

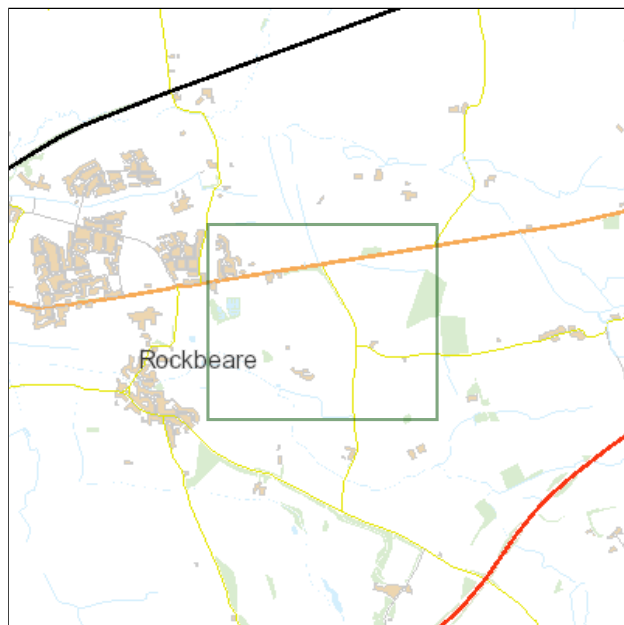
**Ward** Whimble And Rockbeare

**Reference** 19/1798/MOUT

**Applicant** Mr T Stuart

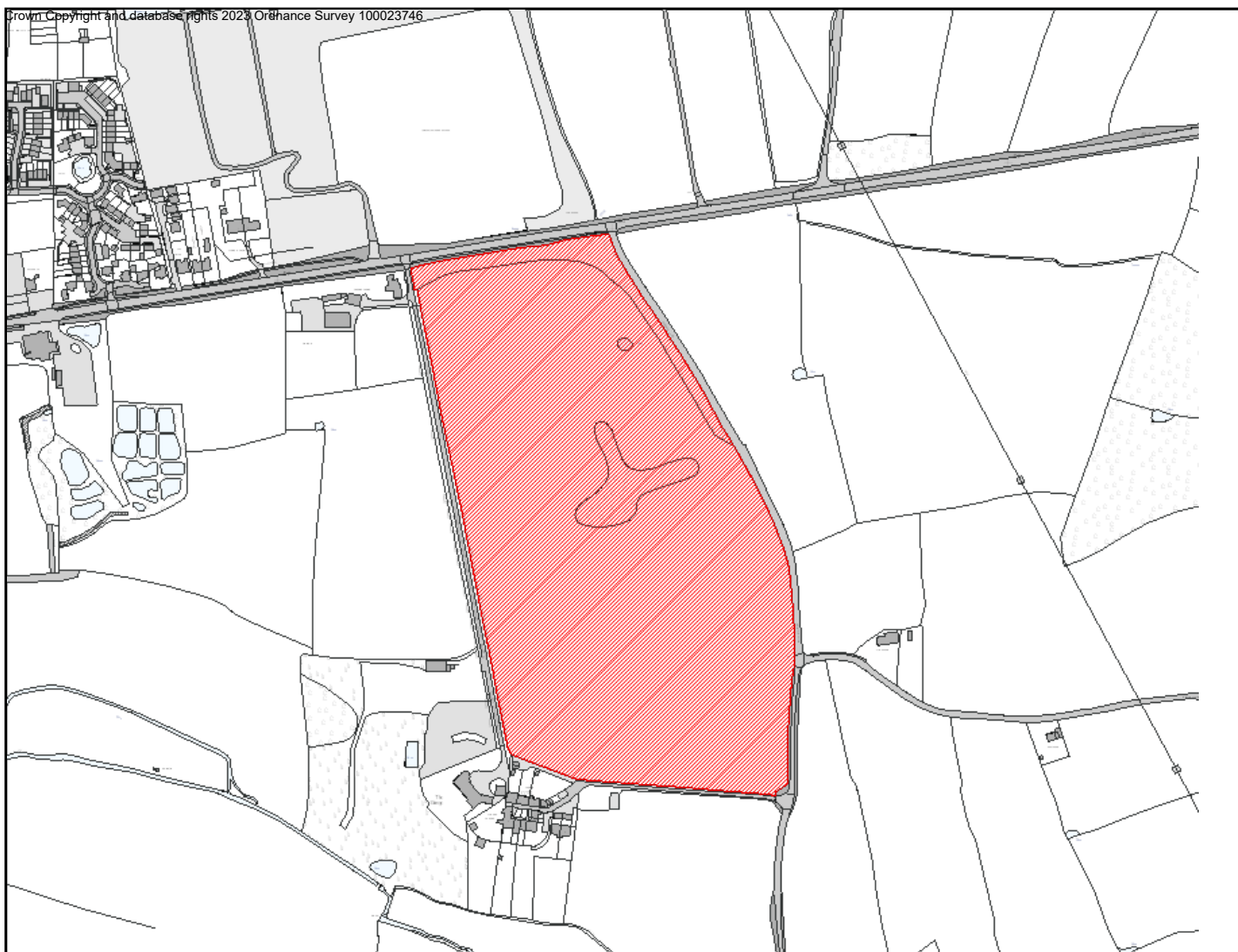
**Location** Land West Of Gribble Lane Rockbeare

