and Place making)
 CB16 (Amenity of Future occupiers)
 CB18 (Coordinated sustainable travel)
 CB20 (Parking at Cranbrook)
 CB21 (Cranbrook Town Centre)
 CB22 (Residential Development in the Town Centre and Neighbourhood centres)
 CB24 (London Road Improvements)
 CB25 (Allotments)
 CB26 (Landscape, Biodiversity and Drainage)

Relevant Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)
 Strategy 3 (Sustainable Development)
 Strategy 7 (Development in the Countryside)
 Strategy 8 (Development in Green wedges)
 Strategy 9 (Major Development at East Devon's West End)
 Strategy 10 (Green Infrastructure in East Devon's West End)

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)
Strategy 46 (Landscape Conservation and Enhancement and AONBs)
Strategy 48 (Local Distinctiveness in the Built Environment)
Strategy 49 (The Historic Environment)
Strategy 50 (Infrastructure Delivery)
D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)
EN5 (Wildlife Habitats and Features)
EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)
EN8 (Significance of Heritage Assets and their setting)
EN9 (Development affecting a designated heritage asset)
EN14 (Control of Pollution)
EN16 (Contaminated Land)
EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)
EN21 (River and Coastal Flooding)
EN22 (Surface Run-Off Implications of New Development)
H7 (Sites for Gypsies and Travellers)
E12 (Neighbourhood Centres and Shops)
RC2 (New Open Space, Sports Facilities and Parks)
RC3 (Allotments)
RC6 (Local Community Facilities)
TC1 (Telecommunications)
TC2 (Accessibility of New Development)
TC4 (Footpaths, Bridleways and Cycleways)
TC7 (Adequacy of Road Network and Site Access)
TC12 (Aerodrome Safeguarded Areas and Public Safety Zones)

Government Planning Documents

National Planning Policy Framework (NPPF 2021)

1.0 Site Description

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

- 1.3 To the west of Southbrook Lane, land rises up more sharply to connect with Cranbrook Phase 1 and then wraps around the hill top with a steep drop off to the north. Here lies the Cranny Brook (still within the application site) with the railway line to the north. The flattest part of the site is located along the London Road frontage and land immediately to the north of this.
- 1.4 For clarity the site wraps around but excludes Lower Southbrook and Beckingdale, Lower Cobden (and its immediate environs) and Middle Cobden farmhouse and a single barn associated with that farm. The access track to the farm is however included within the application.
- 1.5 There are no listed buildings on the site although both Lower and Middle Cobden Farmhouses are regarded as non-designated heritage assets. To the east of Cobden Lane and north of the site is Little Cobden which is listed Grade II. There are no other listed buildings within the immediate vicinity of the site although other designated assets do lie in Rockbeare to the south, Hand and Pen to the east and Whimple to the north east.
- 1.6 The site is not subject of any international or national nature conservation designations but is located within the 'Zone of Influence' of the East Devon Pebblebed Heaths Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) and the Exe Estuary SPA, SSSI and Ramsar site.

2.0 Proposal

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

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

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

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

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

2.9. Built form (and height) plan

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

2.10. Movement Plan

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

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

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

2.11. Phasing Plan

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

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

2.12. Green and Blue Strategy Plan

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

2.14. Masterplan

2.14.1. While not a parameter plan there is also an overriding masterplan which brings the parameter plans together and demonstrates how they work together. It is these six plans that will be regularly referred to in the course of this report.

3.0 ANALYSIS

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

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

The policy context and principle of development

- 3.1.1. The East Devon Local Plan 2013-2031 (EDLP) sets out the strategic policy for development across East Devon. Relevant for this application, Strategy 1 of the Local Plan sets out the planned provision (including existing commitments) to be made in East Devon of a minimum of 17,100 new homes and approximately 150 hectares of land for employment purposes during the plan period. Chapter 7 of the Local Plan provides the strategic policy framework for the West End of East Devon and Strategy 9 sets out a number of schemes at East Devon's West End, including the major new East Devon market town of Cranbrook. Importantly Strategy 3 advocates for sustainable development and recognises that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways.
- 3.1.2. The Cranbrook Plan DPD was adopted on 19 October 2022 and now forms part of the development plan for the District. In the context of the current application, it is an important starting point for its assessment.
- 3.1.3. The Cranbrook Plan identifies the vast majority of the application site as falling within both the Cobdens Expansion Area, identified by Policy CB4 and the built up area boundary (BUAB) identified by Policy CB8 with only two sections falling outside these boundaries – one to the far northwest of the site falling outside of both, the second to the east of the Southbrook Lane hamlet falling outside of the expansion area boundary but inside the BUAB
- 3.1.4. For the first of these, the BUAB to the north west forms a rectangular parcel that sits astride the hill top with both the Cranny Brook valley floor and railway line, lying to the north. In the adopted Plan, the Boundary was kept away from the break in slope to provide space for landscaping and to limit the prominence of housing in this elevated location. The application seeks to extend the built envelope to the north closer to the break in slope and also to the east (again closer to the break in slopes as the contours swing round to the south).
- 3.1.5. Although extending the proposed built envelope in this location the developers have sought to evidence that this causes no harm and have also reduced the degree of eastward extension from that initially proposed. This latter element was always the one which caused most concern being elevated above public vantage points from both Southbrook Lane and the rising SANGS land further east. With the changes now proposed, it is considered that the extent of visual impact is acceptable given that this is an outline application. Particular care will still be needed at reserved matters stage and a detailed landscaping scheme required to soften what could otherwise still appear as a stark and harsh developed edge. However with the evidence submitted and a decrease in the harm previously identified as a result of the reduction in the eastward extent of development, this element while technically breaching policy, is considered acceptable and without significant harm.

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

Housing (total quantum)

- 3.2.1. In considering the housing quantum proposed it must be recognised at the outset of this section that the Council does not have a 5 year housing supply. As such housing that this site is proposing weighs very heavily within what must be regarded as a tilted balance in favour of residential development. It is also notable that the allocation in CB4 seeks 'around 1495 dwellings' of which this site would be expected to deliver around 1213. In fact the application is proposing up to 1435 dwellings (222 over those expected from this site). Clearly these will take time to be developed and therefore it is estimated that around two thirds will fall outside of the 5 year assessment period, but it demonstrates a commitment to delivering this allocation, builds in a buffer for its delivery and helps to deliver housing within the next plan period. Importantly this allocation and the excess housing proposed are in the right place – a location which is already allocated and by virtue of the existing and proposed infrastructure, sustainable. It is a site that supports this level of housing growth.
- 3.2.2. It is acknowledged that excess housing can in itself put pressure on some of the infrastructure that has been planned but additional contributions and mitigation can be secured against this (in accordance with Policy CB6) where it is deemed necessary. A chapter within this report will focus on infrastructure and obligations and will consider this aspect in more detail.
- 3.2.3. In addition it is noted that excess housing over and above that which is planned can affect in particular the local and strategic highway network. A significant amount of work has been undertaken to review these impacts and these will be assessed in more detail under the Highways Section. Nevertheless, and while excess housing is not without its challenges, it is in this context a significant benefit which weighs in favour of the application.

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

Affordable Housing and custom and self-build

- 3.3.1 Beyond the basics of housing numbers it is important to note that the scheme proposes a policy CB10 compliant 15% affordable housing. As a starting point it is expected that this would be split 70% rented and 30% affordable home ownership. This would be a policy compliant position that helps to meet the needs of the local community and means that the scheme would deliver up to 216 affordable homes. This is a significant number and would make an important contribution to the housing needs in the District. The final mix of house sizes remains to be negotiated although it is noted that the emerging Local Plan (recognising the latest evidence) indicates that a mix of 12% 1 bedroom, 37% 2 bedroom, 40% 3 bedroom and 11% 4 bedroom plus would meet the identified need. This will be the starting point for negotiation which will also need to recognise the importance of trying to secure some social rented units (as opposed to just affordable rent) – again based upon the latest needs evidence.
- 3.3.2 The applicant will be expected to phase the delivery of these units and cluster them in groups of no more than 10. This number, which is derived from the affordable housing SPD helps to balance integration of the units within the community with the need for cost effective management and ownership by the Registered Providers. As such and provided this is appropriately captured within a future legal agreement, this acts as a significant benefit that arises from the application and clearly weighs in support of the proposal.
- 3.3.3 On a linked theme, Policy CB11 requires that 4% of the development is made available for Custom and Self Build (CSB). In a similar vein to affordable housing, this helps to meet a particular demand and in so doing, broadens the housing offer that is available at Cranbrook. Currently there is a fair degree of consistency between and within the existing stock. Custom and Self Build is one way of addressing this as the town expands. In this regard the applicants are agreeable to this provision.
- 3.3.4 While triggers and phasing remain to be sorted out it is important that a phased release of the units is secured. To have all plots available at the same time, risks saturating the market such that not all are taken up. With a

cascade mechanism already allowed for in policy (and the resulting release of units from a CSB restriction), the risk is that unsold plots get lost to this section of the market and fail to fulfil their intended purpose. Ultimately this detail can be agreed by negotiation as part of the Section 106 that would be required in the event of approval. At this stage it is simply relevant to note that 4% of plots would be made available for custom and self-build and as such this is a benefit which supports a positive determination of the application.

Building standards and Nationally Described Space Standards

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

Gypsy and Traveller Pitches

- 3.5.1 Within Policy CB4 (Cobdens expansion area) of the Cranbrook Plan, provision is also set out that the expansion area must deliver 10 serviced pitches for Gypsy and Travellers on at least 1.0ha of land . In accordance with the Policies Plan these are proposed to be located at the far east of the site – more particularly north of London Road and east of Cobden Lane. Located in this position and while a smaller area than the allocated site, the proposal meets the policy requirement of 1.0ha and provides the site with direct access from the London Road. As will be discussed in more detail later, the access in this position will require slight regrading of the adjacent land, (the field is slightly lower than the road) but this can be resolved at the detail design stage.
- 3.5.2 The point of access has been a particular concern within the submitted responses received during the consultation. These note the position of the access is on a fast straight section of road and therefore the risk of collision is high. As will be discussed within the highways section of this report, the applicants have evidenced that with careful positioning of the junction and traffic calming, the access can be made safe.
- 3.5.3 A significant issue that arose more particularly during examination of the Cranbrook Plan, is the visual impact that the site's location may have on the entry to the town – it is at the eastern gateway. Although this issue was explored at examination when the Inspector found no reason to criticise the site's proposed allocation, it is necessary to further address this issue here.

- 3.5.4 It is acknowledged that the development of this part of the site comes with challenges, regardless of the proposed land use. However the site is close to being at grade with the London Road (or slightly lower) and is set at right angles to it. With careful boundary treatment it is considered that the site can be presented with an attractive frontage which is important for this entry point to the town. In addition, when the Grange expansion area comes forward to the south (under Policy CB5) the site is likely to feel less exposed. Overall the location is in accordance with the adopted site allocation, and should be supported.
- 3.5.5 In terms of need, it was acknowledged at examination that the Town is required to deliver Gypsy and Traveller Pitches. In the Local Plan this was originally set at up to 30 pitches within the now superseded Strategy 12 but was clarified as 15 within the Cranbrook Plan with delivery to be split over two sites - 10 at Cobdens and 5 in Treasbeare. The Council is obligated to ensure housing delivery meets the needs of all sectors of the community and this includes accommodating the needs of the gypsy and traveller community. Furthermore, in carrying out its functions, the Council must ensure that it complies with its obligation under the Public Sector Equality Duty. This includes eliminating discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act and advancing equality of opportunity and fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. Romany gypsies and Irish Travellers are protected as 'races' under the Equality Act.
- 3.5.6 Gypsies and Travellers are a group within the community who have an equal right to good quality well located places to live. This application proposes to help meet the identified need and in so doing, complies with Policy CB4. The pitches represent a significant benefit of the scheme and their delivery and phasing can be secured through the section 106 in the event of approval.

School

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

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

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

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

Cemetery

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

Landscape and visual impact

- 3.8.1 Landscape plays a critical role for the setting and assessment of the various land uses discussed and underpinning this is the landscape and visual resources chapter (chapter 11) of the Environmental Statement that accompanies the application. The full extent of that chapter will not be repeated here but instead a brief summary of the approach taken and issues where these are relevant discussed.
- 3.8.2 Fundamentally the ES recognises that the site lies within the Landscape character type (LCT) of Lowland Plains which are defined by amongst other aspects, level to gently sloping or rolling plains between the valley floor and

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

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

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

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

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

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

- 3.8.16 Taking the scheme in the round and in recognising the assessment against landscape and visual impacts, it is considered that the scheme has the ability to be a success in marrying built form within the landscape in this location. As recognised above details can be controlled through Landscape Biodiversity and drainage Strategy and at reserved matters, but at this stage it is considered that the applicants have successfully demonstrated the scheme works with its landscape context and meets with the objectives of policies CB15 (Design Codes and place making) and CB26 (Landscape Biodiversity and Drainage).

Agricultural Land and soils

- 3.9.1 Soil is a valuable commodity and one that needs to be looked after to ensure that it is productive and appropriate for the particular environment and function that it is being asked to support. This is recognised within the NPPF paragraphs 174 and 175 as well as its accompanying Planning Practice Guidance (PPG) which also highlights that soil is an essential natural capital asset that provides important ecosystem services such as a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. In this regard the ES recognises that sustainable use and management of soil resources during construction can help with the re-establishment of soil functions following their storage or movement, including for food production, habitat provision and support, and natural cycling of elements such as carbon and nitrogen.
- 3.9.2 15 soil profiles were examined on site and compared with the previously mapped agricultural land classification mapping undertaken by DEFRA. 13 of the 15 correlated with the mapping while the remaining two showed that the soil was one grade lower than the mapping would have suggested. However the ES considered this good correlation and therefore took confidence on the ALC distribution.
- 3.9.3 The ALC maps were referenced at the site allocation stage (when the Cranbrook Plan was being prepared) and at that point it was recognised that the expansion of the town would result in the loss of some land which was identified as Best and Most versatile agricultural land (BMV). This is land which is classified as grade 1, 2 and 3a. The harm that was identified was balanced against the need for additional housing development which was located in the right place – i.e. with good access to and connection with infrastructure and services. On this basis the Cobdens site allocation was proposed, found sound and adopted as an allocation.
- 3.9.4 The current proposal now confirms that the development would result in the loss of 81.9ha ha of BMV agricultural land (grade 3a) which is found over 80% of the Site – This does however include land that is not “sealed” but used for SANGS purposes and therefore is, to an extent reversible. However as a major change to the BMV land the ES has correctly recorded this as a major adverse impact which is significant.

- 3.9.5 The ES does not address in detail the risk of damage to and loss of soils and topsoil during the construction phase if for example dissimilar materials such as subsoil or other materials were stockpiled directly on it without a separating layer or possibly through the mixing of topsoil, subsoil and other materials during stockpile placement or removal. It also only gives cursory mention of the risk of long-term damage to soil structure, and the loss of potentially valuable soil, if there is uncontrolled trafficking of land and soil by heavy machinery, especially wheeled machinery. Instead it focusses simply on the permanent loss through construction phase. In so doing this fails to recognise the mitigation that to some degree is achievable.
- 3.9.6 Notwithstanding this omission and to help limit the potential effect it is possible to secure a range of mitigation measures that should be employed during development. These are most readily captured in a Soil resource Management Plan (SRMP) which should be prepared at the detailed design stage and form part of the Construction Environment Management Plan (CEMP) – ultimately being controlled and enforced by condition.
- 3.9.7 It is anticipated that the SRMP would include details on the most appropriate reuse for the different types of soil and the proposed method for handling, storing and replacing soils on site. While any harm to soils is unfortunate, the reuse and proper handling of it should help to ensure that it can continue to fulfil a meaningful role within the environment.
- 3.9.8 Linked to soils, although clearly as a land use rather than the technical assessment in its own right are the provision of allotments. The reference to their requirement here is borne about because it forms a direct use of the quality soil that is available. It is recognised that establishment of good quality allotments relies on the careful soil preparation; avoiding compaction of underlying clays; removal of large stones, addition of good quality topsoil and the ability for future allotment holders to have access to water, sheds (there should be at least one communal shed in case people don't have access or the money to provide their own) and a small number of plots that are suitable for disabled and wheelchair access. These requirements can be secured through a Section 106 agreement and/or condition but demonstrate a key way of securing the use of good quality soils and linking these with Policy CB1 (Health and Wellbeing at Cranbrook) and CB25 (Allotments). Community gardens – advocated by the environment Agency are a further benefit that can make good use of quality soils and be secured through the LBDS. Overall the proposal currently proposes a policy compliant quantum of allotments centrally located with good access. This location is considered to be good and accords with Policy CB25.
- 3.9.9 Their late delivery in phase 3 of the development is however unacceptable. They represent an important community resource for which it is known that there is already demand locally – something which is expected to continue in this phase of development. While their location lies north of the stream corridor they are close to the phase 1 boundary. As such it is not considered unreasonable to flip phases 2 and 3 or to reconfigure these two phases to

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

Historic environment

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

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

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

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

3.10.4 The ES initially considered a 1km radius study area focussed on the centre of the site. A wider study area was also considered in relation to listed buildings and registered parks and gardens in order that the potential effects on their settings could be assessed. This exercise identified that within the site there are no designated heritage assets although a number of non-designated heritage assets are present and were duly considered.

3.10.5 In terms of designated assets, the closest is that of Little Cobden Farm which is located immediately north of the eastern most extent of the site. This is a 16th century and later, cob building and is believed to have originally been thatched with an open hall. It is partially screened from the site by its own boundary vegetation and lane-side hedgerows to its west. Its setting is enhanced by the agricultural nature of the surrounding landscape.

3.10.6 Focussing on this closest property to start, it is recognised that to introduce built development on land which is both within relative proximity of the asset and allows for some appreciation of the asset would result in some harm. The assessment made within the ES that the asset is screened is not agreed.

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

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

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

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

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

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

Water Resources and Flood Risk

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

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

- 3.11.5 An important component of considering the water resources and flood risk from a site is the ability to deal with runoff that inevitably arises from development. When a site moves from being a greenfield environment to one with impermeable surfaces on it, there is a risk that more water will get into the local river system more quickly with the risk of increased flooding. This is something that for a long time has been resisted and therefore there is an expectation that surface water is appropriately managed on site so that the peak discharge is reduced and at least mimics the natural greenfield rate. To add a further safeguard to this approach, there has for some time been an additional allowance made for climate change – originally at 20%, more recently at 40% and during 2022 increased to 45% within East Devon. It is this higher figure that has been correctly used in the drainage calculations within this application and establishes the most cautious approach to management of surface water that can be applied.
- 3.11.6 To ensure that surface water is adequately managed on site it needs to be attenuated, where excess water is stored on site before being released back into the natural river system when capacity allows – this affects not just the finished development but also periods during construction when final basins are not in place but increased run off can still occur (often more heavily silt laden) therefore with the higher risk of causing flooding.
- 3.11.7 In this instance and to help ensure that adverse effects don't occur during the construction phase a drainage strategy for this period (bespoke to each phase of development) should be required by condition. This can be captured and managed through a submitted Construction Environment Management Plan.
- 3.11.8 Turning back to the principle of ensuring that surface water drainage doesn't lead to increased flood risk, and in noting that large parts of the site do not have adequate permeability to allow natural infiltration, it is proposed to create a series of drainage attenuation basins – whereby water is captured, stored and then released. While in principle only at this stage, the size and specification of the basins have been assessed by Devon County Council as Lead Local Flood Authority who have indicated that such basins are sufficient to meet the requirements of attenuating at the greenfield run off rate +45% allowance for climate change. Overall it is envisaged that this network of basins serve a series of identified catchments and work together to manage flood risk, which is in accordance with East Devon Local Plan policy EN22 (Surface run-off implications of new development). This framework can be secured through the Landscape Biodiversity and Drainage strategy required by Policy CB26.

- 3.11.9 The applicants have also committed to additional at source SUDS features such as permeable/porous surfaces, swales, bio retention areas, and filter trenches which are a further important tool in water management. While helping to slow the movement of water down, they also act as an important means of improving water quality. This too is an expectation of Policy CB26 (Landscape, biodiversity and drainage).
- 3.11.10 Water quality is a notable component of biodiversity and the ecological status of an environment and it is noted that the EA have identified the quality of the Cranny Brook in 2019 as “Moderate” overall, with an ecological classification of “Moderate” and a chemical classification of “Fail”. It was identified that the reasons for this derive from
- Point sources of pollution from urban areas and transport infrastructure.
 - Diffuse sources of pollution from poor livestock management and poor soil management.
 - Ecological discontinuity (barriers) impacting the movement of fish.
- 3.11.11 While with care the first can, if properly managed be resolved - at least in respect of this site, by the careful management of activity within its control (i.e. by the implementation of conditions such as Construction Environment Management Plan), and the second would naturally fall away (again in respect of this site), the third requires more consideration. In particular it is noted following a site visit that there are a number of blockages or partial blockages along the Cranny Brook and its tributary where it passes through the site. These are from manmade bridges structures and culverts, a number of which are broken and partially collapsed. It is considered reasonable and identified within the ES (12.114) that as part of this development such instances of blockage are removed or replaced with suitable structures that avoid the identified discontinuity. These should be picked up in an updated version of the Landscape Biodiversity and Drainage Strategy (required by Policy CB26) and which can be secured by condition. It is expected that the detail for the actual works to each structure would then be addressed within a Reserved Matter application that is relevant to that particular part of the site. This approach would be in accordance with Policy CB26 of the Cranbrook Plan. In addition any new culverts can be secured to be oversized and/or designed with wildlife passing routes created. It is also recommended that headwalls as far as possible are designed to be attractive and reflect the more rural characteristic that the stream corridor it is trying to present. Again this element can be managed by condition and supported by Policy D1 of the Local Plan and CB15 of the Cranbrook Plan.
- 3.11.12 Foul drainage is also an important issue and one that requires mention here – not least because of the recorded flooding events that have occurred in Clyst St Mary – a village downstream of the current proposal. Much of the flooding that has occurred in Clyst St Mary including the backing up of sewage into private property has occurred during peak rainfall events when

sewage treatment has been unable to cope within the volume of water that it has been presented with. As recorded within the Treasbeare application , it is understood that South West Water (SWW) are currently in the process of working their way upstream to remove surface water ingress into the foul network which it is understood should otherwise have capacity to deal with all foul flows that could be generated.

- 3.11.13 In terms of this application foul drainage has been considered briefly within chapter 17 of the ES. SWW have raised no objection to the proposal which while only at the indicative stage of design, proposes a new on site network for foul drainage. The network includes two pumping stations to take the flows up to the gravity fed system which already operates off site. SWW's response indicates that either the existing network has sufficient capacity to take the additional load or that they are accepting of their obligation to upgrade and enhance the network to accommodate it. This is clearly set out within the Water Industry Act 1991 and Ofwat's charging scheme rules, which expects/permits water companies to recover costs from developers for work that is required on the company's existing network to provide for new development related growth.
- 3.11.14 Recognising that SWW do not object and have to comply with legislation that allows developers to connect (while being able to recover costs for any improvement that is necessary as a result of the proposed connection) there is no justification for refusing or delaying this application on these grounds and the application meets with policy EN19 (Adequacy of foul sewers and adequacy of sewage treatment systems) of the Local Plan. This policy states that new development will not be permitted unless a suitable foul sewage treatment system of adequate capacity and design is available or will be provided in time to serve the development. In any event and with the likely timescales for first occupations not arising from this proposal until 2025 is considered that gives SWW additional time to complete their current investigations and further resolve the identified issues
- 3.11.15 However to help further control flows from the site and in recognising the downstream effects that are experienced within the Clyst area, it is considered precautionary to impose conditions on this scheme to ensure that surface water and foul drainage is managed in way that is (properly) being promoted and which helps to reduce the risk of foul water flooding. Ultimately, the right for this development to connect to the public sewer and the mechanism to ensure that this is done in a safe manner are well established and properly covered under separate legislation.
- 3.11.16 Taken together, it is considered that the application has suitably demonstrated that it can address issues in respect of flood risk, surface water runoff and foul drainage. With the imposition of conditions to further secure remaining points of details, the proposal is considered to accord with relevant guidance in the NPPF and policies in adopted development plan in respect of drainage and water resources.

Transport and Access

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

scheme proposes to connect onto. To help bring speeds down more generally, there is an expectation that traffic calming measures are introduced along sections of the London Road to reinforce the change in nature and character and this section is no different. While a holistic and comprehensive scheme has been delayed, developers are themselves demonstrating speeds can be reduced. In this instance traffic calming proposed to be delivered by the developer includes the provision of central ghost islands and raised tables with clear gateway signage. These measures have been through a road safety audit assessment and for this level of detail and at this stage are considered sufficient to make the road speed slower and as a result the junctions acceptable. On this basis the proposed primary junction is considered to be in accordance with the NPPF (paragraph 110) and in particular 110b which requires junctions to be safe and suitable to access the site for all users.

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

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

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

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

3.12.15 Strategic Road Network

3.12.16 Connectivity is vitally important in the delivery of a healthy and sustainable urban expansion and consideration has already been given to the primary network of routes that make up this expansion area; how the neighbourhood centre is well placed with access from the primary internal routes and school as well as its relationship with the London Road. High levels of internalisation - that is trips that can be made within the expansion area and or within the town rather than having to out commute, help demonstrate the sustainability of the town and support its ongoing and growing prosperity. Such trips also reduce the dependency on the wider road network and importantly the potential impact on junctions on the Strategic Road network which is managed by National Highways.