**Proposal** Outline application for the construction of up to 180 dwellings and associated infrastructure, with all matters reserved apart from access.



**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



		<b>Committee Date: 18 July 2023</b>
<b>Whimple And Rockbeare (Rockbeare)</b>	<b>19/1798/MOUT</b>	<b>Target Date: 29.04.2020</b>
<b>Applicant:</b>	<b>Mr T Stuart</b>	
<b>Location:</b>	<b>Land West Of Gribble Lane Rockbeare</b>	
<b>Proposal:</b>	<b>Outline application for the construction of up to 180 dwellings and associated infrastructure, with all matters reserved apart from access.</b>	

#### **RECOMMENDATION:**

- 1. To adopt the Appropriate assessment set out in appendix 2 of this report**
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#### **EXECUTIVE SUMMARY**

**This application is before the Planning Committee as it is a major application where the view of the Parish Council conflicts with that of Planning Officers, and the proposal is a departure from the Development Plans.**

**The application relates to a field and adjoining woodland, situated to the west of Gribble Lane, and to the south of the B3174, now known as London Road. The former of these roads is an unclassified single carriageway highway, whilst the latter was formally the A30 and is a two carriageway highway.**

**Although relatively level, the application site slopes gently downwards to the north with a number of small ditches and wet areas within the woodland belt along its northern and eastern boundaries, and an ephemeral pond within the field. A number of notable veteran and ancient trees are situated within the field, in addition to some within the boundary hedges.**

**Outline planning permission is sought for the erection of up to 180 dwellings, and associated infrastructure. Apart from access, all matters are reserved. The proposal would involve the creation of up to two vehicular accesses on to the site (one shown in detail), in addition to the provision of pedestrian/cycle accesses, open space and SANGS.**

The site is located within the Cranbrook Plan area and also falls within the Rockbeare Neighbourhood Plan area.

The Cranbrook Plan identifies the whole of the current site as being within the Cranbrook Plan Area – the northern two thirds of it forming part of the Grange allocation under Policy CB5 (Grange Expansion Area) where 178 dwellings would be expected to be brought forward, while the remaining southern third lies outside of the built up area boundary and is identified as land safeguarded for SANGS.

The proposal seeks to extend residential development to the south of the built up area boundary by a means of a minor incursion on the eastern side but a more extensive projection towards the western side (extending by around 80 m).

In total this incursion facilitates an additional 18-20 dwellings but allows for a lower density of development within the main part of the site – thereby giving greater space and protection to the retained trees. While the incursion means that despite the allocation the application is treated as a departure from the Development Plan, this does not automatically mean that the proposal is unacceptable. Other material considerations need to be assessed before a balancing exercise is then undertaken at the conclusion of the report.

The key considerations are:

- **Phasing - Policy CB7 (Phasing)** of the Cranbrook Plan requires that land for the first school is transferred to the County Council/school provider prior to the commencement of any dwelling or that no more than 30 dwellings are occupied across all expansion areas before the first school opens (depending on the delivery method for the school. However, there is no school proposed and no policy provision for a school as part of this application (that is proposed in other expansion areas). Therefore, in the event that this application is approved, a Grampian style condition to restrict how and when development is brought forward would be necessary. A similar approach would also be required in respect of SANGS provision as there is insufficient SANGS land available as part of this application for the full 180 dwellings. It is considered that if approved the limit is set to 160 dwellings before additional SANGS (the subject of application 23/0662/COU which has a resolution to approve) is provided.
- **Historic environment – Historic England** has indicated that it is content with the plans in their current form, in terms of their impact on the historic environment – in particular the gateway to Rockbeare Manor, the impact upon which had been a cause for concern, prior to the submission of amendments to the proposal.
- **Landscape and visual impact.** Similarly, the initial plans gave rise to concerns regarding a detrimental visual impact – especially in respect of the proposed dwellings nearest to the ridgeline on the southern edge of the site. However, the amendments to the plans are considered to have overcome this issue. Given that, and with landscaping conditions, the proposal is considered acceptable in this regard.

- **Agricultural land classification.** Information available to the Council indicates that the land to which this application relates is a mixture of grades 3a and 3b. Policy EN13 (Development on High Quality Agricultural Land) of the Local Plan states that land within classes 1, 2 and 3a shall be protected, and may only be developed in certain circumstances. Previously, in circumstances where a field proposed for development has contained more than one land classification, Officers and the Planning Committee have taken the view that it would be impractical to farm only certain parts of a field. Therefore, when the scheme in question offers benefits, which is the case in this instance, as the housing is required and the land allocated for that purpose in the Cranbrook Plan, the development has been considered acceptable in terms of the impact on agricultural land. On that basis, it is considered that this application is acceptable in this regard.
- **Drainage/water resources.** There are a number of drainage issues relating to this site, in particular within the woodland on the northern edge of the area. Consequently, the proposal has been the subject of significant discussion between the Local Planning Authority (LPA), Devon County Council, as the Lead Local Flood Authority (LLFA) and the applicants. The initial concerns raised have now been overcome, and both the LLFA and the Environment Agency have removed their objections. The proposal is, therefore, considered acceptable in this regard.
- **Transport and access.** Two vehicular accesses to the site are proposed, with the main entrance being onto London Road (this one is detailed as part of this application), in addition to three pedestrian/cycle accesses. These and in particular the entrance onto London Road, have been the subject of significant discussion between the County Highway Authority, the Council and the applicants. It is now considered that the primary access detailed in this application is broadly acceptable, subject to appropriate conditions. Importantly the scheme makes provision for appropriate connection to the rest of Cranbrook. Additionally, contributions towards highway works and public transport provision would also be sought through a S106 legal agreement in the event that this application is approved.
- **Pollution and contaminated land.** The Council's Environmental Health Officer has confirmed that the proposal is acceptable in this regard, subject to a condition relating to the submission of a Construction Environment Management Plan (CEMP). Once the properties are occupied (if this application is approved), it is considered that sufficient separation would remain between the new properties and existing residences to ensure that a loss of amenity does not arise from people residing in the new dwellings.
- **Neighbour amenity.** Whilst the proposal would result in new residential properties being located closer to the existing properties, the separation distance would be considerable (in excess of 45 metres, boundary to boundary). Therefore, it is considered that a loss of amenity through issues such as overlooking is unlikely to arise. In any case, this matter will be fully considered at reserved matters stage should this application be successful.

- **Biodiversity and ecology.** The proposal has the potential to impact upon a number of species of wildlife in addition to trees and hedges. However, mitigation and/or protection of these are proposed, and can be secured by condition. Therefore, with the appropriate conditions in place, it is considered that the proposal is acceptable in this regard.