3.12.17 While National Highways have not sought to raise an objection to the proposal, their current desire to strictly adhere to a cap of no more than 4170 dwellings as a total across the expansion areas (being the total number of indicative dwellings allocated in Cranbrook Plan policies CB2-CB5), would if this was supported mean that capacity on the road network was taken purely on a first come first served basis and where expansion areas exceeded their allocation, excess housing would notionally reduce the housing that could come forward within other allocations. This is not something that can be supported given that the Cranbrook Plan has only recently been found sound and adopted and we have good confidence that all four expansion areas will (or already have been) be brought forward.

3.12.18 Careful work with Devon County Council traffic modelling has indicated that using a “vision and validate” approach, sufficient capacity exists on the network for both allocated and the currently proposed excess housing without causing unacceptable levels of congestion. Vision and validate is an approach where rather than simply predicting the number of vehicles that a development may generate and providing the full road capacity for all, a more holistic and sensitive approach is applied in understanding how people would use the network and how human behaviour is likely to adapt to the situations that are presented.

3.12.19 In this instance the work by DCC, while not corroborating the exact inputs used within the Developer’s Transport Assessment, supported both the general approach that has been advocated and importantly the overall findings. This is that with increased internalisation as a result of a wider breadth of services and facilities in the town, increased bus provision as a result of identified section 106 contributions, and a reinvigorated travel plan approach (which itself recognises the provision of good accessibility by foot and is required by Policy CB18), the higher number of houses do not lead to a higher number of vehicle movements when compared with the original

assessment carried out in the mid 2010's and that had been previously used to ascertain a level of development at which no further improvements to the SRN would be required. Modelling undertaken by DCC has considered the excess housing that is currently proposed by other expansion areas and the anticipated additional town centre housing and this too has been considered as falling within the overall movement parameters previously established for the total of 4170 dwellings.

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

Rail network

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

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

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

Travel Planning

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

Air Quality and Odour

- 3.13.1 Development has the potential to affect air quality - particularly during construction but also as a result of air pollution from activity that occurs from the completed development. This aspect of the development's potential impact has been tackled in a specific chapter within the Environmental Statement which recognises the national legislation and policy basis as well as Cranbrook Plan Policy CB16 (Amenity of Future Occupiers) which requires a high standard of amenity, satisfactory living and working conditions, adequate protection from noise and pollution and adequate levels of light and outlook for future occupiers and Local Plan policy EN14 (Control of pollution).
- 3.13.2 In terms of Nitrogen Dioxide and Particulate matter, it is considered that most receptors would experience a negligible impact. Assessed against a predicted baseline of 2019, pollution measures have been assessed both as a result of the proposed development and those affecting future occupiers.

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

- 3.13.3 At the construction stage of the project dust is an inherent nuisance from development particularly in dry summers, but can be effectively managed with onsite practices and mitigation. This can help to avoid the investigation by Environmental Health and the subsequent risk of enforcement for a statutory nuisance. In this instance and given that there are already near neighbours to the development including residents in Southbrook, as well as future occupiers who will move into homes while development continues around them, control is proposed through a detailed Construction Environment Management Plan (CEMP). A draft of this has been submitted and accompanies the application but a final version can be secured by condition in the event of approval.
- 3.13.4 While dust is less of an issue once the development is operational, the greatest risk to air quality arises from traffic and any energy plant. Emissions from these sources can be reduced by comprehensive and effective travel plans (secured as part of the Section 106), good cycle and pedestrian connections and extensive on site open space for recreational activity close to people's homes. All of these are recognised within the ES and can be delivered as part of this application. In this regard the application is considered to be in accordance with Policy CB16.
- 3.13.5 It is noted that the ES also recognises that air source heat pumps are a further way of reducing emissions although as discussed elsewhere within the report Policy expects heat and hot water to be generated and delivered through the District Heat network (DHN) rather than air source heat pumps. Given that the DHN is set to be decarbonised and have its primary source of energy being derived from an Energy from Waste plant, it is considered this remains a valid conclusion and doesn't affect the conclusion reached in the preceding paragraph.

Noise

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

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

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

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

Ecology and Nature

- 3.15.1 In accordance with Policy CB26 (Landscape Biodiversity and Drainage) and building onto the sections which already address the first and last headline within the policy, this section completes the trio. It considers the approach that the proposal takes in respect of the general layout and its impact on biodiversity (considering its broad definition) before culminating in a consideration of Biodiversity Net Gain (BNG). The Plan requires all schemes within the Cranbrook Plan to achieve 10% with the expectation that this is delivered and maintained on site.
- 3.15.2 In considering the biodiversity and habitat found on the site, regard has been given to both the Devon Biodiversity Records Centre (DBRC) as well as the government MAGIC tool for national site network sites. A phase 1 habitat survey was conducted in May and June 2020 which updated earlier surveys between 2011 and 2019. Phase 2 Habitat surveys were also undertaken together with an updated Hedgerow survey taking place in February 2021.
- 3.15.3 As well as recording and assessing direct impacts on site flora and fauna, the report also recognises that within the site's zone of influence lie the statutory designated sites of the Exe Estuary (RAMSAR, SPA and SSSI) and the East Devon Pebblebed Heaths (SAC, SPA and SSSI). These are addressed in detail within the bespoke appropriate assessment which has been prepared by East Devon District Council in relation to this application and has been subject to consultation with Natural England. It is contained within appendix 2 to this report.
- 3.15.4 Non statutory sites around the application site include Newhayes Orchard County Wildlife Site (CWS) (located 1.7km to the north) which is a traditional orchard and the candidate CWS at the Grange in Rockbeare located just 0.6km south of site.
- 3.15.5 Importantly in respect of Habitat mitigation the ES recognises that in advance of the first occupations (the operational phase) mitigation should be in place to avoid harm occurring to the Exe Estuary and Pebblebed Heaths - particularly from recreational use. The delivery of SANGS and contributions to it's in perpetuity management and to offsite mitigation on the protected sites themselves can be secured by Section 106 agreement to address this aspect. The ES identified that a SANGS management strategy would be submitted at Reserved Matters stage. Alongside further details of phasing,

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

- 3.15.6 The ES records the risk of pollution incidents occurring during the construction phase and having a significant effect on these environments as negligible and not significant. Nevertheless it is considered that during construction appropriate controls for run off and sediment should be deployed to ensure that the water quality of these upper catchment streams is safeguarded. These can be controlled by condition. Additional mitigation in the form of careful soil management is also advocated within the ES, identified within consultation responses and can be secured through the CEMP.
- 3.15.7 In terms of habitats, the site is currently considered to be predominantly made up of improved or modified grassland. While some local farming practices have modified this, it was nonetheless recorded that these areas remained largely devoid of species richness. These areas are largely managed under a combination of hay silage and grazing. Semi Improved grassland was identified typically as narrow verges along the water courses and hedges (field margins).
- 3.15.8 The Upper Cranny Brook which is of regional importance flows through the northern parts of the site entering and exiting it through culverts under the railway line. It is important as a salmonid watercourse and for the migrating eels. Its course while flowing within the site is of mixed character – ranging from being tree lined, open with direct access to grazing cattle and having vertical sides where it passes along the side of Southbrook Lane. It is recognised that a number of barriers exist along the watercourse in the form of broken culverts and bridges.
- 3.15.9 Referred to as “The Stream” within the ES, there is an important tributary of the Cranny Brook which flows east-west through the length of the site joining with the primary watercourse at Southbrook Lane. This stream is considered of County importance offering a number of similar environments and habitats as that of the Cranny Brook.
- 3.15.10 Three on site ponds were identified. While the ES considered that all were of sub local importance due to their small size and lack of management, it is considered that for two of these, their value was down played. Having undertaken a detailed site visit with the District ecologist, ponds referenced as P2 and P5 within the ES were sought for retention and are now identified within the proposed parameter and master plans. It is considered that while these may have suffered neglect in recent years they have the potential to play an important biodiversity role within the proposed development, sustaining additional interest for future residents and particularly in the case of P5, the mature trees that exist alongside it.
- 3.15.11 A little over 18% of the existing on site hedgerows would be lost as a result of the proposed development. From this figure it is recognised that while hedgerow loss is modest, some loss is inevitable. The greatest loss of an

individual length of hedgerow occurs in the south where, as already described earlier in the report, the field site and hedge alignment means that it is difficult to retain these hedges and design an integrated and connected place for people. The hedgerow loss that is proposed is therefore considered necessary to accommodate the scale of development. However, the scheme advocates judicious replanting such that (the scheme could result in a net gain of 13.5% of hedgerow) the impacts of the loss can be properly contextualised. Overall and given that the losses have been minimised where possible, it is considered that the residual harm is acceptable. Generally suitable buffers for retained hedgerows, trees and veteran trees are proposed and this too is supported. While the precise detail for these cannot be secured at the outline stage, the principle is well established within the parameter plans and LBDS (required by policy CB26) and can therefore be taken forward at the reserved matters stage.

- 3.15.12 Local Plan policy EN5 (Wildlife Habitats and Features) requires that where development is permitted on sites that are host to important wildlife habitats or features, mitigation will be required. The ES considers in detail the potential for important species likely to be present and the potential impact that the development might have. These findings are summarised by species in the following paragraphs:
- 3.15.13 Bats – The ES and its update, identify buildings on site that are due for demolition as comprising those known as B1 and B3. In the case of B1 it rates the value of this building for roosting potential to be low – the building having no roof with potential only derived from its ivy cladding – for the building being described this is considered appropriate. In respect of B3 it considers the potential to be negligible due to the modern form and lack of roosting opportunities. However some potential confusion appears to have arisen here as the plotting for B1 and B3 appears to be reversed. Assuming this is the case then the description of the buildings, their ecological value and required mitigation is appropriate.
- 3.15.14 However further buildings located within the proposed SANGS area and which are also proposed for demolition, have not been assessed at all giving rise to some uncertainty as to their bat roosting (and barn owl) potential. Admittedly, these structures are in a poor state of repair, are metal sheeted and with significant openings/holes allowing exposure to the elements. Based on Natural England's standing advice it is therefore considered that due to the nature and type of construction these buildings would demonstrate low ecological potential although this has not been evidenced by the applicants. Until such time as sufficient evidence of the ecological status of the barns is provided, their demolition should not be presumed – the benefit here being that as the barns are located within the proposed SANGS area (which would benefit from the buildings removal), it is not an absolute necessity.
- 3.15.15 It is therefore recommended that in the event of approval of the application, a full protected species survey for these buildings is included within the

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

- 3.15.16 31 trees were identified as having some potential bat roosting opportunities and these were predominantly located within hedgerows and around the site boundaries. It is likely that many of these can be retained by the proposed layout although a small number along the London Road frontage may need to be lost due to the need to bring forward a development scheme that allows for a successful place based scheme. While further survey work is recommended and any loss is regretted it is not considered that the roost potential exceeds more than local importance and could be adequately mitigated where necessary.
- 3.15.17 Bats – foraging opportunities are significant and 9 species were identified during the activity surveys that were undertaken including three that are listed as Annex II species under the Habitat Regulations (i.e. species of community interest whose conservation requires the designation of special areas of conservation). Surveys undertaken showed that the activity was greatest to the west of the site and focussed around the more mature trees along and to the south of Southbrook Lane. Overall the bat assemblage was considered to be of County importance.
- 3.15.18 In terms of both roost potential and foraging, there is the potential for disturbance during construction (noise), light spill (once the site is developed) and more general fragmentation of habitat through disruption of commuting corridors. This would have an adverse effect on bats using the site.
- 3.15.19 In mitigation and as has already been discussed the majority of mature trees/trees with notable roost potential are to be retained and to supplement this, artificial roosts are proposed such that there is at least 1 box for every 2 dwellings (40% to be sited on trees). A sensitive lighting strategy is also advocated to further ensure that adequate mitigation is proposed for roosting and foraging bats. To improve foraging opportunities, strong green links have been retained across the site. These are welcomed and in general provide an important role in biodiversity and Green infrastructure but more particularly for bat foraging.
- 3.15.20 Badgers – 6 setts were identified in the 2019 survey although none had evidence of recent activity. A follow up survey in 2020 found a similar result although an additional outlier sett was noted. It is noted that as badgers move around quite freely, further survey work ahead of development would be necessary to record an up to date picture. Currently the badger population and inactive sett distribution is considered to be of local importance and while some local foraging opportunity would be lost the delivery of SANGS has the potential to increase and diversify the foraging opportunity and sett building potential. On balance and provided care is taken during the construction phase no objections should be sustained.
- 3.15.21 Breeding birds – good opportunities are present within and around the site and a number of notable birds in and around the site were recorded. Overall

and with the results taken as a whole and based on the species assemblages the site is considered to be of local importance. Impacts could arise from vegetation clearance and more generally the change in land use. To help avoid potential effects, clearance works must be taken outside of the nesting season. In addition nest boxes/nesting opportunities in hedgerows and on dwellings are recommended in the ES and supported here.

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

lead to local significant effects while with replacement habitat being provided post development, impacts would not be significant.

- 3.15.26 Other notable species that may be present include Hedgehog. It is considered that the site offers suitable shelter, foraging and commuting habitat and therefore despite no on site records being found, is nevertheless considered to be of up to local importance. A similar level of importance is ascribed within the ES to Toad and polecat. Impacts could occur during construction although are not considered to be significant. However post development with new barriers having been formed (e.g. roads, garden fences and walls) access movement and foraging opportunities are likely to be significantly reduced and have an adverse effect unless amongst other measures, holes can be provided in all gravel boards – something that the can be secured in the LBDS itself secured by condition in accordance with Policy CB26.
- 3.15.27 Taken together it is recognised that for a number of species – those being bats, dormice, and potentially barn owls and badgers, the proposed works and demolition of the barns would require a European Protected Species Licence from Natural England.
- 3.15.28 In these circumstances the Local Planning Authority has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercise of its functions when dealing with cases where a European Protected Species may be affected.
- 3.15.29 The species protection provisions of the Habitats Directive, as implemented by the Habitats Regulations, contain three ‘derogation tests’ which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would otherwise lead to an offence under provisions protecting species in the Habitats Regulations: The Woolley court judgment makes it clear that the Local Planning Authority must apply these same three tests when determining a planning application.
- 3.15.30 The three tests are:
- i. the activity must be for imperative reasons of overriding public interest or for public health and safety;
 - ii. there must be no satisfactory alternative
 - iii. favourable conservation status of the species must be maintained
- 3.15.31 In this case it is considered that the imperative reasons of overriding public interest can recognise the comprehensive nature of development that is proposed – that is the delivery of over 1400 houses, including a percentage that are affordable; the provision of 10 serviced pitches for gypsy and travellers; the delivery of a range of community infrastructure including a 3 form entry primary school, special needs school, neighbourhood centre, allotments and cemetery as well as the open space typologies that together support the development.

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

notes that with the implementation of standard construction stage pollution prevention and best practice, impacts are not considered significant. This is a finding that is supported by Officers and is considered to be in compliance with Policy EN5 (Wildlife habitats and features). Once operational, mitigation proposed for the development taken together with likely mitigation similarly required for other proposals in the local area, is considered to limit or offset potential cumulative effects.

- 3.15.38 A BNG assessment using the latest metric (v3.1) has been undertaken by the developers and seeks to demonstrate that in excess of 10% onsite BNG can be achieved. This has been updated with additional commentary provided following earlier observations by the District Ecologist. The assessment is largely considered to comply with Policy CB26 (Landscape Biodiversity and Drainage) and is achieved having regard to the habitat, hedgerow/linear features found on site. It does however overtly omit the river/stream corridor. It is considered that this falls short of what is reasonable given the intrinsic importance that the stream corridors have on the development in Cobdens and therefore will need to be addressed.
- 3.15.39 The updated BNG assessment clarifies that at this outline stage, it employs the approach to additionality supported by Officers and Natural England – that BNG can be delivered on SANGS land but only where this is above any improvements necessary to achieve a baseline SANGS environment and as such double counting is avoided.
- 3.15.40 One concern that is highlighted within the BNG assessment is that attributable to phasing. Currently and save for the river assessment which has been omitted but can be properly addressed at Reserved matters stage when updated detailed assessments are required in any event, the assessment identifies that across the development as a whole, 10% net gain can be achieved. However when this is broken down and looked at on a phase by phase basis, it is recognised that particularly the first phase has a significant shortfall. The suggestion made by the applicant's ecologist is for a financial bond to be put in place which is payable if later phases fail to materialise or fail to adequately make up any shortfall from earlier ones. This is not a particularly satisfactory way of addressing this aspect but does at least ensure that the development is ultimately accountable. Unless through S106 negotiation, phasing is varied this fall back is considered acceptable. As such the Section 106 would need to not only secure 10% (and financial bonds if required) but also the long term retention and maintenance of the resource that is being provided. Householder information packs highlighting the green infrastructure and the importance of these would assist with the long term maintenance – they are a useful means of disseminating information to local residents who can take an interest in it future management and maintenance and can also be secured as part of the legal agreement.
- 3.15.41 As previously discussed the Landscape Biodiversity and Drainage Strategy (LBDS) is a multi-disciplinary document that pulls together all the recommendations and mitigations that each of the three headlined topics

address within their respective sections and evidences how these can work together. When looked at as a whole they can be mutually beneficial. Cranbrook phase 1 had a similar document that was successful in integrating the different approaches and trying to secure the optimum level of integration between the disciplines.

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

Climate change

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

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

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

- 3.16.9 The report details a range of implementation measures including those associated with landscaping and transport (travel planning) to further promote the reduction in embodied Carbon and sustainability more generally. Even in the lifecycle of a landscaping scheme there is inherent carbon in propagation and transport that can be reduced if there's retention and reuse on site and local sourcing of suitable species.
- 3.16.10 In considering this approach against adopted policy, (CB12) it is recognised that since originally drafting the policy, a number of requirements have been set into Building Regulations which meet or exceed the policy position. While parts of the policy could be argued as now being superfluous, it is nevertheless helpful to have a robust policy to underpin all aspects of Carbon reduction across the full range of activities that take place in creating the expanded town. In particular the roll out of District Heating and the expectation that it is to play a key role in achieving Carbon savings for Cranbrook is a key policy requirement. Through Section 106 obligations, it is possible to ensure that the development complies with Policy CB12.

Lighting

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

- 3.17.5 To further minimise harm, the report recommends a bollard lighting solution where dark corridors are identified. In the past this has presented challenges for DCC adoption's team but is something that can be explored further in due course given the justification for the use in this instance.
- 3.17.6 In a similar manner to other aspects considered within this report, some effects from additional lighting are inevitable from a development of this scale. Overall however it is considered that lighting effects would be manageable with mitigation playing a key role in ensuring effects are limited.
- 3.17.7 Cumulative effects are properly considered within the ES, recognising the wider development that is set to take place around Cranbrook and the more extensive, western parts of East Devon. As a result of the total development that is planned, the ES considers that cumulative effects are possible but it considers that in-combination effects are limited to receptors where there is a close association/relationship between adjacent schemes. While this conclusion is not particularly well evidenced it is considered valid. To help minimise in combination effects arising, it is incumbent upon all schemes to properly implement mitigation and in this regard the application demonstrates that it can play its part. Overall effects from lighting are considered acceptable recognising the need for the expansion, the uses proposed and the mitigation that can be secured in accordance with policy EN14 of the Local Plan and CB16 of the Cranbrook Plan.

Neighbourhood centre

- 3.18.1 Policy CB4 of the Cranbrook Plan is specific in accommodating a range of E class uses within a new neighbourhood centre as well as other supporting sui generis and other employment related uses that would support the proper functioning of the neighbourhood centre. The policy sets out a requirement for a minimum of 1250sqm of which this application proposes 750sqm. Given the neighbourhood centre straddles different land ownerships and part of the centre is therefore within the control of the adjacent application site (14/2945/MOUT still under consideration) the quantum proposed here is considered appropriate and in accordance with policy.
- 3.18.2 The policy also sets a threshold of 280sqm of net floor area for individual retail units above which a retail impact assessment is required. This is an important safeguard and ensures that single larger units would not be able to be developed within the centre without first demonstrating their impact on the town centre. Longer term the importance of this test diminishes, as shopping patterns will become established and the function and role of the town centre will become stronger, but for now it is imperative that this test for individual units above 280sqm (net floor space) is robustly evidenced. In the event of permission being granted it is considered necessary to impose a restrictive condition that secures an assessment for any individual unit above 280sqm (net) to be accompanied by a detailed study at the RM stage to understand its potential impact on the town centre.

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

Design

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

Airport Safeguarding and Wildlife hazard Management

- 3.20.1 Exeter Airport is an important business for the south west and therefore it is important that development that takes place around it does not adversely impact its ability to operate successfully. There are a number of aspects to this, but importantly for this site it is one of safety in relation to the risk of bird strike.
- 3.20.2 Policy TC12 of the Local Plan seeks to ensure that development proposals in locations such as this application do not prejudice the safe operation of the airport. This policy builds on “The town and country planning (safeguarded aerodromes, technical sites and military explosives storage

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

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

Health

- 3.20.1 As an overriding theme within the Cranbrook Plan, Health and healthy outcomes is fundamental. It is a theme running through the objectives and policies of the plan and has been addressed at several stages of this report particularly in respect of connectivity and legibility associated with the highway network and general layout. In so doing the scheme is trying to address the requirements of the first policy of the plan CB1.
- 3.20.2 However before this is considered through the conclusions to this report, there is an important discussion required concerning the funding available for tangible health related activity. Although the Plan aims for a more healthy community which is inherently less dependent upon various health related services, need for them will inevitably arise.
- 3.20.3 As part of the consultation for this application, the NHS ICB (Integrated Care Board) and the Royal Devon University Healthcare Foundation Trust (RDUH) have separately submitted requests for contributions. The ICB have confirmed their support for a proportionate part of ca £7m of funding identified in the Cranbrook Plan IDP for a Health and Wellbeing Hub (HWH) or as a fall back, a calculated sum of £804,518. The RDUH are seeking £920,750 for acute and community care – principally aimed at addressing gap funding for the first year of occupation of each dwelling.
- 3.20.4 In terms of the ICB request this has to be seen as an “either-or” request when considered against the contribution already identified in the Cranbrook IDP and Policy CB6 for the HWH as both options would be essentially for the same types of care provision. However the HWH contribution is identified as

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

- 3.20.5 The RDUH identified their contribution as being necessary because the funding of its services is based on service demand and the population within its catchment but is calculated around 12 months in arrears. It is noted that in principle this Council has previously given an acceptance that it will support such requests where possible.
- 3.20.6 In terms of the Cranbrook expansion applications, the challenge that has arisen over this requested contribution is in part the timeline over which events have taken place, and in part its financial viability.
- 3.20.7 The Cranbrook Plan, its policies and IDP were submitted for examination in August 2019 with hearings held in January, February and November 2020. Subsequently the examination then continued through an exchange of letters with the Inspector, rather than any further in person/virtual hearing sessions. Importantly this dialogue was not to open up new issues in respect of the plan, but to clarify and work through issues that had already/previously been raised in respect of the submitted plan. The RDUH (or the RD&E NHS Foundation Trust as they were) did not make a request for these contributions at the various consultation stages of the Plan prior to its submission.
- 3.20.8 The point at which the Council through a meeting of the Strategic Planning Committee agreed to support the principle of financial requests from the RDUH on major housing schemes in the District more widely, was in July 2021 – almost 2 years after the plan and all viability information pertaining to the plan was submitted.
- 3.20.9 The second aspect of the challenge that arises from the request is viability. Members will recall the viability challenges that the Cranbrook Plan faced and the great lengths that East Devon had to go to in reducing the infrastructure burden to ensure that the plan was deemed to be viable and ultimately found sound. It is no surprise therefore that the applicant for this proposal is deeply uncomfortable with the additional request which if supported, risks a reduction elsewhere within the infrastructure package that the plan secures or more generally the affordable housing which is set through the plan at 15% - this is already 10% lower than the level sought in other towns in the District. Whilst representing a material consideration, this request doesn't fit with the adopted Cranbrook Plan or the infrastructure that is expected to be secured and which is set out in policy.

- 3.20.10 As an aside from the principal arguments here, caution must also be expressed as to the weight given in respect of East Devon's previously agreed position with the RDUH Foundation Trust. This is because on the 13 February 2023, the High Court handed down a judgement on a legal challenge brought by the University Hospitals of Leicester NHS Trust in respect of a decision by Harborough District Council not to secure gap funding for health related services.
- 3.20.11 The Trust challenged this position and lost – principally on the grounds that it had not established that a gap existed. The judgement goes further and is clear in identifying that funding for “services” (which is different to an infrastructure project) could be viewed as a National issue. It recognises that as the CCG funding formula used for the Leicester NHS Trust recognises at least in part projected population migration, it can be argued that people moving into an area are already considered within the health funding provision even if not a local level.
- 3.20.12 Clearly more work needs to be undertaken within East Devon and between this Council and the RDUH to understand the implications of this decision and how it relates to the local NHS funding formula but as a material consideration in itself, it does act as a caution to the weight that should be given to East Devon's previously agreed approach.
- 3.20.13 In any event, and to help reconcile this issue for this application, it is necessary to consider the list of infrastructure items that the adopted Policy covers and the level of contributions that are anticipated on being secured. Policy CB6 (Cranbrook Infrastructure Delivery) and Policy CB21 (Cranbrook Town Centre) indicate that a health and wellbeing hub (HWH) is to be delivered. While not fully funded, the IDP indicates that taken together the 4 policy compliant expansion area allocations can secure £7m to the facility through the equalised funding available (figures based on 1 Q2020). It is equivalent to £1679 per dwelling or when inflation is taken into account and indexation applied, £1859 per dwelling (correct to 4Q2022).
- 3.20.14 The final mix of uses and services that are provided from the HWH are not yet fixed and are currently being explored by the Council with the various parts of the NHS. It is therefore possible that the HWH may provide both primary, acute and community care or be more focussed towards primary care. As such it is possible that the RDUH may benefit directly from the hub if some of their services are housed within the new facility. Even if their services are not provided through the Hub, it is still likely that they would benefit (albeit indirectly) through reduced pressure on the services that it delivers.
- 3.20.15 In financial terms the size of the contribution that would be secured for the HWH are around 50% higher than the sum that the combined NHS bodies are seeking as a contribution in their recent consultation response to the emerging New East Devon Local Plan. This is set as £1241 per dwelling for primary care, acute and community need combined and is not dissimilar to the combined figure of the separate requests identified above. Set against

the per-dwelling value of the HWH at £1859 per dwelling it is considered that HWH contribution is substantial. Having regard to the discussion above and the tight financial viability position of the Plan, it is recommended that East Devon do not seek to secure the additional financial contributions requested by the RDUH which would be used essentially as gap funding. Instead it is recommended that East Devon maintain the level of affordable housing identified in policy and use the monies identified through the IDP for the delivery of permanent facilities and infrastructure in the town as originally envisaged – not least the Health and Wellbeing Hub.