- **Financial contributions.** The proposal would result an increase in vehicles, as well as an increase in pressure on local schools, health services and other facilities. Consequently, financial contributions to ensure adequate funding to mitigate the increase in usage are required. These can be secured through a legal agreement in the event that this application is approved.

Given the above, and taking into account that the proposal is also considered to be acceptable in terms of the impact on Exeter Airport, sustainability, and when assessed against the relevant policies within both the Cranbrook Plan and the East Devon Local Plan, it is recommended that this application is approved.

## **CONSULTATIONS RESPONSES**

### **Ward Member Cllr Todd Olive 4/7/23**

Firstly, I note comments by Cranbrook Town Council and EDDC that the proposal includes an incursion into land designated in the adopted Cranbrook Plan as SANGS. The officer assessment suggests that this incursion is mitigated by provision of an additional parcel of land separated from the site by the access lane to Grange Court over which the applicant has rights of access; this assumes that a SANGS area divided by a designated access road, in reasonably regular use, with a much longer boundary shared with existing dwellings, and also directly bounded to the North by new residential space, is of the same quality and amenity value as a cohesive SANGS area with uninterrupted landscaped boundary. On account of the access road introducing vehicular traffic and related safety issues, and splitting the amenity space, it seems clear that this cannot be the case - and that as such the proposal cannot comply with policy. If every site in the Grange Expansion Area under the Cranbrook Plan extended residential provision into the designated SANGS area, and justified the same by designating further open countryside as SANGS space instead, the clear cumulative effect of this is functionally to expand the settlement boundary beyond the extent that the Council has decided is acceptable under the NPPF and according to its own strategic planning objectives - the clear implication of this being that this application cannot proceed and consequently set that precedent.

On a more fundamental level, the proposal is clearly contrary to the spirit, if not the letter, of the Rockbeare Neighbourhood Plan, which clearly sets out to protect countryside within the Parish from further residential development comprising encroachment on open countryside surrounding the main village of Rockbeare in

order to preserve the village's intrinsically rural character. While the Cranbrook Plan has been adopted, I am concerned that assessment by officers has effectively neglected any consideration of the clear provisions of the Rockbeare Neighbourhood Plan, and that this should hold material weight against the proposal as a factor in the planning balance test.

In addition, I would highlight the issue of safe and convenient pedestrian access between the site and services located in Cranbrook town centre as a component of social sustainability - London Road is not a particularly safe road to cross at the best of time, with substantial and continually increasing traffic levels, and as such the desirability and feasibility of pedestrian access to Cranbrook services via any footpaths must be questioned and in my view should weigh against the proposal being judged to properly achieve accessibility criteria.

Finally, there is the significant issue of climate change. The application is effectively totally dismissive of the issue, making a number of general comments and suggesting that mitigation of carbon emissions is an issue to be dealt with subsequently at condition discharge stage; no detail on the expected emissions of the development is provided, nor any specific measures to reduce these emissions in the long-term. Indeed, the applicant simply claims that if every development site is required to account for its emissions implications, nothing would ever get built. Beyond the question of the balance test I consider in the next paragraph, I strongly object to the application being passed on the back of this assessment: given the robustness of policy in the emerging Local Plan concerning the emissions footprint of new development, EDDC's declaration of a Climate Emergency, and commitments by national government to rapid emissions reduction - noting in particular that the requirement to reduce CO<sub>2</sub> emissions by >45% by 2030 for a reasonable chance of restricting global heating to 1.5 degrees falls along similar timescales as this development would likely be coming into operation/occupation, EDDC would in my view be negligent to pass the application without proper consideration of the emissions impact and proposed mitigation measures at full planning stage where such detail can be properly scrutinised and considered as the critical component of the planning balance test that it is.

Setting aside the issue of insufficient information on carbon emissions, which in my view should preclude the Committee from granting permission at this stage, I now turn to the question of the broader sustainability test. The assumption in officer appraisal that, because much of the land on which the proposal is sited comprises a designated Cranbrook growth area, it must inherently and on balance be considered sustainable on the grounds of accessibility to local services and inclusion in the broader settlement, outweighing any impacts on net loss of countryside, effectively precludes the proper application of the sustainability test, and in my view fails to give appropriate consideration to any of the issues addressed above. As outlined above,

the application is clearly contrary to, and indeed compromises, recently-adopted policy on Cranbrook expansion, is definitively contrary to provisions of the Rockbeare Neighbourhood Plan, has genuine issues with pedestrian access to central Cranbrook services on account of the intervening major London Road, and frankly utterly fails to properly consider the critical issue of the Climate Crisis; in my view, the application cannot be considered to pass the sustainability test at this time.

For the above reasons, individually and in the round, I strongly object to the application, and recommend at minimum that Committee defers considering approval of the proposal until the applicant has provided additional assessment of the proposal's emissions impacts and intended mitigation strategies.

### **Town and Parish Council Responses**

#### **Rockbeare Parish Council - Comment Date: Thu 30 Jan 2020**

Rockbeare Parish Council objects in the strongest possible terms to this latest threat to our Parish and to the potential erosion of 'Rural Character' and this latest application at odds with the East Devon Local Plan and the recently made (2018) Rockbeare Parish Neighbourhood Plan in terms of both spirit and policies within it. The combination of EDDC Local Plan and Rockbeare Neighbourhood Plan meant that "this alignment means recognising that Rockbeare is a rural area, which lies outside of the growth area referred to in the Local Plan as East Devon's West End, and should remain so". (Rockbeare Neighbourhood Plan Page 7)

Since the adoption of our Parish Plan we have had to defend it continually from a combination of big - business in the form of alliances between developers and local landowners and the attempts of EDDC (contrary to their own historic stance on the size and shape of Cranbrook) by seeking to expand Cranbrook to areas south of the old A30 - this 'Cranbrook Expansion Plan' is currently under review by the planning inspectorate.

As far as Rockbeare Parish Council is concerned Planning Application 19/1798/MOUT is contrary to our overall Neighbourhood Plan as points 3.10 and 3.11 state:

"3.10 As a community we feel threatened and extremely vulnerable to major development proposals. A prime purpose of our Neighbourhood Plan is to remind developers and planners that in Rockbeare Parish there is a long-established functioning community which still lives in harmony with its rural environment and takes its responsibility as steward and protector of this important area of Devon countryside very seriously"

3.11 The Rockbeare Neighbourhood Plan is based on realising a vision for the Parish that resists unnecessary incursions and sees development of an appropriate scale and type taking place in an incremental and sustainable manner in the interests of protecting and reinforcing the distinction of and enhancing the rural area

that lies outside of a much-enlarged Exeter.

Specifically we object to this application as it contravenes policies within the Rockbeare Neighbourhood Plan:

Rock01 Local Trees, Hedgerows and Woodlands - Despite the application containing an ARB Impact assessment it also contains the intended destruction of 14 plus Category A and B trees and hedgerows and no doubt more during any construction phase and therefore we object.

Rock 06 Green Wedge - The application borders our 'protected green wedge' and when added to proposed 'Cranbrook Expansion Plan' represents a contravention of EDDC Local Plan which says, "it is important that open land between settlements is retained thus helping them maintain their separate identities, their landscape settings and to avoid the creation of unrelieved development"

We therefore object to this plan as it represents development of the space between Cranbrook and Rockbeare and further expansion along the old A30.

Rock 07 Development Limits Applications outside designated Rockbeare settlement limits. " Areas outside the settlement boundary will be regarded as countryside. In exceptional circumstances, proposals for new buildings outside of this boundary may be supported. In these circumstances where the need for new buildings is justified, they must be well related to the village and sensitively designed to respect and enhance the character of the local area. " (Rockbeare NP page 23)

This application conforms to none of these stipulations! Therefore we object. Rockbeare Parish is recognised and protected as a rural community and essentially a farming area by both EDDC Local Plan and our own Neighbourhood Plan.