Sustainability

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

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

Infrastructure obligations and Section 106 requirements

- 3.22.1 Referenced at various stages within the report are some of the expected infrastructure and other section 106 requirements that would form part of the package that would be secured and delivered by this application. For clarity this part of the report will explain how Policy CB6 (Infrastructure Delivery) operates before briefly setting out the full range of obligations that should be secured from this application having regard to the governing policy.
- 3.22.2 Unlike with Cranbrook Phase 1, there is no consortium of developers in place for the expansion areas. Instead there are a range of developers and land promoters looking to bring forward development parcels of varying sizes, across the four expansion areas but who have no common agreement to work together. The Council have therefore had to find a way of equalising costs amongst all developers which as far as it reasonably can, ensures that costs are properly shared. Whilst it might have been possible to simply take the same direct financial contribution from each, this approach risks the scenario of infrastructure only being delivered when all have paid their fair share to a particular item. In reality therefore it is possible that infrastructure delivery would be beholden upon the rate of the slowest developer with the result that there would be delayed infrastructure delivery.
- 3.22.3 Instead it was considered appropriate to establish the basic principle that if a particular item of infrastructure is identified on a particular developer's land – then that developer delivers that item. Policy CB6 then ensures that developers who have high on site cost burdens are not unduly penalised, while those with very little on site infrastructure do not get away without paying their fair share of the infrastructure burden. To achieve this the IDP and Policy CB6 recognises four categories of infrastructure

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

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

3.22.9 In summary this proposal is expected to deliver:

Category 1 infrastructure (delivered on site)

- Biodiversity net gains (10% on site)
- SANGS establishment and enhancement (set up costs)
- Formal open space
- Play provision (5 LEAPS and 1 NEAP)
- Allotments
- Amenity Open space
- Improved fabric first measures to buildings
- Connection to the District Heat network
- EV charging

Category 2 infrastructure (financial contributions)

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

Category 3 infrastructure (on site direct delivery)

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

Category 4 infrastructure (off site contributions)

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

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

4 Assessment against Policy CB1 and summary

4.1 This section works through the checklist of Policy CB1 to bring the considerations of the proposal together and to inform the final recommendation. The relevance of CB1 is that it is an overarching strategic

policy relating to health and wellbeing at Cranbrook and which all development proposals must accord with.

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

4.2.1 The scheme as a whole is considered to respond well to this requirement. It demonstrates a good framework through the parameter plans which are set with well-defined green corridors, some of which are allocated as forming part of the Clyst Valley Regional Park (Strategy 10). The scheme demonstrates a landscape led approach which in this location is important and helps to also meet the objectives of Local Plan Strategy 10. It also provides for links into Cranbrook phase 1 with a connection to Rush Meadow Road and to the Ingrams development and sports fields as well as the adjacent (separately controlled land parcels).

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

4.2.3 Taken as a whole it is considered that the proposal demonstrates a sound framework for delivering an attractive and legible community.

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

4.3.1 While some of the identified Cranbrook expansion funded infrastructure is in the town centre and therefore delivered by offsite contributions, this proposal has a significant proportion of infrastructure on site within its own parameters. This is fully dealt with through Policy CB6 which equalises costs across the four areas and in doing so ensures that infrastructure is delivered in a fair way. Taking this holistic view it can be seen that the infrastructure required by the community would be delivered – from leisure and health and wellbeing based provision to on site allotments, neighbourhood centre and a new 3FE school. Overall the site helps to deliver a range of infrastructure meeting the needs of its community now and in the future.

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

- 4.4 *Point 3 Ensure that all designs, proposals and decisions are coordinated to address the wider determinants of ill health*
- 4.4.1 Legibility and connections play a role here and these are already recognised as being good based on the parameter plans. Beyond this the policy point discussed here requires a level of detail that is beyond the scope of the outline application. Nonetheless based on the Design and Access statement, it is possible to see that there is a framework that should allow future designs and proposals (and therefore decisions) to address the wider determinants of ill health in accordance with this policy.
- 4.4.2 Uses such as hot food takeaways in the neighbourhood centre have the potential to have a detrimental impact upon health. As the neighbourhood centre will be within 400m of the school site then the principle of hot food takeaways is unacceptable.
- 4.5 *Point 4 – Ensure that locations of services and land uses in Cranbrook integrate well with the community and are within easy reach on foot and bicycle whenever possible.*
- 4.5.1 This aspect picks up the need for services and land uses to be accessible. The neighbourhood centre is in a policy compliant position along the London Road and allows for good and varied access to it from all part of the expansion area and from passing trade derived from the London Road itself. The school located a little further north remain well located with good access for both the Grange and rest of Cobdens expansion area. In this location it is considered to allow good integration and sustainable access.
- 4.6 *Point 5 – Create well designed streets and spaces using healthy streets approach to encourage walking cycling and social activity.*
- 4.6.1 Focussing on the actual streets as places, this policy limb seeks to enhance the quality of the corridors along which people would move. Attractive streets helps to encourage people out of cars and in doing so makes the environment both healthier and safer. With strong green tree lined routes, Bi-directional cycle lanes (following LTN1/20 guidance), and clear and legible walking routes that together make up the basic framework of the scheme, it is considered to be well placed to meet this policy requirement. The loss of a large proportion of the existing hedgerow along the London Road is the single most significant regret in this regard but it is a loss that must be balanced against the diversified and safer movement corridor that the scheme is trying to deliver. In this regard it is not considered to outweigh the benefits already identified.
- 4.7 *Point 6 Ensure that civic and community buildings are accessible to all and provide facilities to meet the needs of individual and the community.*
- 4.7.1 Cobdens will ultimately have a couple of key community buildings – the 3FE and SEND school. Both require detailed design to be fully considered

against this policy, but both are shown in reasonably accessible locations and can be designed to meet the expectations of the policy. This would partly be captured through the design code and partly through the subsequent reserved matters application.

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

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

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

4.9.1 Point 8 focuses on the spatial distribution of housing and their typologies. It is essentially seeking to drive densities up in areas where economic activity is likely to be greatest but also allow for lower densities on the fringe of development. The typical softening of built form as it moves away from core areas, provides a fringe/transition with and to the countryside beyond.

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

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

5 Recommendation

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

S106 agreement requirements:

- a. Delivery of 15% affordable housing
- b. Delivery of 4% custom and self-build (released in phases)
- c. Design standards including Nationally described space standards
- d. 10 fully serviced permanent pitches for gypsy and traveller provision
- e. Delivery (including phasing) of the neighbourhood centre
- f. SUDS and open space delivery and management
- g. The timing of the delivery of the primary vehicular access points (including their internal connection), Gypsy and Traveller access, NMU access points, any signalised/controlled crossing points and full and appropriate NMU access thereto on London Road and Rush Meadow Road are to be secured through a S106, in a written agreement with the Highway Authority.
- h. To submit and secure a TRO for
 - the required posted speed limit
 - any signage required; and
 - any other mitigation measures requiredon London Road, the extents, to be agreed in writing with the Highway Authority. The TRO shall then be advertised and, if successful, implemented at the developer's expense prior to first occupation of any dwelling which have access onto London Road to the satisfaction of the Local Planning Authority
- i. A parcel of land to be safeguarded in the event of necessary future alterations to the consented signalised junction on London Road as a result of neighbouring schemes allocated in the Cranbrook Plan coming forward. Full detail and its extents to be agreed in writing, in conjunction with the Highway Authority
- j. To pay a commuted sum for the maintenance of the consented signalised junction onto London Road and any other signalised crossings delivered as part of this application. The costing and detail of which, to be agreed in conjunction with the Highway Authority
- k. Provision of safe and suitable NMU access to bus stops on London Road
- l. The timing and delivery of the potential mitigation measures on the MLR intersection involving, Kingfisher Rise and Rush Meadow Road, including any alterations to NMU access points. (It is expected that no development that is accessed from Rush Meadow Road should take place, until the applicant has designed an appropriate mitigation and improvement scheme at the MLR crossroad intersection and that this has been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority). If an agreed trigger point/timetable for the delivery of obligation be missed by the

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

- m. Safeguarding of land adjacent to the Exeter-London Waterloo line for a station
- n. Monitoring fees
- o. Proportionate contributions for dwellings in excess of the allocation of 1213 units
- p. Infrastructure in accordance with the Cranbrook IDP and Policy CB6 – namely:

Category 1 infrastructure (delivered on site)

- Biodiversity net gains (10% on site)
- SANGS establishment and enhancement (set up costs)
- Formal open space
- Play provision (5 LEAPS and 1 NEAP)
- Allotments
- Amenity Open space
- Improved fabric first measures to buildings
- Connection to the District Heat network
- EV charging

Category 2 infrastructure (financial contributions)

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

Category 3 infrastructure (on site direct delivery)

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

Category 4 infrastructure (off site contributions)

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

Equality Assessment

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

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

Proposed conditions:

Timescales and parameters

1) Reserved Matters

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

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

2) Time period for submission

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

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

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

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

3) Approved Plans list

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

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

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

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

To be agreed prior to first Reserved Matters being submitted

4) Phasing Plan

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

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

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

5) Flood modelling (Flood Resilient Design and Layout)

In advance of the first reserved matters being submitted, a scheme to ensure that the development is flood resilient shall have been submitted to, and approved in writing by the local planning authority.

The scheme shall be informed by site-specific modelling and an up-to-date Flood Risk Assessment, and shall demonstrate that finished floor levels will be a minimum of 600mm above the design flood level.

For the avoidance of doubt all areas modelled as being located within the Q100 (1 in 100 year) plus climate change flood extents will not be developed, (except where essential infrastructure is proposed).

Where it can be demonstrated that essential infrastructure is required in such a location, a detailed flood mitigation/compensation scheme shall also be set out in any relevant reserved matters applications. The location of SuDS features (other than for conveyance) shall also be outside of the 1 in 100 plus climate change flood extent.

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

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

6) Strategic Design Code

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

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

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

To be agreed prior to first Reserved Matters in each phase

7) Foul Sewage

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

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

To accompany the first reserved matters application

8) Landscape Biodiversity and Drainage Strategy (LBDS)

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

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

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

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

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

For the period of construction of the development, the LBDS shall be reviewed and updated as required by the Local Planning Authority to ensure that it remains up to date, and that it complies with current policy and guidance and reflects the approved development. Each update shall be submitted to and approved in writing by the Local Planning Authority so that at no time during construction works, is the approved LBDS more than 5 years old.

Reason – To ensure that the LBDS is up-to-date, comprehensive and amongst other things, allows access to the watercourses for maintenance and to protect the land adjacent to watercourses which is particularly valuable for wildlife, fully addresses all landscaping requirements and integrates this with ecological protection and mitigation in accordance with Policy CB26 (Landscape Biodiversity and Drainage) of the adopted Cranbrook Plan 2013 –

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

To accompany the first reserved matters application in a respective phase

9) Design Code

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

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

The statement must reference and have regard to the agreed Strategic design code (DAS secured by condition 6) and must also have regard to the National design guide and meet with the adapted principles from Building for a Healthy Life set out in Policy CB15 of the Cranbrook Plan.

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

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

10) Wildlife Hazard Management Plan

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

The plan must document key risks associated with the development and their relationship with aviation operations. The Plan must set out detailed mitigation and management for the identified risks.

Subsequent applications within the phase and management shall comply with the details agreed or those agreed through the plan's review.

Reason – To ensure that a robust understanding of the potential aviation risks that could arise from the development are understood and mitigation and

management is provided for these, in accordance with the NPPF and Policy TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) of the adopted East Devon Local Plan.

To accompany all or relevant Reserved matters applications

11) Landscape Ecological Management Plan (LEMP)

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

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

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

12) Finished floor levels

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

Development must be carried out in accordance with the approved details.

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

13) Surface water drainage

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

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

Details for the design including profiles levels and composition shall also be provided and agreed in writing.

Development shall only take place in accordance with the agreed scheme

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

14) 8m wide Wildlife and maintenance corridor

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

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

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

Reason: To allow access to the watercourses for maintenance and to protect the land adjacent to watercourses which is particularly valuable for wildlife in accordance with Policy CB26 (Landscape Biodiversity and Drainage) of the adopted Cranbrook Plan 2013 – 2031 and Policy EN5 (Wildlife habitats and features) of the adopted East Devon Local Plan.

15) Landscape Biodiversity and Drainage Strategy (LBDS) compliance

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

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

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

16) Tree Protection

Accompanying each reserved matters application which has on or adjacent to it retained trees and/or hedgerows, and to be approved in writing by the Local Planning Authority, shall be details for the protection of retained trees and hedges during construction that are in or in proximity to the application area

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

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

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

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

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

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

Reason - The condition is required as a pre-commencement condition to protect the trees before development commences, in interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.

17) Retail assessment

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

Reason – To allow for further assessment of the likely impact from retail units with a net floor area of 280sqm or greater on the vitality and viability of the town centre in accordance with Policy CB4 (Cobdens expansion area) of the adopted Cranbrook Plan 2013 – 2031.

18) Railway fencing

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

Development shall be undertaken in accordance with the agreed details.

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

19) Transfer plans

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

- Highways
- Pedestrian and/or cycle paths
- Public Open Spaces (hard and soft landscaped)
- Play areas
- Community facilities
- Verges
- Drainage features

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

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

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

20) Tree Rooting volume

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

Development must be undertaken in accordance with the agreed details.

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

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

21) Junction design

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

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

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

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

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

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

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

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

22) Junction materials and landscaping

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

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

1. Extension of Main Link Road into the Site - 195173/A06 D (joining with Rush Meadow Road)
2. Proposed London Road Scheme - VD20342-100 B (signal controlled access into the site from the B3174)
3. Traveller Site Access - 195173A/SK01 (T junction arrangement serving the gypsy and traveller site from the B3174)

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

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

23) Noise

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

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

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

24) Archaeology

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

Reason - To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development. This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works

25) Advance planting

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

Reason – Details are required prior to the commencement of development to allow planting in key areas to become established earlier and provide a greater contribution to the setting and landscape mitigation that is proposed within the application in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan and Policies CB3 (Treasbeare expansion area) and CB15 (Design Codes and Place making) of the adopted Cranbrook Plan 2013- 2031.

26) Phasing of Road, Services and Facilities

No development shall take place within a phase of the site (save such preliminary or minor works as the Local Planning Authority may approve in

writing) until the relevant details of the following works in respect of that phase have been submitted to and approved by the Local Planning Authority:-

- Details of the proposed estate roads, footways, footpaths, junctions, street lighting, sewers, drains, retaining walls, service routes, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking, street furniture,
- Drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation together with details of the right to discharge surface water

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

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

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

27) Demolition of barns

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

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

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

28) Site Investigation and Remediation

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

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

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

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

Prior to commencement of development in each phase

29) Construction Environment Management Plan (CEMP)

No development within each respective phase of development shall take place until a detailed Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority for that phase of development.

Unless otherwise agreed through the submission of separate Plans, the CEMP shall apply to the whole of that phase of development and include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the production of wastes with particular attention being paid to activities that generate greenhouse gases, as well as the constraints and risks of the particular site. The CEMP shall also include:

- A detailed soil resources management plan.
- Details of how construction activities generating Greenhouse gas emissions are undertaken efficiently in order to minimise emissions
- A site waste management plan and waste audit statement
- Measures to prevent discharge of soil/silt to adjacent watercourses
- Details of the construction access and contractors' parking/compound
 - Where this shall be provided,
 - How it will be surfaced and drained
 - How the area will be remediated and
 - its finally intended use

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

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

30) Construction Traffic Management Plan (CTMP)

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

- a) the timetable of the works;
- b) daily hours of construction;
- c) any road closure required (and a time table for this);
- d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays Inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed in writing by the Local planning Authority in advance;
- e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

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

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

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

Prior to first occupation

31) Way-finding Strategy

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

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

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

32) Street Furniture

The development hereby permitted shall not be first occupied until a street furniture design guide has been submitted to and agreed in writing by the Local Planning Authority. It shall include details of materials, colours and design

together with a detailed phasing plan setting out how and when the strategy will be deployed as each phase develops.

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

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

Prior to occupation/first use of a particular phase

33) Archaeology

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

- (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation secured under condition 24; and
- (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

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

General stipulations/compliance requirements

34) Secondary Accesses

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

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

35) Foul drainage

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

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

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

36) Lighting

In accordance with the findings of the Environmental statement (ES), lighting where used shall be designed, installed and maintained in accordance with the recommendations and stipulations set out in Appendix 16.1 – Revised Lighting Assessment, of the update to the ES submitted December 2022.

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

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

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

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

Reason – To prevent (without further assessment) the formation of individual retail units with a net floor area of 280sqm (or greater) through internal changes or through a change of use in the interest of the vitality and viability of the town centre and in accordance with Policy CB4 (Cobdens expansion area) of the adopted Cranbrook Plan 2013 – 2031.

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

Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any

subsequent Order revoking and reacting that Order with or without modification), no unit originally approved for retail use (Class E(a)) after it is first used as such, shall at any time be used for any use falling within use Class E(g) of the Order without the express consent of the Local Planning Authority. Changes of use away from Class E(a) without the need for express planning permission are limited to those within use Classes E(b, c, d, e and f) only.

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

39) Restrictions on hot food takeaways

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

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

40) Garage retention

Notwithstanding the provisions of the Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any subsequent Order revoking and reacting that Order with or without modification), any domestic garages provided as part of the development hereby approved (which internally shall measure a minimum of 6m x 3.3m) must be kept free for the parking of motor vehicles and/or bicycles and must not be used for any other purpose.

Reason: to ensure that adequate space is made available for the storage of vehicles and bicycles in accordance with policy CB20 (Parking at Cranbrook) of the adopted Cranbrook Plan 2013 – 2031

41) Landscape replacement

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

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

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

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

42) Tree and hedgerow retention

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

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

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

Informatives

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

Advice – Flood Risk

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

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

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

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

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

Advice – CEMP

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

- Detailed site-specific measures to be put in place to prevent soil run off from site from exposed land at the early stage of the construction phase. Will there be silt fencing, an attenuation pond or access to a silt buster or similar if required?
- Plans are required to show where the soil stockpiles will be located and the specific measures to be put in place to prevent a discharge of silt laden water from these.
- Details of measures to ensure protection of watercourses, on or next to the site, from soil run off from site via existing field ditches, watercourses or any ponds on site.
- Details of any existing land drainage measures to prevent discharge of soil run off via these.
- Incidents which involve the contamination of the ground or unconsented discharges to ground or surface water should be reported to the Environment Agency via the
- Incident Hotline number: 0800 807060.
- Confirmation that the ground works company and the construction site will be fully conversant with the plans to prevent unauthorised discharges of silt laden water from site.

Advice – Contaminated Land

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

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

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

Advice – Layout

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

Advice Exeter Airport

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

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

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

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

Technical Consultations

Arboricultural Officer (EDDC)

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

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

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

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

Further comments:

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

Comments below from 27/05/2022

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

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

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Church of England

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

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

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

Conservation (EDDC)

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

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

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

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

Contaminated Land Officer

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

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

Devon & Somerset Fire And Rescue Service

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

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

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

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

Devon County Council

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

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

Devon County Council provides the following view on this application:

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

Extensive work has been undertaken to inform the policy content of the Cranbrook Plan and the Cranbrook Infrastructure Plan which includes consideration of this site. Devon County Council endorses a robust policy basis to deliver infrastructure necessary to mitigate the impact of development and is broadly very supportive of the Cranbrook Plan. While the Cranbrook Plan is yet to be adopted, this response identifies requirements as if this is a standalone application. If the Cranbrook Plan is adopted in advance of the determination of this planning application, we would need to have the opportunity to update our response to accord with the development plan.

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

- a. A basic contribution relating to the number of allocated dwellings within this development, which results in a proportionate contribution rate of 29.1% of the relevant Cranbrook Expansion Area (CEA) contributions identified within the Cranbrook Infrastructure Delivery Plan, based on the proposed total of 4,170 dwellings from the emerging Cranbrook Plan ($1213/4170 = 29.1\%$); plus
- b. Where it is necessary to mitigate additional impacts from over-allocation dwellings and/or the total infrastructure project cost is not fully funded by the CEA contribution, an additional contribution for the over-allocation dwellings within this development based on a per dwelling cost for each additional over-allocation dwelling, calculated at the same per dwelling rate as the basic contribution ($1/4170$ th). For the current number of 222 over-allocation dwellings, this equates to an additional contribution of 5.3% ($222/4170 = 5.3\%$) of the relevant CEA contribution.

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

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

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

HIGHWAYS AND TRANSPORT

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

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

London Road

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

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

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

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

Southbrook Lane

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

Internal site connectivity

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

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

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

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

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

Cranbrook second train station

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

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

Section 106 contributions for sustainable transport

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

Following consideration of the Cranbrook Infrastructure Delivery Plan (Cranbrook IDP) as part of the Cranbrook Plan Examination, the 'Public Transport' section of DCC's 14 June 2018 request was replaced by the revised package of Public Transport s106 contributions detailed in DCC's Cranbrook Plan Examination Statement dated 14 July 2020² summarised below:

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

- S106 provisions to secure the land for a future second Cranbrook rail station in perpetuity.

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

It is considered that this new combination of measures represents a package of transport improvements that can be delivered with greater certainty, within a shorter timescale and more cheaply in order to mitigate the impact of the Cranbrook expansion area development. These contributions are still considered essential to provide safe and suitable access for active travel to encourage a significant shift to non-car modes and mitigate the impact of the development on the A30 Corridor.

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

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

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

- a. a basic contribution of 29.1% of the CEA contributions for each of these infrastructure items (index linked) for the 1213 allocated dwellings; plus
- b. an additional contribution per over-allocation dwelling (on a per dwelling rate of 1/4170th of each CEA infrastructure cost, index linked).

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

If this application is determined following adoption of the Cranbrook Plan, the county council requests provision of contributions towards public transport, off site walking and cycling, shared mobility and travel planning:

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

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

Summary

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

LOCAL EDUCATION PROVISION (INCLUDING EARLY YEARS)

Introduction

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

Primary education and early years

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

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

DCC understands that two primary schools are due to be provided to serve the Cranbrook expansion areas, with one due to be delivered earlier than the other as set out in the Cranbrook Plan. DCC wishes the Cobdens primary school to be the first primary school delivered for the expansion areas, with early provision of the entire 4.1 hectare school site including the SEN land.

Determination before adoption of the Cranbrook Plan

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

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

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

Should DCC deliver the primary school, the freehold interest of the fully serviced and accessible site must be transferred to the LEA before construction commences on any dwelling. Details of access to the site including permission to access for surveys and construction would be detailed in the section 106 agreement.

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

Determination after the Cranbrook Plan is adopted

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

adopted Cranbrook Plan. This provision of a 630 place primary school with 80 early years places and a 150m² community room complies with the requirements of Policy CB4 of the Cranbrook Plan (Main Modifications version January 2022). DCC supports the flexibility over delivery and phasing of the two new primary schools at Cranbrook contained within Policy CB7 of the Cranbrook Plan and the approach for equalising s106 contributions in Policy CB6. These two new primary schools would provide for the 4170 dwellings allocated in the Cranbrook Plan.

DCC notes that this planning application currently comprises 1213 allocated dwellings and 222 over-allocation dwellings. Any over-allocation housing growth (222 dwellings within this Cobdens development) would require a proportionate contribution towards primary school provision for any houses over the plan allocation in accordance with DCC's Education Approach for Developer Contributions (December 2021). This additional contribution is requested as it is necessary to mitigate additional impacts from over-allocation dwellings relating to primary and early years education.

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

Secondary education

Determination before adoption of the Cranbrook Plan

In order to provide for the expansion area dwellings allocated in the Cranbrook Plan, the Council has agreed with EDDC to request a £2,583,429 s106 contribution to expand secondary education provision to 1125 places (to be indexed from Q1 2020) as identified in the Cranbrook Infrastructure Delivery Plan. The LEA requires this proposed development to make a proportionate contribution towards this cost. As stated above, the number of dwellings which takes this application up to the Cobdens allocation number is 1213 dwellings. This provision of 1213 dwellings is equivalent to 29.1% of the total proposed 4,170 expansion area dwellings (based on the emerging Cranbrook Plan) and therefore would be required to make a s106 contribution of £751,778 (29.1% of £2,583,429) with indexation to the point of payment.

Any over-allocation dwellings (currently 222 dwellings within this development) would require further secondary education infrastructure s106 contributions in accordance with DCC's Education Approach for Developer Contribution (December 2021). No additional land beyond that which already has planning permission for the education campus will be required to serve the secondary age pupils from the expansion area planning applications (up to 4,170 dwellings).

Determination after the Cranbrook Plan is adopted

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

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

- b. an additional contribution of £23,540 per pupil place (secondary extension rate) in accordance with DCC's Education Approach for Developer Contribution (December 2021) with indexation to the point of payment.

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

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

Special Education Needs

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

Determination before adoption of the Cranbrook Plan

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

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

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

Determination after the Cranbrook Plan is adopted

If this planning application is determined following adoption of the Cranbrook Plan, DCC would need to have the opportunity to update our response in accordance with the development plan. The provision of a SEN school within the Cobdens development would be subject to the approach for equalising s106 contributions set

out in Policy CB6, which is supported by DCC. This s106 contribution towards SEN provision provides for the 4170 dwellings in the Cranbrook Plan. There would need to be further discussion with the developer about the triggers contained in the s106 agreement for the provision of the land.

In addition, DCC would require contributions for any over-allocation housing growth (currently 222 dwellings within this Cobdens development) towards SEN provision in accordance with DCC's Education Approach for Developer Contributions (December 2021). This additional contribution is requested as the total infrastructure project cost is not fully funded by the CEA contribution and it is necessary to mitigate additional impacts from over-allocation dwellings relating to SEN education.

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

Payment method (if not included above)

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

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

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

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

Location, size and layout of the school site

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

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

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

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

Summary

Devon County Council, as the Local Education Authority, raises no objection to this application on education matters subject to the imposition of appropriate conditions and provision of contributions toward education infrastructure as detailed above. The Council requires certainty that the development will contribute to education infrastructure to fully mitigate the impact of the housing growth proposed. We would need to have the opportunity to update our response once the Cranbrook plan is adopted.

CHILDREN'S SERVICES

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

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

- a. a basic contribution of £10,539 ($£36,218 \times 29.1\%$) index linked for the 1213 allocated dwellings; plus
- b. an additional contribution of £8.69 index linked per over-allocation dwelling (on a per dwelling rate of $£36,218 / 4170$).

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

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

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

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

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

Summary

Subject to such contributions towards children's services, the county council has no objection to this application.

YOUTH SERVICES

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

- a. a basic contribution of £10,539 (£36,218*29.1%) index linked for the 1213 allocated dwellings; plus
- b. an additional contribution of £8.69 index linked per over-allocation dwelling (on a per dwelling rate of £36,218 /4170).

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

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

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

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

Subject to such contributions towards youth service facilities, the county council has no objection to this application.

LIBRARY SERVICES

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

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

- a. a basic contribution of £139,680 (£480,000*29.1%) index linked for the 1213 allocated dwellings; plus
- b. an additional contribution of £115.11 index linked per over-allocation dwelling (on a per dwelling rate of £480,000 /4170).

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

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

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

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

Summary

The county council has no objection to the application subject to such contributions towards library services.

EXTRA CARE HOUSING PROVISION

An extra care housing development comprises self-contained apartments with design features, personal care and support services available 24 hours a day to enable elderly residents to self-care and live as independently as they are able. Residents may be owners, part-owners or tenants and can make use of communal facilities. Extra care facilities should be located within towns and urban areas allowing people to live near their relatives and other facilities. The county council's Extra Care Housing Strategy⁶ specifies the need to provide a 55 unit facility at Cranbrook (to cater for 6,000 dwellings). Based on similar schemes provided recently in Devon, a site of 0.6 hectares would usually be required.

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

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

- a. a basic contribution of £1,018,500 ($£3,500,000 \times 29.1\%$) index linked for the 1213 allocated dwellings; plus
- b. an additional contribution of £839.33 index linked per over-allocation dwelling (on a per dwelling rate of $£3,500,000 / 4170$).

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

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

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

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

Summary

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

GYPSY AND TRAVELLERS PROVISION

DCC welcomes the provision within this planning application of provision of 10 serviced permanent pitches for Gypsies and Travellers on a site of at least 1 hectare. DCC considers the level and location of this provision acceptable as it is consistent with the Policy CB4 of the Cranbrook Plan Submission Draft.

HEALTH AND WELLBEING

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

Health Baseline data

In DCC's consultation response to the revised EIA Scoping opinion request (dated 7 December 2020), we requested that the Devon Joint Strategic Needs Assessment (JSNA)⁷ and Cranbrook Health Needs Assessment^{8 9} are used when preparing the Environmental Statement, as these are based on the existing town area and help to recognise the differences in Cranbrook's population structure compared to the wider East Devon area. The submitted Health Baseline Assessment (ES Appendix 6.2) has used 2017 data which is based on Broadclyst and Whimble Wards; both of which are rural and have limited comparisons to urban areas such as Cranbrook. Since this 2017 data was produced there has been significant development within Cranbrook, which will have impacted on the demographics of the town. We would expect to see the most recent JSNA Cranbrook data used as the evidence in Appendix 6.2. as this informs the growing infrastructure of the town.

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

Neighbourhood centre

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

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

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

Active and sustainable travel

DCC supports the applicant's commitment to sustainable travel and to provide walkable neighbourhoods and a high-quality network of pedestrian and cycle routes, which will help to reduce traffic and carbon emissions, improving health outcomes in line with planning practice guidance on travel plans, transport assessments and statements. This provision should meet the requirements of the relevant Cranbrook Plan policies including sufficient and safe storage facilities for bicycles and electric vehicle charging. It would be helpful if the bicycle storage could be designed so it could be used for storage of electric disability buggies if required, although we acknowledge this is not a requirement of the Cranbrook Plan.

Open space

We welcome the amount of green infrastructure and open space due to be provided by this development, which will provide for natural play, active recreation and healthy living, and help to combat climate change. We are pleased to note the proposed provision of corridors of locally distinctive orchard trees will be integral within the public open space as stated in the Design and Access Statement page 58. Open space should include provision of shade to protect from sunlight with design of any sports provision of pitches to specifications that are mindful of extreme weather conditions caused by climate change. Seating for less active residents within the country park and near to the play spaces will support inclusive access to enjoy the outdoors.

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

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

This development should also ensure that space for community gardens is included as an integral part of street design in accordance with Cranbrook Plan Policy CB25. The provision of community gardens/orchards across Cranbrook provides a potentially “free” seasonal food source, currently supported by “Grow Eat Do”¹⁴ (part of the incredible Edible network) and Public Health would like to see provision within the expansion plans for more community garden space.

Housing

We welcome the applicant’s commitment that homes should be efficient and cost effective and provide a healthy, comfortable and safe internal and external environment in order to improve mental wellbeing. Provision of housing should be made in accordance with the Cranbrook Plan policies, including CB10 Affordable Housing and the CB15 requirement for homes for everyone providing a mix of housing types and tenure in order to provide a balanced community. We would encourage consideration of the volumes of adaptable housing to fully consider the future needs of the population.

Section 106 Contributions

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

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

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

- a. a basic contribution of £2,037,000 ($£7,000,000 \times 29.1\%$) index linked for the 1213 allocated dwellings; plus
- b. an additional contribution of £1,678.66 index linked per over-allocation dwelling (on a per dwelling rate of $£7,000,000 / 4170$).

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

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

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

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

Summary

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

FLOOD RISK MANAGEMENT (DCC Reference: FRM/ED/0406/2022)

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

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

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

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

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

Summary

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

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

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

The County Historic Environment Team would therefore advise that the impact of the development upon these heritage assets should be mitigated by a programme of archaeological work undertaken in advance of any development commencing. The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

Reason

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

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

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

The County Historic Environment Team would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine an accurate extent of the areas of prehistoric activity identified by the initial evaluative investigations. Based on the results of this work the scope of the archaeological mitigation can be determined and implemented in advance of construction works. This archaeological mitigation work may take the form of targeted area excavation of areas of archaeological sensitivity in advance of groundworks. In addition, a programme of monitoring and recording (a watching brief) would need to be implemented within a 50m corridor either side of the Roman road upon which the current B3174 is aligned to enable any road-side Roman-British archaeological deposits to be identified and recorded prior to development in that area. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

The Historic Environment Team would be happy to discuss this further with you, the applicant or their agent and can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Summary

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

WASTE AND MINERALS PLANNING

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

We are content with the information submitted within the Waste Management Assessment (Appendix 2.2 of the Environment Statement) at this outline application stage. However, in order to meet all the requirements of Policy W4 of the Devon Waste Plan, and as mentioned in the covering letter, the following information needs to be provided:

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

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

- Provide an estimate of the predicted annual amount of waste (in tonnes) that will be generated once the development is occupied.
- Identify the main types of waste generated when development is occupied.
- Identify the management methods for each waste stream.

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

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

Summary

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

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

DCC Further comments

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

Thank you for providing the opportunity to comment on this planning application. This response provides the formal views of Devon County Council and is separated into sections covering the following topics. Most of our comments remain unchanged from our previous response of the 20th June 2022 apart from revisions to highways and flood risk comments, minor changes to our historic environment and education site specific comments, and also to reflect recent adoption of the Cranbrook Plan.

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

- Historic environment impacts
- Waste and minerals planning

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

Devon County Council provides the following view on this application:

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

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

Planning contribution calculations within this response have been identified in line with the Cranbrook Plan and its associated Cranbrook Infrastructure Delivery Plan (August 2022). In identifying the planning contributions required for this development, we have considered the number of dwellings which are allocated within the Cranbrook plan and the number of dwellings which are over allocation (excess dwellings). We understand that this planning application currently comprises 1213 allocated dwellings and 222 over-allocation dwellings ($1213 + 222 = 1435$).

Following adoption of the Cranbrook Plan, we are therefore requesting planning contributions made up of two elements as follows:

- a. A basic contribution for the allocated dwellings comprising the equalised contribution in line with Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan; plus
- b. Where it is necessary to mitigate additional impacts from over-allocation dwellings and/or the total infrastructure project cost is not fully funded by the CEA contribution, an additional contribution for the over-allocation dwellings within this development based on a per dwelling cost for each additional over-allocation dwelling, calculated at a per dwelling rate of 1/4170th. For the current number of 222 over-allocation dwellings, this equates to an additional contribution of 5.3% ($222/4170 = 5.3\%$) of the relevant (Cranbrook Expansion Area) CEA contribution.

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

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

HIGHWAYS AND TRANSPORT

The revised submission of detail for the outline application, given its scale and nature is presently under an ongoing assessment by the Local Highway Authority (LHA). Discussions are expected to evolve with the applicant, in conjunction with the Local Planning Authority (LPA) with regards to access and impact on the Local Highway Network. Once this has been better understood to allow the LHA to make further and more formal comments, these will be provided at the earliest opportunity to the LPA.

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

Section 106 contributions for sustainable transport

Devon County Council has previously requested s106 contributions towards sustainable transport from all the expansion area applications (dated 14 June 2018) (<https://eastdevon.gov.uk/media/2760809/dcc-cranbrook-s106-transport-request-june-2018.pdf>.)

Following consideration of the Cranbrook Infrastructure Delivery Plan (Cranbrook IDP) as part of the Cranbrook Plan Examination, the 'Public Transport' section of DCC's 14 June 2018 request was replaced by the revised package of Public Transport s106 contributions detailed in DCC's Cranbrook Plan Examination Statement dated 14 July 20202 (Available as document PSD26 at <https://eastdevon.gov.uk/planning/planning-policy/cranbrook-plan/cranbrook-plan-examination/#article-content>) summarised below:

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

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

It is considered that this new combination of measures represents a package of transport improvements that can be delivered with greater certainty, within a shorter timescale and more cheaply in order to mitigate the impact of the Cranbrook expansion area development. These contributions are still considered essential to provide safe and suitable access for active travel to encourage a significant shift to non-car modes and mitigate the impact of the development on the A30 Corridor.

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

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

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

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

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

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

Summary

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

LOCAL EDUCATION PROVISION (INCLUDING EARLY YEARS)

Introduction

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

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

Policy CB4 of the Cranbrook Plan requires the provision of a 630 place primary school with 80 early years places and a 150m² community room. We welcome that this revised planning application for the Cobdens expansion area identifies an education site which includes 2.9 ha for a 630 place primary school, providing for the new homes associated with this planning application and adjacent proposed housing development. The school site is planned to include 80 places of early years provision for 2, 3 and 4-year olds and incorporate a community room of 150m². The provision of 80 early years places is the usual requirement at a three-form entry primary school. This facility will provide for the new homes associated with this planning application and adjacent proposed housing development.

DCC requires that two primary schools are provided to serve the Cranbrook expansion areas, with one due to be delivered earlier than the other as set out in the Cranbrook Plan. DCC wishes the Cobdens primary school to be the first primary school delivered for the expansion areas, with early provision of the entire 4.1 hectare school site including the SEN land. DCC supports the flexibility over delivery and phasing of the two new primary schools at Cranbrook contained within Policy CB7 of the Cranbrook Plan and the approach for equalising s106 contributions in Policy CB6. These two new primary schools would provide for the 4170 dwellings allocated in the Cranbrook Plan.

DCC notes that this planning application currently comprises 1213 allocated dwellings and 222 over-allocation dwellings. Any over-allocation housing growth (currently 222 dwellings within this Cobdens development) would require a proportionate contribution towards primary school provision for any houses over the plan allocation in accordance with DCC's Education Approach for Developer Contributions (December 2021). This additional contribution is requested as it is necessary to mitigate additional impacts from over-allocation dwellings relating to primary and early years education.

Should DCC deliver the primary school, the freehold interest of the fully serviced and accessible site must be transferred to the LEA before construction commences on any dwelling if this is the first new school (or by the 750th expansion area dwelling if this is the second school). Details of access to the site including permission to access for surveys and construction would be detailed in the section 106 agreement. Should the applicant wish to build the 630 place primary school, DCC would need to discuss details of this with the applicant. The s106 agreement would specify the mechanism for agreeing the specification for the school design and the trigger of when the completed school must be delivered. For the LEA to meet its statutory duty to provide school places for this development, it is expected that the school is delivered before the first occupation of the 30th expansion area dwelling in accordance with Cranbrook Plan Policy CB7 (unless this 630 primary school is the second new primary school to be delivered by the 1650th expansion area dwelling). Further details are contained in Table 2 of Appendix 1 to this letter.

Secondary education

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

As such, the county council requests provision of contributions towards secondary education:

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

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

No additional land beyond that which already has planning permission for the education campus will be required to serve the secondary age pupils from the expansion area planning applications (up to 4,170 dwellings).

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

Special Education Needs

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

The provision of an SEN school within the Cobdens development would be subject to the approach for equalising s106 contributions set out in Policy CB6, which is supported by DCC. This s106 contribution towards SEN provision identified in the Cranbrook Infrastructure Delivery Plan provides for the 4170 dwellings in the Cranbrook Plan including the 1213 allocated Cobdens dwellings contained in this application. There would need to be further discussion with the developer about the triggers contained in the s106 agreement for the provision of the land.

In addition, DCC would require contributions for any over-allocation housing growth (currently 222 dwellings within this Cobdens development) towards SEN provision in accordance with DCC's Education Approach for Developer Contributions (December 2021). This additional contribution is requested as the total infrastructure project cost is not fully funded by the CEA contribution and it is necessary to mitigate additional impacts from over-allocation dwellings relating to SEN education.

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

Payment method

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

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

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

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

Location, size and layout of the school site

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

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

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

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

Summary

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

CHILDREN'S SERVICES

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

As such, the County Council requests provision of contributions:

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

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

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

The main children's centre facility as proposed is a small facility for a town the size of Cranbrook taking into account the expansion area applications. This, and the fact

that children's centres are most effective if they are located within the heart of local communities, means that it is necessary to provide additional children's centre facilities to accommodate the expansion area applications. It is considered that this will be best achieved by providing community use areas within the proposed primary schools, as identified in the education provision section above.

Summary

Subject to such contributions towards children's services, the county council has no objection to this application.

YOUTH SERVICES

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

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

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

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

Summary

Subject to such contributions towards youth service facilities, the county council has no objection to this application.

LIBRARY SERVICES

In accordance with the adopted East Devon Local Plan, Cranbrook needs to be delivered with all appropriate infrastructure. The Cranbrook principal s106 agreement makes provision for a permanent library space of 450m² plus parking and servicing areas to be provided by the developers to a specification agreed by the county council, on 0.1 hectares of serviced land. The county council wishes the library to be co-located with at least one other facility within the town centre, preferably the children's centre and youth service. The county council is content a library of this size will be sufficient to meet the needs of the expansion areas so long as funding is made available to fit the library facility out. The full fit out cost is anticipated to be

approximately £480,000 (base date Q1 2020) as identified in the Cranbrook Infrastructure Delivery Plan. In addition, there will be a shortfall in the funding to deliver the library floorspace within the proposed DCC community building. As such, the County Council requests provision of contributions:

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

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

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

Summary

The county council has no objection to the application subject to such contributions towards library services.

EXTRA CARE HOUSING PROVISION

An extra care housing development comprises self-contained apartments with design features, personal care and support services available 24 hours a day to enable elderly residents to self-care and live as independently as they are able. Residents may be owners, part-owners or tenants and can make use of communal facilities. Extra care facilities should be located within towns and urban areas allowing people to live near their relatives and other facilities. The county council's Extra Care Housing Strategy⁶ specifies the need to provide a 55 unit facility at Cranbrook (to cater for 6,000 dwellings). Based on similar schemes provided recently in Devon, a site of 0.6 hectares would usually be required.

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

As such, the County Council requests provision of contributions:

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

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

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

Summary

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

GYPSY AND TRAVELLERS PROVISION

DCC welcomes the provision within this planning application of provision of 10 serviced permanent pitches for Gypsies and Travellers on a site of at least 1 hectare. DCC considers the level and location of this provision acceptable as it is consistent with the Policy CB4 of the Cranbrook Plan.

HEALTH AND WELLBEING

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

Health Baseline data

In DCC's consultation response to the revised EIA Scoping opinion request (dated 7 December 2020), we requested that the Devon Joint Strategic Needs Assessment (JSNA)7 and Cranbrook Health Needs Assessment 8 9 are used when preparing the Environmental Statement, as these are based on the existing town area and help to recognise the differences in Cranbrook's population structure compared to the wider East Devon area. The submitted Health Baseline Assessment (ES Appendix 6.2) has used 2017 data which is based on Broadclyst and Whimble Wards; both of which are rural and have limited comparisons to urban areas such as Cranbrook. Since this 2017 data was produced there has been significant development within Cranbrook, which will have impacted on the demographics of the town. We would expect to see the most recent JSNA Cranbrook data used as the evidence in Appendix 6.2. as this informs the growing infrastructure of the town.

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

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

Neighbourhood centre

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

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

Currently there is very limited access to a choice of food provision with only one local convenience foodstore within Cranbrook. The nearest low-cost supermarket is 3.9 miles away. DCC hopes that the provision of a neighbourhood centre within the Cobdens development will allow increased access to a choice of food provision, particularly shops selling local fresh healthy foods. The Health Impact Statement (ES Appendix 6.3) section 1.18 discusses the potential for local independent stores to trade in the town and these could give a wider choice of food provision. DCC requests that the LPA ensures any provision of hot food takeaways within the neighbourhood centre is in accordance with Policy CB4 of the Cranbrook Plan which restricts their number and location, based on Public Health England guidance¹². A Healthy Streets Approach¹³ should be followed, with shade and shelter and regular seating to enable the less able people in the community to rest.

Active and sustainable travel

DCC supports the applicant's commitment to sustainable travel and to provide walkable neighbourhoods and a high-quality network of pedestrian and cycle routes, which will help to reduce traffic and carbon emissions, improving health outcomes in line with planning practice guidance on travel plans, transport assessments and statements. This provision should meet the requirements of the relevant Cranbrook Plan policies including sufficient and safe storage facilities for bicycles and electric vehicle charging. It would be helpful if the bicycle storage could be designed so it could be used for storage of electric disability buggies if required, although we acknowledge this is not a requirement of the Cranbrook Plan.

Open space

We welcome the amount of green infrastructure and open space due to be provided by this development, which will provide for natural play, active recreation and healthy living, and help to combat climate change. We are pleased to note the proposed parkland with a large area of locally distinctive orchard planting will be integral within the public open space as stated in the amended Design and Access Statement page

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

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

This development should also ensure that space for community gardens is included as an integral part of street design in accordance with Cranbrook Plan Policy CB25. The provision of community gardens/orchards across Cranbrook provides a potentially “free” seasonal food source, currently supported by “Grow Eat Do”¹⁴ (part of the incredible Edible network) and Public Health would like to see provision within the expansion plans for more community garden space.

Housing

We welcome the applicant’s commitment that homes should be efficient and cost effective and provide a healthy, comfortable and safe internal and external environment in order to improve mental wellbeing. Provision of housing should be made in accordance with the Cranbrook Plan policies, including CB10 Affordable Housing and the CB15 requirement for homes for everyone providing a mix of housing types and tenure in order to provide a balanced community. We would encourage consideration of the volumes of adaptable housing to fully consider the future needs of the population.

Section 106 Contributions

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

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

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

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

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

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

Summary

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

FLOOD RISK MANAGEMENT (DCC Reference: FRM/ED/0406/2022)

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

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

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

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

Summary

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

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

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

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

The County Historic Environment Team would therefore advise that the impact of the development upon these heritage assets should be mitigated by a programme of archaeological work undertaken in advance of any development commencing. The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

Reason

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

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

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

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

Reason

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

The County Historic Environment Team would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine an accurate extent of the areas of prehistoric activity identified by the initial evaluative investigations. Based on the results of this work the scope of the archaeological mitigation can be determined and implemented in advance of construction works. This archaeological mitigation work may take the form of targeted area excavation of areas of archaeological sensitivity in advance of groundworks. In addition, a programme of monitoring and recording (a watching brief) would need to be implemented within a 50m corridor either side of the Roman road upon which the current B3174 is aligned to enable any road-side Roman-British archaeological deposits to be identified and recorded prior to development in that area. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

The Historic Environment Team would be happy to discuss this further with you, the applicant or their agent and can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Summary

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

WASTE AND MINERALS PLANNING

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

We are content with the information submitted within the Waste Management Assessment (Appendix 2.2 of the Environment Statement) at this outline application stage. However, in order to meet all the requirements of Policy W4 of the Devon Waste Plan, and as mentioned in the covering letter, the following information needs to be provided:

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

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

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

Summary

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

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

DCC Additional updates:

Flood Risk Management Team

Recommendation:

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

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.

- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

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

Observations:

Following my previous consultation response (FRM/ED/0406/2022; dated 9th January 2023), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has confirmed the sizing of each catchment.

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

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

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

DCC – Local Highway Authority

Observations:

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

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

Access

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

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

Tillhouse Road/Rush Meadow Road intersection

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

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

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

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

London Road Primary Access

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

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

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

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

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

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

Southbrook Lane

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

Transport Assessment and S106 Contributions for Sustainable Transport

The applicant remains obligated to fulfil and contribute towards a number of measures set out in Cranbrook Infrastructure Delivery Plan (Cranbrook IDP), as outlined in our previous comments dated 20 June 2022 which are reiterated below: Devon County Council has previously requested s106 contributions towards sustainable transport from all the expansion area applications (dated 14 June 2018)[1].

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

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

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

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

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

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

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

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

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

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

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

Travel Plan

The applicant has provided a supporting Travel Plan as part of the application submission.

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

Summary

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

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

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

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

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

- No development shall take place until final detailed plans have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority) relating to lines, levels, layouts, and any necessary visibility splays, as generally shown on the following drawings, to also include full and appropriate pedestrian and cycle access.
 - Extension of Main Link Road into the Site - 195173/A06 D
 - Proposed London Road Scheme - VD20342-100 B

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

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

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

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

- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be provided, surfaced, and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area.
- Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and

- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work

Note

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

Ecologist (EDDC) District

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

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

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

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

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

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

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

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

Due consideration of habitat loss

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

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

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

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

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

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

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

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

Biodiversity Net Gain

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

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

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

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

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

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

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

LBDS and SANGS Mitigation strategy

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

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

Ecological compensation and enhancements

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

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

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

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

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

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

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

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

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

Further Comments

Previous response

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

Layout

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

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

LBDS

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

ES Chapter

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

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

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

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

Biodiversity Net Gain (BNG) calculations

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

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

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

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

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

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

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

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

Conclusion

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

Items to Condition

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

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

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

Environment Agency

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

Environment Agency position

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

Advice - Flood risk assessment

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

Advice - Biodiversity

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

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

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

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

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

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

Advice - Construction environment management plan

Previous works at Cranbrook have resulted in several incidents where there has been little regard to the run-off of soil to the watercourse. We have reviewed the construction environment management plan (CEMP) and consider it does little to address what measures will be in place to prevent discharge of soil/silt to the watercourse.

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

- o Detailed site-specific measures to be put in place to prevent soil run off from site from exposed land at the early stage of the construction phase. Will there be silt fencing, an attenuation pond or access to a silt buster or similar if required?
- o Plans are required to show where the soil stockpiles will be located and the specific measures to be put in place to prevent a discharge of silt laden water from these.
- o Details of measures to ensure protection of watercourses, on or next to the site, from soil run off from site via existing field ditches, watercourses or any ponds on site.
- o Details of any existing land drainage measures to prevent discharge of soil run off via these.
- o Incidents which involve the contamination of the ground or unconsented discharges to ground or surface water should be reported to the Environment Agency via the Incident Hotline number: 0800 807060.
- o Confirmation that the ground works company and the construction site will be fully conversant with the plans to prevent unauthorised discharges of silt laden water from site.

Advice - Contaminated land

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

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

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

Further Comments:

Thank you for reconsulting us on the above planning application.

Environment Agency position

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

Advice - Flood Risk

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

Advice - Biodiversity

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

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

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

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

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

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

Advice - Pollution prevention

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

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

- o Detailed site-specific measures to be put in place to prevent soil run off from site from exposed land at the early stage of the construction phase. Will there be silt fencing, an attenuation pond or access to a silt buster or similar if required?
- o Plans are required to show where the soil stockpiles will be located and the specific measures to be put in place to prevent a discharge of silt laden water from these.
- o Details of measures to ensure protection of watercourses, on or next to the site, from soil run off from site via existing field ditches, watercourses or any ponds on site.
- o Details of any existing land drainage measures to prevent discharge of soil run off via these.
- o Incidents which involve the contamination of the ground or unconsented discharges to ground or surface water should be reported to the Environment Agency via the Incident Hotline number: 0800 807060.
- o Confirmation that the ground works company and the construction site will be fully conversant with the plans to prevent unauthorised discharges of silt laden water from site.

Further Comments:

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

Environment Agency position

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

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

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

Condition – Flood resilience

In advance of the first reserved matters being submitted, a scheme to ensure that the development is flood resilient shall have been submitted to, and approved in writing by the local planning authority.

The scheme shall be informed by site-specific modelling and an up-to-date Flood Risk Assessment, and shall demonstrate that finished floor levels will be a minimum of 600mm above the design flood level.

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

Where it can be demonstrated that essential infrastructure is required in such a location, a detailed flood mitigation/compensation scheme shall also be set out in any relevant reserved matters applications. The location of SuDS features (other than for conveyance) shall also be outside of the 1 in 100 plus climate change flood extent.

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

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

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

Condition – Maintenance/Wildlife Corridor adjacent to Watercourses

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

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

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

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

Condition – Detailed design of watercourse crossings

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

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

Condition – Construction Environment Management Plan (CEMP)

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

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

Condition – Site Investigation and Remediation

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

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

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

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

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

Condition – Unsuspected Contamination

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

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

Advice – Flood Risk

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

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

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

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

Advice – Construction environment management plan

Previous works at Cranbrook have resulted in several incidents where there has been little regard to the run-off of soil to the watercourse. We have reviewed the construction environment management plan (CEMP) and consider it does little to address what measures will be in place to prevent discharge of soil/silt to the watercourse.

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

- Detailed site-specific measures to be put in place to prevent soil run off from site from exposed land at the early stage of the construction phase. Will there be silt fencing, an attenuation pond or access to a silt buster or similar if required?
- Plans are required to show where the soil stockpiles will be located and the specific measures to be put in place to prevent a discharge of silt laden water from these.
- Details of measures to ensure protection of watercourses, on or next to the site, from soil run off from site via existing field ditches, watercourses or any ponds on site.
- Details of any existing land drainage measures to prevent discharge of soil run off via these.
- Incidents which involve the contamination of the ground or unconsented discharges to ground or surface water should be reported to the Environment Agency via the
- Incident Hotline number: 0800 807060.
- Confirmation that the ground works company and the construction site will be fully conversant with the plans to prevent unauthorised discharges of silt laden water from site.

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

Advice – Contaminated land

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

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

Please contact us again if you require any further advice.

Environmental Health

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

Exeter & Devon Airport - Airfield Operations+Safeguarding

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

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

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

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

Wildlife Hazards around Aerodromes

Cranes and other Construction Issues.

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

If the proposals for the Sustainable Urban Drainage System (SUDS) are delivered (1/100 year storm, 14 days to drain, annual storm 1-4 days), then mitigation (bird exclusion) measure will not be required. However, the SUDS will require monitoring to ensure that water does not persist beyond these projections and if it does, engineered drainage solutions or bird exclusion systems should be implemented.

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

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

Further Comments:

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

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

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

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

Green Infrastructure Project Manager

Overview:

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

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

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

Review of Documents:

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

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

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

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

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

Parameters Plan – Movement 9009-L-14 H

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

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

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

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

Framework Travel Plan

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

Design & Access Statement

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

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

Natural connections chapter

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

Design of MLR

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

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

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

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

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

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

Ecological mitigation

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

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

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

Play and sport strategy

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

SANGS

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

London Road Scheme Overview 195173/A08

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

Relevant EDDC Local Plan Policies:

Cranbrook DPD

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

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

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

CB15 Delivery of Suitable Alternative Natural Green Space (SANGS)

CB25 London Road Improvements

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

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

where necessary all infrastructure needed to support their delivery) for vehicles, pedestrians and cyclists between land to the north and south of the London Road (the B3174). In particular it is expected that development in the Treasbeare expansion area will be linked to the Bluehayes expansion area and to existing development at Cranbrook and similarly the Grange expansion area to the Cobdens expansion area. Across all four expansion areas, land for crossing points on opposite sides of the road will need to be identified, coordinated and safeguarded to ensure that direct and fully connected routes are delivered.

CB27 Landscape, Biodiversity and Drainage

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

Strategy 10 – Clyst Valley Regional Park Approved Masterplan

Additional Information required:

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

Conditions:

Cycleway and/or footway to be adopted

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

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

Sustainable Drainage System (SuDS)

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

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

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

Soil Resources Plan

A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009, which should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
- identification of person responsible for supervising soil management.

Historic England

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

Historic England Advice

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

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

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

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

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

Recommendation

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

Further Comments:

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

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

Housing Strategy/Enabling Officer - Jo Garfoot

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

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

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

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

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

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

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

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

Landscape Architect (EDDC)

1 INTRODUCTION

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

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

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

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

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

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

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

2 REVIEW OF SUBMITTED INFORMATION

2.1 Landscape and visual impact assessment (LVIA) Methodology

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

Landscape baseline

The landscape baseline is comprehensive.

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

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

Assessment of landscape sensitivity

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

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

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

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

Visual baseline

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

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

1 Landscape susceptibility to change criteria LVIA Annex 11A

Assessment of visual sensitivity

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

Assessment of landscape effects

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

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

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

Assessment of visual effects

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

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

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

2.2 Design parameter plans

Movement strategy

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

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

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

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

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

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

Cycle Strategy

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

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

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

GI strategy

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

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

Tree and hedgerow strategy plan

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

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

SuDS strategy

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

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

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

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

SANG strategy

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

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

Character Area Plan

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

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

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

Car parking

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

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

Adequate provision should be made for electric vehicle charging points.

2.3 SANG delivery and enhancement strategy

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

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

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

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

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

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

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

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

Table 1 Management Operations

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

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

2.4 Other considerations

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

3 CONCLUSION AND RECOMMENDATIONS

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

Should the application be approved the following conditions should be imposed:

- 1) No development work shall commence on site until the following information has been submitted to the LPA and approved:
 - a) A full set of hard landscape details for proposed walls, fencing, retaining structures, paved surfacings and edgings, site furniture and signage.
 - b) Details of locations, heights and specifications of proposed external lighting including means of control and intended hours of operation.
 - c) External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 – Guidance notes for the reduction of obtrusive light and GN 08/18 – Bats and Artificial Lighting in the UK.
 - d) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.
 - e) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of raingardens, filter strips, swales and attenuation ponds etc. and locations and construction details of check dams, inlets and outlets etc.
 - f) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009, which should include:
 - a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
 - methods for stripping, stockpiling, re-spreading and ameliorating the soils.
 - location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
 - schedules of volumes for each material.

- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
 - identification of person responsible for supervising soil management.
- g) A full set of soft landscape details including:
- i. Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
 - ii. Plant schedule indicating the species, form, size, numbers and density of proposed planting.
 - iii. Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
 - iv. Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
- h) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and be maintained in sound condition for the duration of the works.
- 2) No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 20 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:
- Extent, ownership and responsibilities for management and maintenance.
 - Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
 - A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
 - Landscape and ecological aims and objectives for the site.
 - Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
 - Existing trees, woodland and hedgerows.
 - New trees, woodland areas, hedges and amenity planting areas.
 - Grass and wildflower areas.
 - Biodiversity features - hibernaculae, bat/ bird boxes etc.
 - Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
 - Arrangements for Inspection and monitoring of the site and maintenance practices.
 - Arrangements for periodic review of the plan.
- Management, maintenance and monitoring shall be carried out in accordance with the approved plan.
- 3) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings within a

given phase with the exception of planting which shall be completed no later than the first planting season following first use.

- 4) Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

Further comments:

1 INTRODUCTION

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

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

2 REVIEW OF ADDITIONAL LANDSCAPE RELATED INFORMATION

Masterplan

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

GI Parameters Plan

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

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

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

Character areas

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

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

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

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

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

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

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

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

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

SANG delivery and enhancement strategy.

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

3 CONCLUSION AND RECOMENDATIONS

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

Should the application be approved the following conditions, as previously noted, should be imposed:

1) No development work shall commence on site until the following information has been submitted to the LPA and approved:

a) A full set of hard landscape details for proposed walls, fencing, retaining structures, paved surfacings and edgings, site furniture and signage.

b) Details of locations, heights and specifications of proposed external lighting including means of control and intended hours of operation. External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.

c) Detail levels plan(s) indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.

d) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of raingardens, filter strips, swales and attenuation ponds etc. and locations and construction details of check dams, inlets and outlets etc.

e) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
- identification of person responsible for supervising soil management.

g) A full set of soft landscape details including:

i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.

ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.

iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
h) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and be maintained in sound condition for the duration of the works.

2) No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 20 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.
 - Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
 - A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
 - Landscape and ecological aims and objectives for the site.
 - Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
 - o Existing trees, woodland and hedgerows.
 - o New trees, woodland areas, hedges and amenity planting areas.
 - o Grass and wildflower areas.
 - o Biodiversity features - hibernaculae, bat/ bird boxes etc.
 - o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
 - Arrangements for Inspection and monitoring of the site and maintenance practices.
 - Arrangements for periodic review of the plan.
- Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

3) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings within a given phase with the exception of planting which shall be completed no later than the first planting season following first use.

4) Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

NHS Devon

The application has been reviewed from a primary care perspective and the following comments are provided by NHS Devon Clinical Commissioning Group as their response to the application. The response has been informed by the Devon Health Contributions Approach: GP Provision (<https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance>) which was jointly prepared by NHS England and Devon County Council.

In preparing this response, it is noted that The East Devon District Council Local Plan 2013 to 2033 (adopted 28th January 2016) states that:

“16.33

The Council will consult with health and social care services on larger planning applications and/or those that could have service provision implications.

Education and Health

16.41

The District Council is not responsible for providing education or health care which are usually the responsibility of the Local Education Authority and the Local Health Authority respectively but financial contributions can be sought from developers where new development will place additional demand on their services. Health care and education will be integrated into large new developments at the planning stage.

16.45

In rural areas health care provision is far more difficult to access with irregular public transport and few, if any, local surgeries or other care....We will retain and continue to use East Devon Local Plan policies as a means to promote the development of new education and health care facilities whilst resisting the loss of existing facilities.

Partnership

19.8

The Council will work with partner organisations responsible for transport provision, education, health....provision of new infrastructure to match demands arising from future population changes and also to address current shortfalls.”

The CCG’s concern is that Cranbrook Medical Practice is already over capacity within its existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The surgery already has 3,435 patients registered between them and this new development will increase the local population by a further 3,143 persons.

Taking this into account and drawing upon the document “*Devon Health Contributions Approach: GP Provision document*” which was agreed by NHS England and Devon County Council, the following calculation has been made:

Methodology for Application 22/0406/MOUT

1. Residential development of 1,435 dwellings
2. This development is in the catchment of Cranbrook Medical Practice which have a total capacity for 2,479 patients.
3. The current patient list size is 3,435 which is already over capacity by 956 patients or at 139% of capacity.
4. The increased population from this development = 3,143
 - a. No of dwellings x Average occupancy rate = population increase
 - b. $1,435 \times 2.19 = 3,143$
5. The new GP List size will be 6,578 which is over capacity by 4,099
 - a. Current GP patient list + Population increase = Expected patient list size
 - b. $3,435 + 3,143 = 6,578$ (4,099 over capacity)
 - c. *If expected patient list size is within the existing capacity, a contribution is not required, otherwise continue to step 6*
6. Additional space required = 251.41m²
 - a. The expected m² per patient, for this size practice = 0.08m²
 - b. Population increase x space requirement per patient = total space (m²) required
 - c. $3,143 \times 0.08 = 251.41m^2$
7. Total contribution required = **£804,518**
 - a. Total space (m²) required x premises cost = final contribution calculation
 - b. $251.41m^2 \times £3,200 = £804,518$ (£561 per dwelling).

Could you please acknowledge the CCG's request for an S106 contribution towards the cost mitigation of the pressures on the local healthcare facility and that it will form part of any future s106 Agreement with the Developers.

NHS Devon CCG's S106 contribution for this development is requested to enhance the primary care health facilities that can accommodate the expected increase in population. This enhancement will be either as part of integrated healthcare services within the development or a reconfiguration of existing GP practices that will serve the residents of this development.

NHS Local (RDUH)

This is a consultation response to the planning application 22/0406/MOUT Land At Cobdens North Of London Road East Of Cranbrook

Introduction

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The creation and maintenance of healthy communities is an essential component of sustainability as articulated in the Government's National Planning Policy Framework, which is a significant material consideration. Development plans have to be in conformity with the NPPF and less weight should be given to policies that are not consistent with the NPPF. Consequently, local planning policies along with development management

decisions also have to be formulated with a view to securing sustainable healthy communities. Access to health services is a fundamental part of sustainable healthy community.

As the attached document demonstrates, Royal Devon University Healthcare NHS Foundation Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare.

It is further demonstrated that this development will create potentially long term impact on the Trust ability provide services as required.

The Trust's funding is based on previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients.

The contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical services. The Trust is unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Further, the following year's contract does not pay previous year's deficit retrospectively. This development creates an impact on the Trust's ability provide a services required due to the funding gap it creates. The contribution sought is to mitigate this direct impact.

CIL Regulation 122

The Trust considers that the request made is in accordance with Regulation 122:

"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development."

S 106

S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount £920,750.00 sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within the attached document.

Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies as explained in the attached document.

Royal Devon University Healthcare NHS Foundation Trust

National Highways

Referring to the notification of an Outline planning application referenced above, application for up to 1,435 new residential dwellings, a neighbourhood centre with a maximum of 750 sqm gross ground floor space (use classes E and sui generis (Hot food takeaways and pubs/bars)), a three form entry Primary School (use class F1) with associated nursery provision (use class E) and community room (Use class F2), a 50 place Special Educational Needs School (Use Class F1), public open space, allotments, Suitable Alternative Natural Green Space, drainage basins, landscaping, place of worship (Use class F1), parsonage, cemetery, 10 serviced pitches for gypsies and travellers, demolition of 4no. barns, and associated infrastructure with all matters reserved except for principal vehicular access off London Road to the south, connection to Phase 1 to the west, and vehicular access to the serviced pitches for gypsies and travellers off London Road to the south east, at land at Cobdens, north of London Road, east of Cranbrook, Devon, notice is hereby given that National Highways' formal recommendation is that we:

- a. ~~offer no objection (see reasons at Annex A);~~
- b. recommend that conditions should be attached to any planning permission that may be granted (see Annex A - National Highways recommended Planning Conditions & reasons);
- c. ~~recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- d. ~~recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is/is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A National Highways recommended Planning Conditions

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England was renamed National Highways in August 2021. Prior to April 2015 the organisation was known as the Highways Agency. National Highways is a

government owned company responsible for operating, maintaining and improving the SRN.

Statement of Reasons

The application seeks outline planning permission for up to 1,435 new residential dwellings, a neighbourhood centre with a maximum of 750 sqm gross ground floor space (use classes E and sui generis (Hot food takeaways and pubs/bars)), a three form entry Primary School (use class F1) with associated nursery provision (use class E) and community room (Use class F2), a 50 place Special Educational Needs School (Use Class F1), public open space, allotments, Suitable Alternative Natural Green Space, drainage basins, landscaping, place of worship (Use class F1), parsonage, cemetery, 10 serviced pitches for gypsies and travellers, demolition of 4no. barns, and associated infrastructure with all matters reserved except for principal vehicular access off London Road to the south, connection to Phase 1 to the west, and vehicular access to the serviced pitches for gypsies and travellers off London Road to the south east, at land at Cobdens, north of London Road, east of Cranbrook, Devon.

Policy Background

The proposal comprises an expansion of the currently consented 3,847 dwellings in Cranbrook on land allocated for this purpose in the East Devon Local Plan (2013-2031, adopted 2016) referred to as the 'Eastern' Expansion Area'. The proposal is also referred to as the 'Cobdens Expansion Area' and subject to a separate policy (CB2) in the Cranbrook Development Plan Document (DPD) Submission Draft with proposed main modifications (January 2022). The application appears generally consistent with the specific uses as set out in Policy CB2 which refers to up to 1,495 new dwellings and a mixed-use area capable of accommodating a range of community and business spaces and a primary school.

Site History

The 'Cobdens' site comprises one of the four 'expansion' sites to the CNC as proposed within the Cranbrook DPD Submission Draft with proposed main modifications (January 2022). These four sites and their proposed allocations are tabulated below;

Location	Site	(Dwellings) 2022 Draft Cranbrook Plan Allocations
East	Cobdens	1,495
West	Bluehayes	960
South	Treasbeare	915
South East	Grange	800

		4,170
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National Highways has previously been consulted on planning applications for development on the sites to the east, west and south. The previous application for the eastern (Cobdens) site (15/0047/MOUT) comprised a higher quantum of residential development over which is now sought by application 22/0406/MOUT.

This previous application proposed 1,750 residential dwellings, primary school, a cemetery and associated building, sports and recreation facilities including children's play, an extension to the country park, green infrastructure (including open space), community uses (including non-residential institutions) and cemetery.

For ease of reference the applications relating to the Cranbrook expansion sites are summarised in Table 2 below;

<i>Table 2</i>		2015 Applications		Subsequent Applications		
Location	Site	Application	Dwellings	Application	Dwellings	2022 Plan Allocations
East	Cobdens	15/0047/MOUT	1,750	22/0406/MOUT	1,435	1,495
West	Bluehayes	15/0045/MOUT	820	19/0620/MOUT	930	960
South	Treasbeare	15/0046/MOUT	1,550	17/1482/MOUT	1,200	915
South East	Grange	N/A	0	21/0002/EIA *EIA scoping only	500	800
			4,120		4,065	4,170

National Highways understands that at this time the three 2015 expansion applications are being held in abeyance under Regulation 22.

Previous Responses

In our representations to the subsequent applications as listed in Table 2 and the Cranbrook DPD consultation and examination, we have confirmed that on the basis of previous transport assessment a total of 4,170 dwellings are able to come forward across the four Cranbrook DPD expansion sites subject to delivery of improvements at Moor Lane, which have now been completed.

We have confirmed that should the quantum of development sought by each expansion area not align with that allocated in the Cranbrook DPD, we would be happy to consider an alternative apportionment of these dwellings across the proposed allocation sites up to a maximum of 4,170. Should the overall Plan

allocation increase beyond 4,170 dwellings an updated transport assessment would need to be provided to enable National Highways to understand the impact upon the SRN, which was reiterated in our formal response to the Cranbrook Development Plan Document (DPD) Submission Draft 2019. Given the evidence based used to support the expansion site applications is now a decade old, any proposed uplift in the quantum of development will require the submission of updated transport modelling supported by contemporary traffic surveys.

Transport Assessment (TA)

The Cranbrook DPD includes an allocation of 1,495 dwellings for Cobdens. As set out in the TA, whilst application 22/0406/MOUT seeks permission for 1,435 dwellings, an additional planning application at Farlands (14/2945/MOUT) for 260 dwellings is also located within the Cobdens land allocation and therefore the total number of dwellings proposed within the Cobdens allocation is 1,695. Whilst the TA considers a total quantum of 1,695 dwellings, it is understood that application 14/2945/MOUT is still awaiting determination and as such we have considered application 22/0406/MOUT on the basis of the quantum of 1,435 dwellings sought by this application.

The TA proposes trip rates significantly lower than those previously accepted for the Cranbrook New Community and the subsequent applications at Bluehayes and Treasbeare. National Highways considers that insufficient evidence has been provided to substantiate that these lower rates are robust and appropriate for use. The same trip distribution accepted for application 17/1482/MOUT (Treasbeare) has been utilised which is accepted by National Highways.

Notwithstanding the above, National Highways notes that the 1,435 dwellings falls within the quantum of development allocated at Cobdens by the Cranbrook DPD, noting that the Farlands application is yet to come forward. National Highways has previously confirmed that 4,170 dwellings as allocated in the Cranbrook DPD are able to come forward, which based on applications at Cobdens (1,435), Bluehayes (930), Treasbeare (1,200) and Farlands (260), results in a total of 3,825 dwellings, with the Grange expansion site yet to come forward. On the basis that the 1,435 dwellings at Cobdens falls within the previously accepted thresholds the proposed development is considered acceptable in transport terms. It is however noted that should application 22/0406/MOUT be approved in conjunction with those set out above, this leaves a balance of 345 dwellings that can be brought forward on the Grange site without the need for further assessment. Should development in excess of this quantum be proposed at the Grange (and therefore in exceedance of the total 4,170), then the impact of this additional development will need to be assessed.

Travel Plan

It is noted that there is an overarching Cranbrook Travel Plan which covers all sites within the Cranbrook Plan area. National Highways would expect that this commitment is formalised as part of any planning consent that may be approved by the Local Planning Authority.

Construction Management Plan

National Highways notes that an approved Construction Environmental Management Plan (CEMP) is in place for the first phase of Cranbrook New Community. This identifies access routes and times for HGVs, plant operations and construction workers. In order to ensure that the impact of the construction phase(s) across the Cobdens site will not result in an adverse impact on the safe operation of the surrounding highway network we require the submission of a detailed CEMP, in accordance with the wider Cranbrook site.

Recommendation

National Highways has no objection in principle to application 22/0406/MOUT subject to planning conditions being attached to any consent the planning authority is minded to grant to the effect that:

1. Prior to the commencement of the development hereby permitted, a detailed Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). The applicant shall implement in full the measures contained within the agreed Construction Management Plan and such measures shall remain in place for the duration of works. Reason: in the interest of the safe and efficient operation of the strategic road network.

Further Comments:

Notice is hereby given that National Highways' formal recommendation is that we:

~~a) offer no objection (see reasons at Annex A);~~

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);

~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~

~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is/is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A National Highways recommended Planning Conditions

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road

Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England was renamed National Highways in August 2021. Prior to April 2015 the organisation was known as the Highways Agency. National Highways is a government owned company responsible for operating, maintaining and improving the SRN.

Statement of Reasons

The application seeks outline planning permission for up to 1,435 new residential dwellings, a neighbourhood centre with a maximum of 750 sqm gross ground floor space (use classes E and sui generis (Hot food takeaways and pubs/bars)), a three form entry Primary School (use class F1) with associated nursery provision (use class E) and community room (Use class F2), a 50 place Special Educational Needs School (Use Class F1), public open space, allotments, Suitable Alternative Natural Green Space, drainage basins, landscaping, place of worship (Use class F1), parsonage, cemetery, 10 serviced pitches for gypsies and travellers, demolition of 4no. barns, and associated infrastructure with all matters reserved except for principal vehicular access off London Road to the south, connection to Phase 1 to the west, and vehicular access to the serviced pitches for gypsies and travellers off London Road to the south east, at land at Cobdens, north of London Road, east of Cranbrook, Devon.

Policy Background

The proposal comprises an expansion of the currently consented 3,847 dwellings in Cranbrook on land allocated for this purpose in the East Devon Local Plan (2013-2031, adopted 2016) referred to as the 'Eastern' Expansion Area'. The proposal is also referred to as the 'Cobdens Expansion Area' and subject to a separate policy (CB2) in the Cranbrook Development Plan Document (DPD) Submission Draft with proposed main modifications (January 2022). The application appears generally consistent with the specific uses as set out in Policy CB2 which refers to up to 1,495 new dwellings and a mixed-use area capable of accommodating a range of community and business spaces and a primary school.

Site History

The 'Cobdens' site comprises one of the four 'expansion' sites to the CNC as proposed within the Cranbrook DPD Submission Draft with proposed main modifications (January 2022). These four sites and their proposed allocations are tabulated below;

<i>Table 1</i> Location	Site	(Dwellings) 2022 Draft Cranbrook Plan Allocations
East	Cobdens	1,495

West	Bluehayes	960
South	Treasbeare	915
South East	Grange	800
		4,170

National Highways has previously been consulted on planning applications for development on the sites to the east, west and south. The previous application for the eastern (Cobdens) site (15/0047/MOUT) comprised a higher quantum of residential development over which is now sought by application 22/0406/MOUT. This previous application proposed 1,750 residential dwellings, primary school, a cemetery and associated building, sports and recreation facilities including children's play, an extension to the country park, green infrastructure (including open space), community uses (including non-residential institutions) and cemetery.

For ease of reference the applications relating to the Cranbrook expansion sites are summarised in Table 2 below;

<i>Table 2</i>		2015 Applications		Subsequent Applications		
Location	Site	Applicati on	Dwelling s	Applicati on	Dwelling s	2022 Plan Allocations
East	Cobdens	15/004 7/MOU T	1,750	22/0406/ MOUT	1,435	1,495
West	Bluehayes	15/004 5/MOU T	820	19/0620/ MOUT	930	960
South	Treasbeare	15/004 6/MOU T	1,550	17/1482/ MOUT	1,200	915
South East	Grange	N/A	0	21/0002/ EIA *EIA scoping only	500	800
			4,120		4,065	4,170

National Highways understands that at this time the three 2015 expansion applications are being held in abeyance under Regulation 22.

Previous Responses

In our representations to the subsequent applications as listed in Table 2 and the Cranbrook DPD consultation and examination, we have confirmed that on the basis of previous transport assessment a total of 4,170 dwellings are able to come forward across the four Cranbrook DPD expansion sites subject to delivery of improvements at Moor Lane, which have now been completed.

We have confirmed that should the quantum of development sought by each expansion area not align with that allocated in the Cranbrook DPD, we would be happy to consider an alternative apportionment of these dwellings across the proposed allocation sites up to a maximum of 4,170. Should the overall Plan

allocation increase beyond 4,170 dwellings an updated transport assessment would need to be provided to enable National Highways to understand the impact upon the SRN, which was reiterated in our formal response to the Cranbrook Development Plan Document (DPD) Submission Draft 2019. Given the evidence based used to support the expansion site applications is now a decade old, any proposed uplift in the quantum of development will require the submission of updated transport modelling supported by contemporary traffic surveys.

Transport Assessment (TA)

The Cranbrook DPD includes an allocation of 1,495 dwellings for Cobdens. As set out in the TA, whilst application 22/0406/MOUT seeks permission for 1,435 dwellings, an additional planning application at Farlands (14/2945/MOUT) for 260 dwellings is also located within the Cobdens land allocation and therefore the total number of dwellings proposed within the Cobdens allocation is 1,695. Whilst the TA considers a total quantum of 1,695 dwellings, it is understood that application 14/2945/MOUT is still awaiting determination and as such we have considered application 22/0406/MOUT on the basis of the quantum of 1,435 dwellings sought by this application.

The TA proposes trip rates significantly lower than those previously accepted for the Cranbrook New Community and the subsequent applications at Bluehayes and Treasbeare. National Highways considers that insufficient evidence has been provided to substantiate that these lower rates are robust and appropriate for use. The same trip distribution accepted for application 17/1482/MOUT (Treasbeare) has been utilised which is accepted by National Highways.

Notwithstanding the above, National Highways notes that the 1,435 dwellings falls within the quantum of development allocated at Cobdens by the Cranbrook DPD, noting that the Farlands application is yet to come forward. National Highways has previously confirmed that 4,170 dwellings as allocated in the Cranbrook DPD are able to come forward, which based on applications at Cobdens (1,435), Bluehayes (930), Treasbeare (1,200) and Farlands (260), results in a total of 3,825 dwellings, with the Grange expansion site yet to come forward. On the basis that the 1,435 dwellings at Cobdens falls within the previously accepted thresholds the proposed development is considered acceptable in transport terms. It is however noted that should application 22/0406/MOUT be approved in conjunction with those set out above, this leaves a balance of 345 dwellings that can be brought forward on the Grange site without the need for further assessment. Should development in excess of this quantum be proposed at the Grange (and therefore in exceedance of the total 4,170), then the impact of this additional development will need to be assessed.

Travel Plan

It is noted that there is an overarching Cranbrook Travel Plan which covers all sites within the Cranbrook Plan area. National Highways would expect that this commitment is formalised as part of any planning consent that may be approved by the Local Planning Authority.

Construction Management Plan

National Highways notes that an approved Construction Environmental Management Plan (CEMP) is in place for the first phase of Cranbrook New Community. This identifies access routes and times for HGVs, plant operations and construction workers. In order to ensure that the impact of the construction phase(s) across the Cobdens site will not result in an adverse impact on the safe operation of the surrounding highway network we require the submission of a detailed CEMP, in accordance with the wider Cranbrook site.

Recommendation

National Highways has no objection in principle to application 22/0406/MOUT subject to planning conditions being attached to any consent the planning authority is minded to grant to the effect that:

1. Prior to the commencement of the development hereby permitted, a detailed Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). The applicant shall implement in full the measures contained within the agreed Construction Management Plan and such measures shall remain in place for the duration of works. Reason: in the interest of the safe and efficient operation of the strategic road network.

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES.

As submitted, the application could have potential significant effects on the East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and the Exe Estuary SPA/Ramsar. Natural England requires further information in order to determine whether the proposed mitigation will be adequate, effective and secured. This information will also help you undertake the Appropriate Assessment.

- Further details of the Suitable Alternative Natural Green Space (SANG) including:
 - Parking provision
 - Accessibility and safety
 - Pinch points and excluded areas
 - The SANG and residential development phasing plans.
 - The SANG management strategy, secured in perpetuity.

It is your Authorities duty to undertake a Habitats Regulations Assessment and Appropriate Assessment prior to determining the applications (see below);

Without this information, Natural England may need to object to the proposals.

SOILS

Any grant of planning permission should be made subject to conditions to safeguard soil resources.

Please re-consult Natural England once this information has been obtained. Further advice on soils and other issues is provided below.

It is your Authorities duty to undertake a Habitats Regulations Assessment and Appropriate Assessment prior to determining the applications (see below);

Statutory nature conservation sites - International sites

This development falls within the 'zone of influence' for the East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and the Exe Estuary SPA/Ramsar as set out in the East Devon Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

In line with the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council, we advise that mitigation will be required to prevent such harmful effects from occurring as a result of this development. As set out in Policy CB4 of the Cranbrook Plan DPD, Suitable Alternative Natural Greenspace (SANG) is required for this development, together with appropriate financial contributions. Permission should not be granted until such time as the implementation of these measures has been secured.

The Habitats Regulations

Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). Natural England must be consulted on any appropriate assessment your Authority may decide to make.

SANG design comments

Policy CB14 in the latest version of the Cranbrook Plan submission draft sets out the required features for SANG. We are satisfied that the proposed area of SANG is of a suitable size for the scale of housing proposed.

However, the following design aspects need further consideration:

Car parking

- An adequately sized, accessible car parking location, suitable for dog walkers, is necessary for this SANG. As well as catering to Cranbrook residents walking to the SANG, it needs to be attractive as an alternative dog walking

location for drivers who might otherwise use the Pebblebed Heaths SPA or the Exe Estuary SPA. Without a dedicated car park, there is likely to be demand for visitor parking on residential streets.

Accessibility and safety

- Will all the SANG be easily and safely accessible from the residential areas by foot?
- Safe and convenient pedestrian (and dog) highway and watercourse crossing points from the residential areas into the SANG should be planned.
- Within the SANG, visitors will be allowed to exercise dogs off the lead. There could be conflict on shared pedestrian/cycle routes at pinch points (for example passing through hedgerows or crossing roads) – for this reason an alternative pedestrian only route should ideally be identified.
- Paths within the SANG should be unlit but also be perceived by users as 'safe'. The main paths should be designed to generally allow users good visibility without dense tree cover adjacent.
- The fundamental purpose as a Suitable Alternative Natural Greenspace will be *much* enhanced if walking routes linking the Cobdens SANG, the existing parkland and future SANG are designed in.

Pinch points and excluded areas

- Avoid pinch points in the SANG design. Best practice advice is to maintain a minimum width of 100m in open areas and 50m in wooded habitat. Land where this is unachievable, for instance adjacent to the railway line and southeast of Lower Southbrook, cannot be counted towards the SANG area total.
- There will be an impact from the mainline railway on tranquillity levels. The 20m vegetated buffers proposed to border the railway line will be beneficial for visual and acoustic screening as well as providing dark corridors for bats.
- To confirm, a cemetery should not be considered as part of a SANG.

The application should also include a “delivery, enhancement and management strategy.” A phasing plan to show how sufficient SANG will be available for use prior to first occupation of the residential development should be submitted.

Biodiversity net gain

We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the National Planning Policy Framework 2021 (NPPF) and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal.

In accordance with paragraphs 174 & 179 of the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development. Note, however, that this metric does not change existing protected site and species requirements. The basic principle of avoiding loss of biodiversity still applies, for instance we would expect to see retention of existing native hedgerows, trees and ponds wherever feasible.

The Environment Act sets out that there will be a mandatory requirement to achieve at least a 10% biodiversity net gain increase from the pre-development biodiversity value, using the Biodiversity Metric. The requirement is likely to commence in 2023. In April 2022, Natural England released the updated and improved Biodiversity Metric 3.1 accompanying guidance. We strongly advise use of this version of the metric to demonstrate that net gain requirements can be achieved.

Additional enhancements to the SANG (over and above what is specified in the SANG policy) can be delivered to achieve some of the biodiversity net gain (BNG) requirements. Where enhancement of a SANG is proposed for delivering BNG, the habitat value of the SANG will first need to be calculated through the biodiversity metric (both baseline and predicted BNG value).

The baseline for the SANG calculation must include all habitat features of the site that are there to meet the minimum SANG requirements. BNG contributions can only be claimed for features added that are additional to this. Care should be taken to ensure that any such additional features do not compromise the original purpose of the SANG (e.g. adding features which may conflict with dog-walkers).

Whilst we do not offer detailed advice on net gain calculations, we would comment that figure 10.3.2, illustrating proposed net gain habitats, will need to be made much clearer.

Soils and Agricultural Land Quality

Although we consider that this proposal falls outside the scope of Schedule 4 Paragraph (y) of the Development Management Procedure Order 2015 (as amended) consultation arrangements because the application is in accordance with the provisions of an adopted development plan, Natural England draws your Authority's attention to the following agricultural land quality and soil considerations:

1. Based on the information provided with the planning application, it appears that the proposed development comprises approximately 97 ha of agricultural land, including 81.9 ha classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system). Please note, that as outside our statutory remit, submitted ALC data has not been checked.

The British Society of Soil Science have published the Guidance Note Assessing Agricultural Land Classification (ALC) and we strongly recommend this is followed to validate an ALC survey.

2. National Planning policy relevant to agricultural land and soils is set out in paragraph 174 of the National Planning Policy Framework which states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing [...] soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the

economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

The impact on agricultural land quality has been assessed to be **Major Adverse**, which is **Significant** (paragraph 14.43 of the EIA). We are disappointed that little mitigation appears to be proposed.

3. Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food.

In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil resource is able to retain as many of its important functions as possible. This can be achieved through careful soil management and appropriate, beneficial soil re-use, with consideration on how any adverse impacts on soils can be avoided or minimised.

4. Based on the information provided with the planning application, it appears that the proposed development comprises approximately 50 ha of 'soft uses' (for example, habitat creation, landscaping, allotments and public open space etc).

5. Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled. Sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design/masterplan/Green Infrastructure.

6. Defra has published a Construction Code of Practice for the Sustainable Use of Soils on Construction Sites which may be helpful when setting planning conditions for development sites. It provides advice on the use and protection of soil in construction projects, including the movement and management of soil resources, which we strongly recommend is followed.

The British Society of Soil Science has published the updated 2022 Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.

Protected Species and other matters

Please also refer to our letter dated 11 December 2020 on the EIA scoping consultation for this area, which gives advice on landscape, protected and priority species and habitats matters.

A population of breeding dormice has been detected in hedgerows at the application site and in the surrounding areas. As dormice are a European Protected Species protected under the Conservation of Habitats and Species Regulations 2017 (as

amended), a licence is required in order to carry out any works that involve certain activities such as disturbing or capturing the animals, or damaging or destroying their resting or breeding places. It is for the developer to decide whether a species licence is needed to carry out work directly connected with the proposed development as well as associated mitigation work.

The favourable conservation status of this dormouse population will only be maintained if there will be continuous tree, hedge or scrub cover to allow them to reach other areas of suitable habitat. The layout of the housing and roads should allow for this.

We ask to be consulted on the detailed design of the SANG in due course. The applicant may wish to consider our Discretionary Advice Service (DAS). The applicant can find more information on the GOV.UK website at <https://www.gov.uk/discretionary-advice-service-get-advice-on-planning-proposals-affecting-the-natural-environment-in-england>.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Further Comments:

Thank you for your further consultation on the above, dated 13 December 2022. These comments are in addition to those in our letter dated 6th May 2022.

SANG design comments on revised plans submitted 6.12.22 by RPS

Car parking

We welcome the addition of a car park for the western area of SANGs, located off the distributor road north of Southbrook House, as well as roadside parking serving the central and eastern areas (shown in pink on the Nov 22 Green & Blue Infrastructure Strategy Plan, orange on the Illustrative Masterplan).

We are pleased that car parking is being proposed in several locations to serve the separate areas of SANGs land. However, we would like to see a second dedicated, moderate sized, car park to give access to the eastern block of SANG. We would want to see signage limited to a few main access points to keep the natural feel.

Accessibility and safety

The Green & Blue Infrastructure Strategy Plan and Illustrative Masterplan Nov 22 shows the shared pedestrian and cycle routes. In some areas, such as the south eastern corner, this would be the only path available.

Within the SANGs, visitors will be allowed to exercise dogs off the lead. Areas with bike access are not suitable as SANGs due to conflict with free running dogs. Dog walkers should expect to be able to conveniently and safely use all the paths in the

SANGs. Visa versa, cyclists would not welcome high number of dog walkers using the cycle paths. A hard surfaced path wide enough to accommodate both cyclists and dog walkers on leads could be out of character with the semi-natural landscape. Alternative pedestrian only routes should be identified in all SANGs sections.

We advised previously that the main paths should be designed to generally allow users good visibility without dense tree cover adjacent. The revised plans indicate increased tree cover throughout the SANGs, so this point has not been addressed.

Pinch points and excluded areas

The pinch point in the SANGs adjacent to the railway line and south east of Lower Southbrook has now been excluded from the SANGs area. We advised that areas where a minimum width of 100m in open areas and 50m in wooded habitat was not unachievable, cannot be counted towards the SANG area total. We note that the revised EIA summary now gives a total figure of 34.42 ha of SANGs, an increase over the 32.47ha figure given originally.

We welcome the November 2022 phasing plan to show how sufficient SANG will be available for use prior to first occupation of the residential development phases.

Biodiversity net gain

We concur with the comments of the District Ecologist 3.01.23 on Additionality. Conversion of arable land to grassland is a basic requirement for SANGs creation and should not be counted towards the net gain figures.

The baseline for the SANG calculation must include all habitat features of the site that are there to meet the minimum SANG requirements. BNG contributions can only be claimed for features added that are additional to this.

Soils and Agricultural Land Quality

No additional information on this topic appears to have been submitted. As advised earlier Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled. Sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design/masterplan/Green Infrastructure.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Network Rail

Thank you for your email dated 11 March 2022 together with the opportunity to comment on this proposal.

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no

part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on

Network Rail and the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

LEVEL CROSSINGS

You are also obliged to consult with H.M. Railway Inspectorate at the Office of Rail and Road on the application (in accordance with the provisions of the Town & Country Planning (General Development Procedure) Order 2010, SI:2010 No.2184 and Paragraph 13, Appendix B of Department of Environment Circular 9/95).

As there is a level crossing in the vicinity then no part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing, This stipulation also includes the parking of vehicles, caravans, equipment and materials etc, which again must not cause rail and road approach sight lines of the crossing to be obstructed. At no point during construction on site or after completion of works should there be any deterioration of the ability of pedestrians and vehicles to see the level crossing and its signage. There must be no reduction in the distance that pedestrians and vehicles have sight of the warning signs and the crossing itself. Network Rail reserves the right to provide and maintain existing railway signals/signs (whistle boards etc) and level crossing equipment along any part of its railway.

Police Crime Prevention Officer

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. Whilst I appreciate that the masterplan is only illustrative at this stage, I would like to make the following comments and recommendations for consideration.

It is pleasing to note the inclusion of a Crime Prevention - Safety & Security section within the Design and Access Statement and it is important that such principles are embedded in the detailed design of the scheme. Such principles can be applied to all settings, not just the residential realm. They can be summarised as:

Access and Movement (Permeability) - Places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.

Structure - Places that are structured so that different uses do not cause conflict

Surveillance - Places where all publicly accessible spaces are overlooked.

Ownership - Places that promote a sense of ownership, respect, territorial responsibility and community.

Physical Protection - Places that include necessary, well-designed security features which are appropriate for the setting in which they are used.

Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.

Management and Maintenance - Places that are designed with management and maintenance in mind, to discourage crime in the present and the future.

Residential

The layout should provide overlooking and active frontages to the new internal streets and accessible space to the rear of residential back gardens should be avoided as this has shown to increase the potential for crime and anti-social behaviour (ASB).

Pedestrian routes throughout the development must be clearly defined, wide, well overlooked and well-lit. Planting immediately abutting such paths should generally be avoided as shrubs and trees have a tendency to grow over the path creating pinch points, places of concealment and unnecessary maintenance. I appreciate that some informal / recreational routes may have little surveillance. Given the nature of such routes this is understandable however, there should be a designated route with the characteristics above that pedestrians can take as an alternative.

There should be a clear wayfinding strategy in place to navigate residents and visitors throughout the site. Signage and street identification will promote the use of safe routes and direct users more easily.

Boundary treatments to the front of dwellings are important to create defensible space to prevent conflict between public and private areas and clearly define ownership of space. The use of low-level railings, walls, hedging for example would be appropriate.

Treatments for the side and rear boundaries of plots should be adequately secure (min 1.8m height) with access to the rear of properties restricted via lockable gates. Defensible space should also be utilised where private space abuts public space in order to reduce the likelihood of conflict and damage etc.

Suitable boundary treatments also need to be considered for any open space areas, including NEAPs / LEAPs / allotments etc. Without them, ownership / responsibility can be ambiguous which could lead to conflict and misuse. Such areas should also be afforded good natural surveillance opportunities with clear management and maintenance strategies in place.

Presumably the site will be adopted and lit as per normal guidelines (BS 5489). Appropriate lighting for pathways, gates and parking areas must be considered. This will promote the safe use of such areas, reduce the fear of crime and increase surveillance opportunities.

Vehicle parking will clearly be through a mixture of solutions although from a crime prevention point of view, parking in locked garages or on a hard standing within the dwelling boundary is preferable. Where communal parking areas are utilised, bays should be in small groups, close and adjacent to homes in view of active rooms.

I note that the Design Parameters for the 'urban core' include rear parking courts. Rear parking courts are discouraged as they provide legitimate access to the rear of plots and are often left unlit with little surveillance.

Educational

It is strongly recommended that Secured by Design guidance for new schools is considered and adhered to in the detailed design of the primary and special educational needs schools. Ensuring that such designing out crime principles are embedded in the design of a new schools is essential in reducing the potential for crime and ASB at the location, as well as safeguarding visitors, staff and students. Secured by Design New Schools 2014 guidance is available here:
https://www.securedbydesign.com/images/downloads/New_Schools_2014.pdf

Mixed Use

The same designing out crime / crime prevention through environmental design principles can be applied to commercial and mixed-use developments. Secured by Design guidance for commercial can be found at the following link:
https://www.securedbydesign.com/images/downloads/SBD_Commercial_2015_V2.pdf

The local policing team are aware of the application and raise no objection. Additionally, our Buildings & Estates team have been made aware and will liaise directly with the council if needed.

Should the application progress, I look forward to reviewing more detailed plans and designs.

see report received 29/04/2022 under "document" tab

Recycling & Waste Contract Manager (EDDC)

No comments from Recycling & Waste as it does not affect household collections.

Royal Society For The Protection Of Birds

Thank you for inviting the RSPB to comment on the above, we note that:

The following conditions are proposed.

A pre-commencement condition for the production of a detailed LBDS, CEMP and a LEMP for each phase of development, to include the details outlined in paragraphs 10.125 and 10.127 of the ecology ES Chapter and further detail on the elements of the outline LBDS provided with this application.

A pre-commencement condition for submission of a detailed BNG plan for each phase, using the latest BNG Metric, in accordance with the outline principles of the submitted Appendix 10.3. BNG plans should achieve 10% BNG for both area and linear units per phase. BNG habitat enhancements and creation should be delivered in advance of works wherever possible, to reduce delays in the real-term biodiversity value of the site as a whole. The BNG plan should contain proposed timings of habitat creation, and would need to be agreed with EDDC. The timing of habitat creation/enhancement should be at commencement of works on site, unless this is impossible (i.e., where habitats can only be created/enhanced once elements of construction work are complete) which we fully support and look forward to reviewing and commenting on in due course.

Further comments:

Thank you for consulting the RSPB on the above, further to my 'phone call this morning we were pleased to see that objective 22- 26 of the Sustainability Appraisal of the Cranbrook Plan included "green spaces and wildlife corridors", bird boxes and other features to encourage wildlife and look forward to seeing details of the developer's proposals

We are particularly keen to know how species that nest/roost in buildings will be provided for, the government published these "Guidelines" in 2019

<https://www.gov.uk/government/news/brookshire-orders-house-builders-to-protect-wildlife>

<https://www.gov.uk/guidance/natural-environment>

<https://www.endsreport.com/article/1591661/net-gain-guidance-8-things-need-know>

followed last year by

<https://www.gov.uk/government/news/vision-for-building-beautiful-places-set-out-at-landmark-design-event>

and the National House Builders Council published this

<https://www.nhbcfoundation.org/publication/biodiversity-in-new-housing-developments-creating-wildlife-friendly-communities/>

addition to the the Library of "Guides" for their members.

British Standard (BS 42021:2021 Integral nest boxes - Selection and installation for new developments - Specification) was published last week it has been is designed to create a relatively simple pathway for Planners, Ecologists and the Construction Industry to follow.

We have no hesitation in recommending that it should be put into practice at this and following applications from the Cranbrook Developers Consortium.

We understand that Taylor Wimpey have already agreed to adopt very similar policies nationally, see

<https://www.taylorwimpey.co.uk/corporate/sustainability/environment-strategy>

South West Water

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network. Please note, the nearest suitably sized public sewer to service a development of this size is located approximately 3 km to the west of the site.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:

www.southwestwater.co.uk/developers

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable

(with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Please note that the discharge into the ground (infiltration) is South West Water's favoured method and meets with the Run-off Destination Hierarchy. However, should this method be unavailable, SWW will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

CEMP - Appendix 2.1 document

With reference to the Geology, Soils & Water section (page 16) and in particular the following text:

" The discharge of suspended solids into watercourses and ground waters will be avoided by prohibiting any temporary construction discharge without the prior approval of the Environment Agency. Discharges of waters resulting from construction activities will generally be directed to foul sewers, subject to approval of the drainage authority."

The applicant should ensure adequately sized storage for temporary construction site surface water flows, which, due to the level of pollutants during construction, should be tankered off site for disposal at a suitable waste facility. Please note, it is not permitted to discharge site surface water to a public sewer, which should be used for domestic flows only.

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

Further Comments:

I refer to the above application and would advise that whilst South West Water has no objection, the comments made in the previous correspondence dated 24th March 2022 (attached again for reference) still applies, regarding the closest suitably sized public sewers to facilitate foul drainage for a development of this size. The applicant is advised to contact South West Water to determine the likely point of connection to the public sewer network.

With respect to surface water drainage, having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge via SuDS into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

Sports England

Thank you for consulting Sport England on the above outline application including 1435 new homes and a school.

Sport England - Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications.

<http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/open-space-sports-and-recreation-facilities/>. This application falls within the scope of the above guidance in relation to significant new housing.

Sport England has assessed the application in light of three objectives:

1. Protect existing facilities
2. Enhance the quality, accessibility and management of existing facilities.
3. Provide new facilities to meet demand

Demand for New Sports Facilities

The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy (PPS) or other relevant needs assessment. This requirement is supported by the Governments National Planning Policy Framework (NPPF para 98). There is an adopted PPS for the area.

This additional population (3000 approx. in this case) will generate additional demand for sports facilities including swimming pools and playing fields. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development. We are aware of a proposed sports hub including rugby, football and tennis in the Treasbeare expansion area.

Community Use of Education Sites

Making better use of existing resources contributes to sustainable development objectives by reducing the need for additional facilities and the potential loss of scarce resources such as open space. The practice of making school sports facilities available to wider community use is already well established and has been government policy for many years, but there are further opportunities to extend this principle within the education sector through programmes such as Academies and to other privately owned sports facilities, to help meet the growing demand for more and better places for sport in convenient locations.

Sport England promotes the wider use of existing and new sports facilities to serve more than one group of users. Sport England will encourage potential providers to consider opportunities for joint provision and dual use of facilities in appropriate locations.

Sports facilities provided at school sites are an important resource, not just for the school through the delivery of the national curriculum and extra-curricular sport, but potentially for the wider community. There are also direct benefits to young people, particularly in strengthening the links between their involvement in sport during school time and continued participation in their own time. Many children will be more willing to continue in sport if opportunities to participate are offered on the school site in familiar surroundings. Many schools are already well located in terms of access on foot or by public transport to the local community and so greater use of the sports facilities outside normal school hours should not add significantly to the number of trips generated by private car.

Use Our School is a resource to support schools in opening their facilities to the community and keeping them open. It provides tried and tested solutions, real life practice, tips from people making it happen, and a range of downloadable resources [link here](#)

Sport England would wish to see community use of the proposed school consolidated by way of a Community Use Agreement.

Physical Activity Opportunities

The applicant will need to ensure that other physical activity opportunities that should be considered:

* Need for an indoor meeting/activity space for winter activity and when it rains. Huge potential for a 'meet and greet' place for a wide range of informal activity groups, including:

Beginner running
Ride social
Boot camp
Pop-up family games

*An indoor multi-purpose space within the pavilion can cater for a range of activities, including:

Dance

Yoga/Pilates
Circuits
Mums & babies/toddlers activity sessions
Short Mat Bowls
Table Tennis

* Outdoor open access activity trail equipment. Ideally with a walk/jog/cycle trail around the perimeter of the space. This gives scope to a wide range of activity including 'story trails', green gym trail, junior/adult parkrun, circuits & boot camps. All activities that suit the demographic of families, busy working adults.

* Keep element of flat multi-use informal space outside pitch layouts to encourage 'free-play' for children & families, this may include:

'Jumpers for posts'
Frisbee
Rounders
Fitness/Exercise sessions

* Potential for one of the designated 'play areas' to be focussed at teenagers and explore whether there is demand for skate park, free-running/parkour equipment.

Active Design

Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link [activedesign](#)

Appendix 1 contains a checklist that can demonstrate that the proposal has been / will be designed in line with the Active Design principles.

Cycle and walking networks should be extended to linking the existing settlement with the new development, and access to the surrounding environment. To encourage active travel there should be clear signage for cyclists into and out of the development site and to other destinations.

To bridge the gap between the high-level principles of Active Design and delivery in practice, we have worked with the Building Research Establishment (BRE) to link the overarching Active Design Principles with the individual scheme criterion in each of the BRE Environmental Assessment Methodology (BREEAM) family of schemes, including HQM, Communities and CEEQUAL.

Conclusion

Sport England has no objection in principle to housing growth but raise a number of points in this response that should be considered and the principles of Active Design can be demonstrated/use of the checklist proven. This condition may be useful in securing community use:

Use of the development shall not commence [or no development shall commence or such other timescale] until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to [describe facilities forming part of the development] and include details of pricing policy, hours of use, access by non-[educational establishment] users [/non-members], management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.

Informative: Guidance on preparing Community Use Agreements is available from Sport England. [link here](#)

If you would like any further information or advice please contact me at the address below.

Thanks for the recent re-consultation. No further comments.

Urban Designer (EDDC)

The site:

The Cobdens expansion area of Cranbrook covers a large area of land between the London Road and the mainline railway between Exeter and London Waterloo. The site is bounded on the western side by the eastern-most extent of the existing permission for Cranbrook and the small community of Southbrook and Southbrook lane. To the east the site extends towards Cobdens Lane, meeting it at the southern end where it joins the London Road, and not quite extending to the top of the hill that sits between the land and the site towards the northern end.

The site area is mainly farmland, is undulating and has areas of rich bio-diversity along the banks of the Cranny Brook which runs from east to west across the site area. This corridor along the watercourse forms a particularly attractive feature through the site.

The distribution and nature of constraints in the Cobdens area including existing green infrastructure assets such as stands of established trees and old hedgerows, power-lines and areas of flood-plain mean that without having much higher densities than are usually seen in housing developments of the type delivered by the major house-builders that concentrates development in the area next to the London Road, there will be pockets of development that are separated from each other by these constraints. As a result, proposed development in this area has the challenge of putting forward a proposal that is coherent and does not result in housing areas that

risk feeling isolated from each other and the rest of the developing town of Cranbrook.

Proposal:

The proposal from Persimmon Homes demonstrates a competent and conventional layout within the site. It maintains most of the areas of green infrastructure as assets but does not make full use of their potential. The proposal, has a coherent and predictable layout with routes that are reasonably legible and uses perimeter blocks throughout. The constraints on the site dictate the locations of the housing, but the layout extends these areas of beyond where some of the evidence would suggest it should go. However, it is not unlike the masterplan layout that underpins the Cranbrook DPD.

The Design and Access Statement is helpful in drawing out how the designers have approached the site. This closely follows the way in which the existing permission at Cranbrook has tried to establish and distribute aesthetic character and characteristics while being delivered by national house-builders. Therefore, design character is understood and distributed in relation to the routes within the site with development along the main distributor road having the highest densities, mid-level density behind that and the lowest densities at the edge of the development areas where they meet open countryside. The only exceptions to this are the higher density housing around the school site and the mixed-use development of the neighbourhood centre by the London Road entrance. Housing is arranged in perimeter blocks throughout the development area but is fragmented into a number of areas separated by natural green and blue infrastructure and the power-lines. These areas of housing could be characterised as being one by the London Road, a northern area surrounded by green space and bounded by the railway, housing that is adjacent to the existing permission and main body of Cranbrook.

Comments:

Overall and structural

Potential issue

The fragmentation of development pattern reflects the constraints on site but there is a risk that areas could feel isolated, particularly the northern area of housing next to the railway line. The fragmentation also makes creating a development that has a collective sense of identity more difficult to achieve.

The choice to follow a similar design strategy to that of the existing permission for Cranbrook makes it likely that similar issues will be faced in this development area as well. The organising principle that the highest density development is next to this the main route makes it likely that it will feel like an intense ribbon of development, where development occurs, rather than a place or series of linked places. This will not be the case where green infrastructure or power-lines next to the road push development back but if the same design strategy is followed it will still look out of place as settlements normally have lower densities around green space and at the

edge of built up areas. Given the distances between the pockets of development they may more closely resemble separate places rather than one.

Potential alternative

Rather than using the main distributor road to set out the design and density it may be better to base this on the location of the groups of housing. For the areas adjoining the main body of Cranbrook they should take their setting out and design strategy from the areas of the existing development that they are next to. The areas next to the London Road and in the north-eastern area of the site are separated from each other. The area by the London Road includes the mixed-use area and the primary school and is also next to the London Road and will be served by more public transport routes. This indicates that it should have the highest density, concentrating more of the housing into it to make the most of benefits of being next to the range of facilities here, making the development more sustainable and less car dependent.

The north eastern area of housing might benefit from the routes within it radiating from the point of entry so that there is an internal focus for the housing. This would help this area form its own sense of community and identity where it might otherwise read as an isolated pocket of housing. Likewise, having higher densities in a core area, though still close to the main route, with lower densities coming from that would help this have a more recognisable settlement pattern and one that does not create the impression of a wall of housing.

Movement and development pattern

Street pattern

At present a perimeter block arrangement is used throughout the site and, on the face of it, produces a relatively navigable development. However, within and around the site there are a number of potential destinations that could help bring the disparate areas together. Linking these more directly might help to create a more focused development pattern and one that also helps to draw people together. Likewise, the mixed-use area at the London Road might benefit from the roads immediately around it being designed to draw people into it rather than sticking fairly rigidly to a grid pattern as it does at present.

I am aware that the mixed use area will need to be rethought given the existing pond that currently occupies this part of the site, so this may be a good opportunity to revise the layout pattern to better support the uses that will be located here, create a better sense of place and support community development. Using desire lines in all areas to lead the layout, even, perhaps especially, if these are active travel routes will create a development pattern that is actually more legible (as people will be directed to places they want to be) and one that has greater potential to create characterful areas and a sense of place.

Active Travel

Although the Design and Access Statement states that roads will be designed with “priorities for cyclists, pedestrians and less mobile people” the movement strategy separates out pedestrian and cycle networks from the roads and so, on the face of it, misses an opportunity to create somewhere that genuinely encourages active travel over car use. Making all the roads within the development an explicit part of the walking and cycling network would suggest rethinking their cross-sections so that they are designed from the outset with pedestrians and cyclists as the primary users, with cars having least priority. This will encourage more people to use the streets as social spaces as the revised priorities should make them safer, more pleasant environments in which to be. Taking children as the primary users would also help focus on attractiveness and safety making them better places for everyone. Redesigning the network of roads for pedestrians and cyclists might also help to revise the street pattern towards one that is better suited to active travel. This would mean creating routes that are more direct between destinations and without sharp changes in direction. At present, the cycle and walking strategy diagrams would suggest that, apart from the main road through the development, active travel is largely pushed to the outer boundaries of development, which is something I am sure the applicant does not intend.

Park run

The 5km park run loop does not seem best placed within the movement strategy and would be better forming part of a Health and Wellbeing strategy for the development. It is welcome to see this though, and that it makes use of the green infrastructure that forms such an important part of this development area.

Public Transport

The proposed stops for the bus route have been chosen because their overlapping isochrones cover the whole of the development area. I would take issue with this as the locations do not appear to be all that logical as a result, and circular isochrones are not a good representation of the distances or times experienced by residents trying to get to a bus stop. Assessing the actual journey distance and time from any given point within proposed layout to a bus stop would most likely yield very different results. Without this more realistic assessment, along with an assessment of how many people would be within easy walking distance of each stop, might provide better results.

Green Infrastructure

Trees

The “Tree and Hedgerow Strategy” seems very light on trees. Given policy within the NPPF there is very little effort to include trees on streets beyond the main distributor road.

Sustainable Drainage System

The green infrastructure strategy fails to effectively integrate SuDS within the built up areas and therefore misses the opportunity to maximise the potential benefits. SuDS

strategies within built-up areas could and should include rain gardens and link these along all streets to tree-pits before finally discharging to basins and on to the watercourse. Simple turfed strips along roads do little to improve their attractiveness and serve little purpose as part of a SuDS chain. Replacing them with more purposeful structure such as rain garden, not only makes more attractive places, but also reduces the need for SuDS infrastructure elsewhere. Designing like this creates far more attractive streets, reduces the need for swales that look like turfed ditches and increases the efficiency and effectiveness of the SuDS system as a whole by using evapotranspiration to very effectively reduce the total amount of water being discharged. Such a system has clear benefits to developers by creating more attractive developments with reduced land-take. The benefits to residents and biodiversity is clear.

Stream corridor

It is good to see that there is good use being made of the green infrastructure across the site and that it is clearly being seen as an asset. The inclusion of a park run loop is good but, having said that, I have some concern that the loop and activity trail indicated along the stream corridor, may make this area less attractive to biodiversity, losing the more shy wildlife such as the otters that use this stream at present. Perhaps this is inevitable, but if anything could be done to avoid this while still allowing the area to be enjoyed by people it would be good to see it put forward.

Public Open Space

Although there is an abundance of open space around the housing areas it would be good to see more pocket parks included within them to form focal points for housing. Perhaps having these thought of as part of a network of spaces it might help structure the inclusion of street trees and SuDS infrastructure within the housing areas as well.

Urban Growing Strategy

It is very good to see this included as a specific issue being addressed within this design. Perhaps more could be made of the orchards, perhaps with more space devoted to them. It is difficult, perhaps impossible, to identify what space has been allowed within the masterplan for these orchards, but creating them as quite formal orchards that clearly are designed as productive spaces, might help encourage the use of the fruit by residents or community organisations.

It would be good to see the gardens of houses included as part of this strategy. There is no way for the developer to guarantee growing of food in private gardens but suggesting how they could easily be used in this way may help encourage people to grow vegetables and may also help steer the design of the layout and the specification of the soils in the gardens to make them more fertile.

Built Form and character

Overall

The images included in this section do not do much to suggest character. It is hard to distinguish between them and a better, clearer strategy to achieve character is needed. As stated above, a design strategy setting out character based on the main distributor road, rather than by location and purpose, makes it likely that this becomes a bland development without much visible change across the area. It will certainly make it difficult to recognise through the built form where in the development you might be.

Calling the central areas of housing 'hamlets' does not help the designer understand what character to try to achieve. A hamlet and a relatively dense housing area are polar opposites. A different, more relevant character needs to be found to help the designer create a sense of place. The suggested changes to the layout above, particularly the use of desire-lines, would help achieve this and could turn what looks to be a negative, the fragmented nature of the housing, into a positive by helping each area to have its own character and identity, suited to the topography, making the best use of views and other existing assets and being designed to support the formation of social networks. This will also help lead the location, form and design of feature spaces and key buildings.

Overall the way character is approached needs to be rethought to be able to successfully create the sense of place that the designers strive for.

Neighbourhood Centre and school

The location of the neighbourhood centre makes sense but, as discovered on a recent site visit, clashes with a large and well established pond. The area most suited to a neighbourhood centre remains in roughly the same place but shifting further west. The available land is further constrained by the power-lines and the amount of clear space that needs to be maintained under and to either side of them. This risks a neighbourhood centre being too open and fragmented to give it the critical mass that makes it an attractive place that sustains economic and social activity. Given the challenges the design of the area around it needs to change to help support it as much as possible. This means increasing the density of the housing in this area next to the London Road, revising the layout within this area to draw people naturally through to the neighbourhood centre as part of their day to day activity. Rerouting Cobdens Lane through this area to come through to the neighbourhood centre would go some way to making this happen.

Part of the challenge in Cranbrook is to create or maintain a sense of place where there has not been a place here before. A real opportunity exists within the Cobdens area to use the existing buildings at Lower Cobden Farm as a strong existing feature that can provide heritage and character, even if it does lie outside the site boundary for this application. Using this as a point or destination along a desire-line linking areas of housing to help draw people through the development to their shared neighbourhood centre suggests revising the layout of the school site, potentially to run more north-south rather than east-west, which may then link it into the neighbourhood centre and help reinforce the sense of community.

Healthy Streets

This is a welcome section of the Design and Access Statement but does not fully embrace what 'Healthy Street' design is about as it goes far beyond low vehicle speeds and walking and cycling. Healthy Streets include being actively designed for social interaction, or 'pro-social space' design as advocated by Rihannon Corcorran and others. They are welcoming as social spaces and are safe spaces for children, especially. The street sections could be looked at again to help address this. Changing the layout to follow desire lines, having a less formal, less linear street frontage to allow informal space to develop, having a design discipline and ethos that sees all spaces and green infrastructure as having a shared purpose, being multi-functional, will help to address this and create genuinely healthy streets, a more attractive development and much closer community.

Cycle and car parking

Everyone's favourite topic! It is good to see that some thought has been put into this at an early stage, and the wish to ensure that it does not end up dominating the street-scene. It would help if a more explicit strategy was put forward to help draw this together. The revisions to layout suggested above, including less rigid, less linear street frontages as suggested in the healthy streets section could help reduce the visual intrusiveness of parking. On plot parking would be welcome where possible and greater use of unallocated spaces would help with parking efficiency. The approach put forward by the Prince's Foundation on layouts and parking is very effective and as applicable in a development from a national house-builder as any other.

Something that has not been mentioned in this section is the use of shared or pool cars. This is being pioneered in the South West and suggests there is an increasing willingness among local consumers to use different ways to use cars that reduces personal expense, car ownership and the need for parking spaces. It would be very welcome for this to seriously enter the discussion about the design of this development.

Not much is said about cycle parking in the Design and Access Statement. Cycle storage in homes must be designed to be attractive and located to be as convenient as possible; more convenient than simply walking to the car. Some consideration should be made for power sockets located alongside cycle storage to allow e-bikes to be charged. In public areas space should be designed in for cycle parking that is secure where possible, always well overlooked and attractive.

Back of pavement, front of house

It is good to see the formation of defensible space being one of the leading drivers of design strategy for this part of the development. Perhaps it would be good to see defensible space being taken as a design section in its own right as it applies to all areas of the development where people are expected to be.

I would also agree that residential plot design follows the density, scale and form of buildings, but would add to that the location and nature of the place those plots are within. This all forms part of the more location based way to think of and structure the development so that concepts can develop that then inform how all parts of the design come together as a coherent whole. Corner plots and corner buildings offer

design challenges that it would be good to see discussed, particularly as standard house-types do not lend themselves to situations that demand bespoke design. How the designers intend to address this at a strategic level, in a development that will have a lot of corners, and how corners that deviate quite far from right-angles will be designed for is not really spelt out. As corners often lead to relatively poor design outcomes it would be very helpful to better understand early on how this will be approached successfully, and the willingness to deviate from the norm to do so.

Sustainability

It is very welcome that the application makes clear the link between sustainable places and the health and wellbeing of residents and visitors. However, this does not appear to play a clear part of the design approach to the proposal. The section contained in the Design and Access Statement focusses mainly on technical measures to achieve sustainable outcomes. A more nuanced approach will also be needed to building orientation as maximising solar gain is not a positive in summer when buildings are liable to overheat. Ensuring buildings are designed to provide thermal comfort throughout the year, without the need for external energy input is a critical challenge but one that must be met.

It is good to see that amenity spaces will be designed to be adaptable to different needs in the future. The same flexibility is needed in the buildings themselves as houses may need to adapt to different purposes during their lifetime, particularly in well trafficked areas where public facing uses may be suitable, or in locations that are attractive and may form a good location for a pub or other social space. Biodiversity should form an explicit and extensive part of the housing areas themselves, not just the areas around them. This provides greater climate change resilience through shade in summer (if using deciduous trees) and flood mitigation while improving the wellbeing of residents and the attractiveness of the development overall.

Perhaps this is a helpful section to come at the end. Sustainability and good health and wellbeing outcomes are only achieved through a holistic approach to design and the provision of services. Although this proposal covers a lot of bases it does not feel like a holistic design. There does not appear to be a theme or concept that leads it and so individual issues appear as if tackled separately where designing them together would yield more satisfying and effective results. Trees, for example, can form part of the thermal strategy for housing as well as SuDS or provision of biodiversity. The same might be said of gardens or the use of desire-lines to reduce car-use by encouraging active travel while at the same time creating a more attractive layout. Each component and design choice should be able to provide multiple benefits. Green infrastructure should be able to perform multiple functions, such as social space and active parts of a SuDS chain. There should be no part of a development that is without purpose. Designing for sustainable lives and good health and wellbeing is an effective way to help pull all these different aspects together.

Further comments:

Introduction

These comments form an addendum to those made earlier to respond to updated drawings and documents received in December 2022.

Comments on the proposal

Development structure

The proposal has a coherent layout with an easily navigable network of routes. It has been revised to reflect previous comments and feedback from Design Review to create defined spaces and destinations along both active travel and vehicular routes. The constraints on the site still dictate that areas of housing are separated from each other but these have now been redesigned to relate to themselves more, providing the potential for them to develop their own distinct identities.

The route to the SEN school does not need a separate entrance from the London Road, doing so only increases junction work onto the road and leads people away from the local centre which reduces passing trade and support for the uses in this important community resource.

The block arrangement around the local centre can be relaxed to give a more organic feel to the area where it appears very formal as currently drawn. Evidence gained during Cranbrook's participation in the NHS England Healthy New Town pilot suggests that block sizes should reduce in the approach to a local or town centre to create a more granular and permeable street pattern that encourages people to move towards and interact with the uses that are there.

In established towns there is normally a radiating 'spider's web' pattern of roads that develops from desire lines to the centre; a town often growing where desire lines cross. To support the Local Centre, drawing direct desire lines to it from other destinations or from where people are likely to come will start to set this up. Direct lines from the centre to the SEN school and the pedestrian / cycle crossing of Cobden Lane to the housing in the eastern parcel would set the basis for a better, more granular block structure east of the centre. To the west the constraints do not allow much change.

Character and density

The DAS proposes naming the MLR as Cobden Street which, though not strictly Urban Design or Planning matter, is important as it reframes the way we reference and think of it, not as transport infrastructure but a space for people. This more human approach is also apparent in the series of spaces (DAS pp.102-103) that have been formed along this street and within the housing areas. Where these spaces branch off into the housing areas they have the potential to form attractive focal points for the people living around them and, if detailed design is done well, could form meaningful social spaces and help foster a sense of belonging and community. The spaces created along Cobden Street itself make good use of the opportunities within the development area and turn constraints, such as the line of pylons, into relatively attractive and useful spaces. The spaces along Cobden Street

relate well in scale to the wider community they will serve and as a welcome to people coming into Cranbrook.

Character areas

Now that housing is arranged to form relatively discrete areas these will be capable of forming distinct identities. However, the character areas are still mainly distributed in relation to Cobden Street. The way density is distributed has changed to reflect the new layout and is convincing around the housing areas but fails to convince around the Local Centre.

Three character area definitions is far too few to create memorable places. The distribution of these areas also fails to work with the revised layout, design logic or density distribution.

There needs to be a more granular approach to forming character that follows the housing arrangements and the spaces around which they have been arranged. The new layout allows the separated housing areas to form unique identities more suited to their individual locations. A design vision for each area that works with their unique features, such as elevated location or orchard, would help inform these characters which could be derivatives of strategic characteristics for the development overall so their distinct identities work together within a combined design vision for the development.

Density and character

The density distribution makes sense across the development apart from around the Local Centre where density is not used to best effect.

The Local Centre should have the highest density development within and around it to support the mix of uses here and to place the greatest number of people where services are. Densities over 70dph should be seen in the centre itself and higher densities should also radiate out along all street frontages from it, not just Cobden Street. The areas in immediately adjacent blocks behind these street frontages should be over 50dph. The density should clearly reduce moving east along the London Road from the Local Centre so that there is a gradual visual increase in development when approaching Cranbrook from this direction.

The housing areas away from the Local Centre have densities distributed in a way that will help make them legible and distinct with higher densities at their core and along the main routes into them. However, the density remains high right out to the edges of the approaches to the housing areas along Cobden Street which risks forming a broken wall of development. Reducing the density on these approaches would allow a visual 'feathered' edge that provides a gentler introduction to each area of housing and will also make it easier to give them more individual characteristics, aiding navigability and wellbeing. Increasing the density around the Local Centre will allow the re-homing of some of the housing displaced by the reduction in density on these edges.

It would also be very helpful at this stage to describe the building typologies used in the different density scenarios. This will help visualise and understand what an area

will be like where an abstract density figure does little to inform anyone of the nature of the place.

Neighbourhood Centre

Being next to the power-lines, the pond and the London Road the Local Centre has open spaces alongside it that are a challenge to its success. This area needs to have a good sense of place and identity, and this is more likely if it has a good sense of enclosure with spaces that can feel populated by relatively small numbers of people. The image included within the DAS shows just how open the current design is. There needs to be a spatial focus, a sense of enclosure, sense of place and identity.

Ground floor commercial / community or cultural space along the elevation of buildings linking the place-of-worship land and what is labelled Local Centre would help link these two important community areas with a frontage that is interactive and helps draw people between them. The rectangular area of Local Centre itself should be changed to follow the frontage along London Road and Cobden Street. The displaced area should move to the corner where development starts on the west side of Cobden Street so it forms a gateway of uses and allows this corner to be used by the community to enjoy the open space in front that includes the pond. A use such as a café or a pub that encourages people to gather, relax and socialise could work well here.

This plan within the DAS also shows the Place of Worship land as having a density figure so should be amended to be shown the same way as other non-residential areas.

Movement and development pattern

The London Road junctions are an improvement on the junction designs for the first phase of Cranbrook. However, their detailed design remains confusing, especially when considering pedestrians and cyclists crossing the London Road once development comes forward south of the road. Pedestrian movement still seems lacking in these junctions and they have not been designed as part of a public space. More attention needs to be paid to their design for this part of Cranbrook and the London Road to function well as a focal point for residents and visitors at the east end of the community.

Active Travel

Although the Design and Access Statement states that roads will be designed with "priorities for cyclists, pedestrians and less mobile people" the movement strategy separates out pedestrian and cycle networks from the roads and so, on the face of it, misses an opportunity to create somewhere that explicitly encourages active travel over car use. Road cross-sections and the alignment of vehicle carriageways should be designed from the outset with pedestrians and cyclists as the primary users, with cars having least priority. Alignments for motor-vehicles can be chicaned using tree planting, rain gardens or well-designed open spaces, while cycle and walking routes can be kept straight. This will encourage more people to use the streets as social

spaces as the revised priorities should slow motor vehicles and make streets safer, more pleasant environments in which to be. Taking children as the primary users would also help focus design on activity, attractiveness and passive safety making them better places for everyone.

Redesigning the network of roads for pedestrians and cyclists might also help to revise the street pattern towards one that is better suited to active travel. This would mean creating routes that are more direct between destinations and without sharp changes in direction. At present, the cycle and walking strategy diagrams would suggest that, apart from the main road through the development, active travel is largely pushed to the outer boundaries of development. The dedicated route along Cobden Street and other vehicular routes should be included in this active travel diagram to give a more complete picture of the design intentions.

Public Transport

The proposed stops for the bus route have been chosen because their overlapping isochrones cover the whole of the development area. I would take issue with this as the locations do not appear to be all that logical as a result, and circular isochrones fail to represent the actual distances or times experienced by residents. Assessing the actual journey distance and time from any given point within the proposed layout to a bus stop would enable stops to be placed where they are closest to the greatest number of people.

Green Infrastructure

Trees

The "Tree and Hedgerow Strategy" seems very light on trees. There needs to be more indicated tree planting on all streets and open spaces within the built-up area to reduce urban heating, particulate and nitrate pollution and storm-water run-off.

Sustainable Drainage System

The green infrastructure strategy fails to effectively integrate SuDS within the built up areas and therefore misses the opportunity to maximise the potential benefits. Turfed strips along roads do little to improve their attractiveness and serve little or no purpose as part of a SuDS chain. These should be replaced within the SuDS Strategy with purposeful linked structures such as rain gardens and tree pits to create more attractive streets, a more robust and better integrated SuDS strategy while reducing the need for large SuDS infrastructure elsewhere. It would also be helpful to have swales better integrated with a landscape strategy so their design can move away from being turfed ditches to become attractive parts of the streetscape in their own right.

Stream corridor

It is good to see that there is good use being made of the green infrastructure across the site and that it is clearly being seen as an asset. The inclusion of a park run loop is good but, having said that, I have some concern that the loop and activity trail

indicated along the stream corridor, may make this area less attractive to biodiversity, losing the more shy wildlife such as the otters that use this stream at present. Perhaps this is inevitable, but if anything could be done to avoid this while still allowing the area to be enjoyed by people it would be good to see it put forward.

Public Open Space

The revised layout puts areas of open space within housing areas and uses them as focal points in the development. It is a real improvement over the previous layout and has the potential to create attractive areas with genuine character, though much will come down to detailed design.

Urban Growing Strategy

It would be good to see the gardens of houses included as part of this strategy. There is no way for the developer to guarantee growing of food in private gardens but suggesting how they could be used in this way would help at detailed design stage if set as a design outcome for them. There must be clear and well supervised follow-through on site to ensure that gardens are not simply turfed sub-soil and builder's waste but have good top-soil that allows plants to grow.

Healthy Streets

This is a welcome section of the Design and Access Statement but does not fully embrace what 'Healthy Street' design is about. Healthy Street design goes far beyond low vehicle speeds and walking and cycling. Healthy Streets are actively designed for social interaction, being 'pro-social spaces' that are welcoming as and safe spaces for children. The street sections could be looked at again to help address this. Changing the layout to follow desire lines, having less formal, less linear street frontages and less direct vehicle carriageways can allow informal space in. A design approach that sets a goal of streets, spaces and green infrastructure being multi-functional will help to and create genuinely healthy streets, a more attractive development and much closer community.

Cycle and car parking

The revisions to layout suggested above, including less rigid, less linear street frontages as suggested in the healthy streets section could help reduce the visual intrusiveness of parking. On plot parking would be welcome where possible and greater use of unallocated spaces would help efficiency.

I re-iterate the importance of looking at the approach advocated by the Prince's Foundation incorporating parking by moving away from parallel building lines and taking a design approach that sees street corridors as a series of spaces rather than a linear transport feature. This is demonstrably effective and it would be very welcome to see a national house-builder use this to create an exemplary design.

Likewise shared or pool cars reduce parking demand and would be welcome as a serious topic of discussion. There is a clear and growing appetite for this form of car use especially as car ownership falls among younger age-groups.

Not much is said about cycle parking in the Design and Access Statement. Cycle storage in homes must be designed to be attractive and located to be more convenient than the car wherever possible. Consideration should be made for power sockets located alongside cycle storage to allow e-bikes to be charged. In public areas space should be designed in for cycle parking that is secure where possible, always well overlooked and attractive.

Back of pavement, front of house


It is good to see the formation of defensible space being one of the leading drivers of design strategy for this part of the development. Perhaps it would be good to see defensible space being taken as a design section in its own right as it applies to all areas of the development where people are expected to be.

I would also agree that residential plot design follows the density, scale and form of buildings, but would add their location and the nature of the place those plots are within. Corner plots and corner buildings pose design challenges to volume house-builders that would be good to see addressed at this early stage. As corners often lead to poor design outcomes it would be very helpful to know the intended approach and the willingness to deviate from the norm to do so.

Sustainability

Some of the most important ways to reduce our environmental impact happen as a result of the places in which we living being designed to enable them. It is very welcome that the application makes clear the link between creating sustainable places and the health and wellbeing of residents and visitors.

Developments must go beyond the simple metrics of building performance to create long-term sustainability. They need to be designed and built so that spaces and buildings are flexible and robust enough to be easily adapted to different uses. Flexibility of spaces and buildings, including houses, enables individuals and communities to change their use according to changing needs. The ability to convert ground floors to workspaces, open spaces to social spaces that host events give individuals and communities agency over their lives and futures, addressing some of the most important determinants of health such as available employment and social contact. As designers and planners we are not able to predict all future outcomes, but we know that circumstances and needs will change and future residents and communities must be able to adapt accordingly

<p>The Conservation of Habitats and Species Regulations 2017, Section (63)</p>		
<p>Appropriate Assessment</p>		
<p>Application reference no. and address:</p>	<p>22/0406/MOUT</p> <p>Land At Cobdens, North Of London Road East Of Cranbrook</p>	
<p>Brief description of proposal: (Bullet point list of key proposals)</p>	<p>Outline planning application for up to 1,435 new residential dwellings, a neighbourhood centre with a maximum of 750 sqm gross ground floor space (use classes E and sui generis (Hot food takeaways and pubs/bars)), a three form entry Primary School (use class F1) with associated nursery provision (use class E) and community room (Use class F2), a 50 place Special Educational Needs School (Use Class F1), public open space, allotments, Suitable Alternative Natural Green Space, drainage basins, landscaping, place of worship (Use class F1), parsonage, cemetery, 10 serviced pitches for gypsies and travellers, demolition of 4no. barns, and associated infrastructure with all matters reserved except for principal vehicular access off London Road to the south, connection to Phase 1 to the west, and vehicular access to the serviced pitches for gypsies and travellers off London Road to the south east</p>	
<p>European site name(s) and status:</p>	<p>East Devon Heaths SPA - (UK9010121) East Devon Pebblebed Heaths SAC (UK0012602) Exe Estuary SPA (UK9010081) Exe Estuary Ramsar (UK 542)</p>	

Stage 1 - Baseline Conditions and Features of Interest

<p>List of interest features:</p> <p><u>East Devon Heaths SPA:</u></p> <p>Source: http://publications.naturalengland.org.uk/publication/6063170288353280</p> <p>A302 Sylvia undata; Dartford warbler (Breeding) 128 pairs (6.8% of GB Population when surveyed in 1994)</p>

A224 *Caprimulgus europaeus*; European nightjar (Breeding) 83 pairs (2.4% of GB population when surveyed 1992; subsequent survey in 2017 recorded 113 territories found throughout the SPA)

East Devon Pebblebed Heaths SAC:

Source: <http://publications.naturalengland.org.uk/publication/6222265876217856>

This is the largest block of lowland heathland in Devon. The site includes extensive areas of dry heath and wet heath associated with various other mire communities.

The wet element occupies the lower-lying areas and includes good examples of cross-leaved (*Erica tetralix* – *Sphagnum compactum*) wet heath.

The dry heaths are characterised by the presence of heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent *Agrostis curtisii*, purple moor-grass *Molinia caerulea*, cross-leaved heath *E. tetralix* and tormentil *Potentilla erecta*. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts of the UK.

Populations of southern damselfly *Coenagrion mercuriale* occur in wet flushes within the site.

Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath
H4030. European dry heaths

Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:

S1044. *Coenagrion mercuriale*; Southern damselfly

Exe Estuary SPA (UK 9010081A)

Source: <http://publications.naturalengland.org.uk/publication/3055153>

Qualifying Features:

A007 *Podiceps auritus*; Slavonian grebe (Non-breeding)
A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)
A130 *Haematopus ostralegus*; Eurasian oystercatcher (Non-breeding)
A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)
A141 *Pluvialis squatarola*; Grey plover (Non-breeding)
A149 *Calidris alpina alpina*; Dunlin (Non-breeding)
A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)
Waterbird assemblage

Exe Estuary Ramsar (UK 11025)

Source: <https://rsis.ramsar.org/RISapp/files/RISrep/GB542RIS.pdf>

Principal Features (updated 1999)

The estuary includes shallow offshore waters, extensive mud and sand flats, and limited areas of saltmarsh. The site boundary also embraces part of Exeter Canal; Exminster Marshes – a complex of marshes and damp pasture towards the head of the estuary; and Dawlish Warren - an extensive recurved sand-dune system which has developed across the mouth of the estuary.

Average peak counts of wintering water birds regularly exceed 20,000 individuals (23,268*), including internationally important numbers* of *Branta bernicla bernicla* (2,343). Species wintering in nationally important numbers* include *Podiceps auritus*, *Haematopus ostralegus*, *Recurvirostra avosetta* (311), *Pluvialis squatarola*, *Calidris alpina* and *Limosa limosa* (594).

Because of its relatively mild climate and sheltered location, the site assumes even greater importance as a refuge during spells of severe weather. Nationally important numbers of *Charadrius hiaticula* and *Tringa nebularia* occur on passage. Parts of the site are managed as nature reserves by the Royal Society for the Protection of Birds and by the local authority. (1a,3a,3b,3c)

Assessment of Potential Impacts

Introduction

The proposal represents an integral part of the Cranbrook expansion forming one of the four key expansion areas. The principle of the town's expansion was itself subject to a Habitat Regulation Assessment in 2019 as part of the plan making exercise which also included an Appropriate Assessment (AA). While an application specific AA is now required the assessment of potential impacts gathered in 2019 is still appropriate. For completeness the table prepared for that assessment is therefore reproduced below:

Summary Impact	Environment					Notes
	SPA/ Estuary	Exe Warren	Dawlish Warren	Heath	East Devon	
Disturbance to breeding birds					x	Risks from reduced breeding success and avoidance of otherwise suitable habitat.
Disturbance to wintering water birds	x					Risks from avoidance of otherwise suitable areas, reduced feeding rate, stress and increased energetic costs.
Increased fire risk			x		x	Fire risk linked to recreation through discarded cigarettes, BBQs etc.
Trampling and wear			x		x	Heavy footfall can result in vegetation wear, soil compaction & erosion.
Interaction with predators	?				x	Species such as Crows and Magpies may be drawn to areas with greater human activity or

				occur at higher densities; redistribution of birds may result in greater vulnerability to predation.
Nutrient enrichment from dog fouling		x	x	Risks from dog fouling resulting in increased soil nutrient levels and changes in vegetation.
Fly tipping/litter		?	x	Short-term impacts to interest features likely to be minimal but risks of long-term contamination, particularly from introduced species from garden waste is a risk. Also risks of staff time drawn from other essential duties.
Contamination of water bodies from dogs	x	x	x	Dogs swimming in ponds and other waterbodies brings potential risks from increased turbidity
Disruption of management		x	x	Disruption such as dog attacks to livestock; gates left open, theft of equipment/material all issues to be expected at more urban sites or those with more recreation
Public opposition/objecti on to management	x	x	x	Management interventions such as tree or scrub removal, water level management etc. can be sensitive and opposed by local residents, leading to issues achieving the necessary management
Damage to infrastructure, vandalism etc.	x	x	x	Direct damage can occur through graffiti and deliberate vandalism which tend to be issues at more urban sites
Predation by pet cats			x	Increased housing may lead to increases in local cat population; pet cats can range widely and predate a variety of bird and mammal species. Unlikely as a risk for Exe Estuary?

Extracted from: <https://eastdevon.gov.uk/media/2760803/habitat-regulations-assessment.pdf>

(Hoskin Liley, Panter and Wilson (2019) Habitats Regulations Assessment of the Cranbrook Plan 2013 – 2031)

Are there other proposals in the area which may give rise to 'in combination' effects?
(List other proposals which have been considered)

Proposed development

The current application proposes the construction of up to 1435 houses as an outline application which forms part of the Cobdens allocation (itself part of the Cranbrook expansion). The application includes 222 houses above those expected from the relevant part of this particular allocation meaning that as a whole the Cobdens area allocation should be considered as producing a total 1717 dwellings rather than policy ascribed 1495.

Cranbrook Expansion

The adopted Cranbrook Plan DPD makes provision for around 4170 dwellings to be built as an expansion of the town, spread over four sites – known as Bluehayes, Treasbeare, Cobdens (which this site is part of) and Grange. There is already a resolution to grant permission at Treasbeare which will deliver up to 1035 dwellings (120 above the allocation).

East Devon Local Plan Housing

The Local Plan makes significant provision for additional housing within the West End of Devon identifying that within the plan period between 1 April 2013 to 2031 the following was expected (in addition to Cranbrook):

- Pinhoe 1314
- North of Blackhorse 1480

In addition a number of area centres that are within a potential sphere of influence of the European designated sites have allocations/additional housing numbers comprising:

- Budleigh Salterton 133
- Exmouth 1229
- Ottery St Mary 497
- Sidmouth 292

It is noted that East Devon has an emerging New Local Plan to 2040 which is currently in preparation. This has recently been out to consultation under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 and while further housing is proposed across the District it is considered too early to understand the final distribution of the housing and its relative proximity and therefore access to the environments.

Neighbouring Local Authorities

The Teignbridge emerging Local Plan 2040 completed three Reg. 18 consultations between 2018 and 2021 and began its Regulation 19 consultation in January 2023. This Plan proposes to deliver approximately 12,489 houses in the plan period 2020 - 2040.

The Exeter Plan looks to deliver to 14,300 homes over the 20 year period to 2040. This Plan completed a Regulation 18 consultation in December 2022.

Outline potential cumulative or 'in combination' effects.

Potential Effects

The effects set out in South East Devon European Mitigation Strategy (2014)* and its evidence base recognise the range of impacts that can occur as a result of recreational pressure affecting the designated environments. In understanding the evidence base there is significant additional housing development either proposed or planned for in the coming years of which the current

proposal is part. As a result, the risk of the impacts are likely to increase. It is not anticipated that further unidentified impacts would result, only that those already recorded are more likely to occur, and could pose a greater level of risk.

Cumulatively it is considered that this outcome would result in a likely significant effect, resulting in a failure to deliver the identified conservation objections for both designated environments and in particular the Exe Estuary and Pebblebed Heaths.

Owing to the geographical distance and physical relationship between the application site and Dawlish Warren, and based on the evidence of a marked drop off in numbers attracted to a particular receptor beyond 10km, impacts on this environment are not considered to be significantly likely. Focus for the rest of this assessment will be on the Exe Estuary and the Pebblebed Heaths.

*[south-east-devon-european-site-mitigation-strategy.pdf \(eastdevon.gov.uk\)](#)

Conclusion of Screening

Stage 1 Screening follows the judgement of the European Court, case C-323/17, on 12 April 2018 where it recognises that "... it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site". Therefore, only measures that constitute part of the project design and are not primarily intended to avoid or reduce effects on European site features should be considered at Stage 1 Screening.

Conclusion of Screening stage - In the absence of consideration of measures which will avoid or mitigate impacts, does the proposal risk having a likely significant effect 'alone' or 'in combination' on the conservation objectives of a European site?

Yes

Stage 2: Habitats Regulations – Appropriate Assessment

Potential Mitigation Measures

(Describe the mitigation measures that are proposed as part of the submitted application)

Article 6(2) of the Habitats Directive, which has been translated into UK legislation, requires that appropriate steps are taken to avoid deterioration of natural habitats and the habitats of species, as well as disturbance of the species.

In this regard the Cranbrook Plan HRA (2019) itself referencing the framework provided by the SEDEMs report (2014) have identified mitigation that would be appropriate to address the key objectives for these environments – namely the preservation, protection and improvement of the quality of the environment, taking measures to conserve deteriorating habitats and creating a coherent European ecological network of sites in order to restore or maintain those habitats and species of community interest as a priority.

In the setting of this wider context, the SEDEMS report also recognises that while necessary “a precautionary approach should never be so over-precautionary that it is not based on sound justification or common sense”.

In understanding how to apply the general mitigation strategy, it is recognised that the approach should be to:

1. Avoid any impact
2. Where significant effects cannot be ruled out or avoided, implement measures to mitigate for any potential impact
3. Use compensation as a last resort

Recognising that point 1 can't be achieved if the housing and growth agenda that is required more generally by the Cranbrook Plan and specifically the Bluehayes site is to be delivered, it is necessary that significant emphasis is placed on point 2.

Mitigation measures enable a competent authority to permit development with certainty that adverse effects on the integrity of the site will not occur. As new residential development is permanent in nature, the mitigation secured should equally provide lasting protection for the European site interest features. Mitigation will therefore include measures that will need to fulfil its function in-perpetuity

As such, a framework for mitigation was set out in the SEDEMS report and referenced within the Cranbrook Plan HRA:

SEDEMS options

Management option Description

1. Habitat Management

- 1a New habitat creation
- 1b Habitat management

2. Planning & Off-site Measures

- 2a Locate site development away from sensitive sites
- 2b Management of visitor flows and access on adjacent land (outside European site)
- 2c Provision of suitable alternative natural greenspace sites ('SANGs')
- 2d Provision of designated access points for water sports
- 2e Enhance access in areas away from designated sites

3. On-site Access Management

- 3a Restrict/ prevent access to some areas within the site
- 3b Provide dedicated, fenced dog exercise areas
- 3c Zoning
- 3d Infrastructure to screen, hide or protect the nature conservation interest
- 3e Management of car-parking
- 3f Path design and management

4. Education and Communication to Public/Users

- 4a Signs and interpretation and leaflets
- 4b Codes of Conduct
- 4c Wardening
- 4d Provision of information off-site to local residents and users.
- 4e Contact with relevant local clubs
- 4f Establishment of Voluntary Marine By agreement of interested parties.
- 4g Off-site education initiatives, such as school visits etc

5. Enforcement

- 5a Covenants regarding keeping of pets in new developments
- 5b Legal enforcement
- 5c Wardening
- 5d Limiting visitor numbers

Application Specific Mitigation

In recognising the suite of measures outlined above the application proposes two means of providing mitigation – through the direct delivery of SANGS (2c) and the provision of a financial contribution towards the Onsite Access Management (3) of the designated environments.

SANGS (with reference to plan L-13-M)

In line with the adopted Cranbrook Plan DPD, the development proposes the delivery of 34.42ha of SANGS as set out the parameters plan reference 9009-L-13-M (February 2023). This is appropriate and as a headline is above the minimum quantum of 27ha required to meet the expectation of 8ha per 1000 population based on occupation rates of 2.35 people per dwelling.



The SANGS land identified by the developers can be broken down into three key areas (A-C) as shown on the plan above. This plan has been derived from L-13-M with the SANGS areas highlighted. The three areas are described in the following paragraphs:

Southbrook SANGS (A) would straddle Southbrook Lane, enveloping the eastern stream corridors and measure 13.1ha in area. It is offset from the railway line to accommodate safeguarded land for a possible new metro style station and also excludes land identifies as being required for a new play area. Where available access paths wrap around the attenuation basins the whole area is included in the calculation of SANGS land.

Using similar criteria, a second large block of SANGS is located on the Cobdens side of the development (B). This is linked to the Southbrook SANGS by green corridors (shown by arrows on the plan) which are themselves excluded from the SANGS calculation. This block of land, which uses the highest part of the site and provides attractive views over the surrounding land, measures 19.7ha.

The third block (C), highlighted on the plan above in pale green, measures 1.6ha. This has been put forward as SANGS by the developers but is narrow, dissected by overhead power lines and includes attenuation basins which have limited access around them (shown in more detail on the following plan extract from L-18-N Masterplan, but also on the parameter plan L-15-L “Green and blue infrastructure”). As a result this land, while being usable as public open space, is not considered to be of an adequate size or character to be ascribed as SANGS.



Extract from Proposed masterplan 9009-L-18-N

This leaves a total of 32.8ha which is still 5.8ha in excess of the minimum required for this development. Overall the areas represent an attractive and inviting environment which would fulfil in a very meaningful way its role as an interceptor SANGS whilst being of easy access to users.

On the masterplan but more clearly indicated on the movement parameter plan (L-14-M) the developers have indicated potential walking routes around the entire site which are in excess of 5.2km in length (including using the green corridors). In addition and within the two individual blocks of SANGS these too have walking routes which with only a limited amount of meandering meet/exceed the 2.3km minimum length.

It has already been noted that delivery of SANGS would be phased and within the application (and updated since its original submission) there is plan which sets out the proposed phasing. Taking measurements from the plan, this shows that the first phase of SANGS delivery would be 5.8ha and is likely to be required to support around 145 dwellings (this represents a significant over-provision of SANGS). While this is less than the targeted 8ha minimum set out in the Council SANGS strategy that supports the adopted Cranbrook Plan, the site's configuration allows for a 1.3km walk – the minimum identified within the phasing section of the Council Strategy document.

The phasing strategy plan (L-17-E) shows that SANGS to the east and west of the site would be delivered as phase 1 although in effect these would be phases 1a and 1b. It also demonstrates that phases 2 and 3 which contain the central areas of SANGS would be delivered subsequently. It would have been preferable to have subsequent phases linking directly with each other, so that the individual walks available get gradually longer as the development builds out. However although initially fragmented, there is a good level of confidence that the whole will be delivered and on this basis the phasing as proposed is considered acceptable in terms of SANGS delivery. Any improvements to its delivery which can be secured as part of future planning negotiations would be of an additional benefit to this assessment.

A detailed landscaping scheme needs to be secured on the site but this will follow at Reserved Matters stage. However there is a principle of proposed tree planting whilst retaining the longer distance views in strategic locations. This approach would provide a variety of habitats to explore and would allow the identified land to readily fulfil the role of providing an alternative recreational area

to the protected European sites. In essence the land would allow the key activities of walking and dog walking to take place in an attractive but less sensitive environment.

It is noted that the developers are proposing to secure Biodiversity Net Gain (a Cranbrook Plan Policy requirement) across the SANGS land and application site more generally. It is not envisaged that this approach to BNG delivery would reduce the attractiveness of the SANGS land or unduly limit access and enjoyment of it - in so doing, the land's primary purpose would therefore be retained. Importantly BNG scoring would only be counted where this sits as a credit above any landscape improvements needed for the basic SANGS delivery.

Access to the SANGS is key and to help foster good walking routes and access between different forms of Green Infrastructure, it is proposed that connections will be installed between residential areas and the proposed SANGS to provide walking and cycling links. Indicatively these are shown on the movement parameter plan L-14-M. Cycle routes are limited within the SANGSs area but are currently shown as forming a simple framework, passing east-west to the immediate south of the railway line; east-west along the central stream corridor and north-south between the two (this route would be located along the western boundary of the Cobdens SANGS (Block B). Any concern about potential conflict of users and design of the cycle route can be addressed at the detailed design stage.

Improvements to routes within the SANGS area could also be achieved if an additional breach (pedestrian access point) was formed in the hedgerow in the east of the Cobdens Block (B) which would help avoid a pinch point which otherwise exists in the indicative route. A potential location for this is shown in the plan extract below:



Extract from Proposed
Movement Plan 9009-L-14-M

In compliance with policy and in recognising how the Heaths are used, the developers are offering to provide two modest sized car parks along with some on street parking all of which has direct access to the SANGS. One car park would be located to the west with around 12 spaces - this would come forward as part of the first phase of SANGS delivery. The second, a more modest car park north of the school would provide around 8 spaces and based on the location is expected to be delivered as part of the phase 1b SANGS. These are important as they allow people to drive to the SANGS for

exercise and in particular dog walking. Locations are shown on the plan below (highlighted in red/purple).



As part of the commitment to SANGs, the developers are proposing a contribution towards the long term cost of its management. This aims to follow the endowment based model although no decision has yet been taken on the managing partner. For the scope and consideration of this Appropriate Assessment, the commitment to the in-perpetuity maintenance (a period of least 80 years) is the key principle. At this stage there is nothing to suggest that either through a Local Authority partnership or a managing third party, that the long term maintenance of the SANGs can't be achieved.

The approach taken with SANGS delivery addresses the SEDEMS Management Options - option 2c - Provision of suitable alternative natural greenspace sites ('SANGs').

Off Site Measures

Slightly confusingly labelled as offsite measure the developers are also proposing the provision of a financial contribution towards direct measures affecting the designated environments – offsite to the actual development, “on site” in terms of the Heaths and Exe Estuary. These financial contribution would be secured via a S106 agreement.

This contribution recognizes an approach that has already been used effectively across parts of the District where contributions are used by the managing Authority to, in particular help with the delivery

of Management Options 3 (On site Access Management) and 4 (Education and communication to Public Users). In this instance the contributions are expected to be paid in quarterly instalments based on the number of housing starts that have been made in the preceding quarter. While this approach spreads the costs of such mitigation for the developer and therefore helps to ease cash flow, it does ensure that contributions have been paid ahead of first occupation of the respective dwelling and therefore any additional recreational pressures that occupiers of that particular dwelling could place on the particular environment.

List of mitigation measures to be covered by legal agreement:

S106 Agreement Requirements:

- Category 1 infrastructure (delivered on site) –
 - SANGS specification including phasing plan and management strategy to be agreed before commencement of development
 - SANGS delivery - establishment and or enhancement (set up costs)

- Category 2 infrastructure (financial contributions) –
 - SANGS management and maintenance and
 - Offsite habitat mitigation

Conditions Requirements:

- Submission of LEMP to cover SANGS phases

Conclusions and final assessment

<p>Conclusion: Is the proposal likely to have an adverse effect on the integrity of any Habitats site?</p>	<p>East Devon District Council concludes that there would be NO adverse effect on the integrity of the Exe Estuary SPA/Ramsar site and the East Devon Pebblebed Heaths SPA and SAC provided the mitigation measures are secured as above.</p>
<p>Natural England’s Response</p>	<p>Thank you for your email below, responding to our queries and consulting Natural England on the revised Appropriate Assessment, dated 22 March 2023.</p> <p>Please be advised that, on the basis of the Application Specific Mitigation including the Suitable Alternative Natural Greenspace (SANGs) measures described in the AA and appropriate financial contributions being secured to the South-East Devon European Sites Mitigation Strategy (SEDESMS), Natural England concurs with your authority’s conclusion that the proposed developments will not have an adverse effect on the integrity of the Exe Estuary SPA, Exe Estuary</p>

	<p>RAMSAR and the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA.</p> <p>Details of walking routes, shared paths, dedicated car parking, landscaping and habitat creation (working together to support effective SANGs functioning) will need to be addressed at the detailed design stage.</p>	
Do we need to consider alternative solutions	No	
Are there imperative reasons of Overriding Public Interest (IROPI)	No	
Final Assessment and Recommendation	East Devon District Council concludes that there would be NO adverse effect on the integrity of the Exe Estuary SPA/Ramsar site and the East Devon Pebblebed Heaths SPA and SAC provided the mitigation measures are secured as above.	
Local Authority Officer	James Brown	Date: 22 March 2023