Application 19/1798/MOUT represents an erosion of this environment. In a world of climate emergency and the need to maintain trees, biodiversity and green spaces it is time to reject threats to these areas and start planning to build not on green spaces but to use already developed sites more effectively,

#### **Cranbrook Town Council (Adjoining Parish) - Comment Date: Tue 08 Dec 2020**

Cranbrook Town Council Planning Committee considered planning application 20/1798/MOUT on the 7 December 2020. The Committee resolved to object to the planning application with the same comments as previously:

1. The Cranbrook Development Plan shows a Suitable Alternative Natural Greenspace (SANG) at the eastern edge of the development, but this application had housing in that location.
2. The application had a low percentage of affordable housing and that these properties were not evenly distributed across the development, but clustered.

#### **Whimble Parish Council (Adjoining Parish) - Comment Date: Tue 04 Feb 2020**



Whimble Parish Council (WPC) object to this planning application and support Rockbeare Parish Council's (RPC) comments. The application is outside of the newly adopted Neighbourhood Plan that RPC went to great expense to complete. WPC is partly through making its own Neighbourhood Plan and if this application is granted planning permission it begs the question over the effectiveness of Neighbourhood Plans in the planning process in East Devon. When will the relentless development in Whimble Parish and Rockbeare Parish stop and the remaining Countryside and habitat be protected?

Both RPC and WPC have always been strongly against any development South of the old A30 and crossing over Cobden Lane into the Whimble Parish Boundary and were given various assurances in the past from EDDC that this would never happen..... WPC were disappointed that, in 2016, EDDC did not allow the WPC Neighbourhood Plan boundary to be the same size as the Parish Boundary and is pleased that the recent challenge saw the original decision overturned.

The site in question is in open countryside with protected local habitat and mature trees. The development would offer no natural boundary and risks further the coalescence of settlements between the parishes of Whimble, Rockbeare and Cranbrook Town Council.

Given the rural location and the relatively few properties in the area WPC were surprised and disappointed to hear that several local Rockbeare residents close to the site did not receive written notice of the application.

This application would also appear to be ill timed. The Cranbrook EIC hearing is still taking place and this application should not be considered in isolation of the expansion plan.

**Whimble Parish Council (Adjoining Parish) - Comment Date: Tue 15 Dec 2020:**

Whimble Parish Council (WPC) object to this planning application and support Rockbeare Parish Council's (RPC) comments. The application is outside of the newly adopted Neighbourhood Plan that RPC went to great expense to complete. WPC is partly through making its own Neighbourhood Plan and if this application is granted planning permission it begs the question over the effectiveness of Neighbourhood Plans in the planning process. When will the relentless development in Whimble Parish and Rockbeare Parish stop and the remaining Countryside and habitat be protected?

Both RPC and WPC have always been strongly against any development South of the old A30 and crossing over Cobden Lane into the Whimble Parish Boundary and were given various assurances in the past from EDDC that this would never happen.

The site in question is in open countryside with protected local habitat and mature trees. The development would offer no natural boundary and risks further the coalescence of settlements between the parishes of Whimble, Rockbeare and Cranbrook Town Council.

This application would also appear to be ill timed. The Cranbrook EIC hearing has still not issued its final report and this application should not be considered in isolation of the expansion plan.

### Technical Consultations Responses (summary)

The table below shows a summary of the technical consultation replies received. The full text submitted by the consultees can be seen in appendix one.

Consultee	Summary of comments
<b>East Devon District Council</b>	
Conservation Officer.	<p>13/03/2020 – The heritage assets are considered to be of medium to high significance. The setting of these are diminished by the insensitively located development and fails to preserve or enhance the significance of the heritage assets. In light of the information provided to date and the status of the application, it is considered that there is less than substantial harm to these designated heritage assets.</p> <p>There may be scope for mitigation measures to minimise the potential for adverse impact on the historic environment and that the advice from historic England is taken into consideration.</p> <p>Provisional recommendation – Proposal Unacceptable.</p>
Contaminated Land Officer	26/11/20 - As no evidence has been submitted with the application in association to the risks from contaminated land I recommend approval with conditions.
Environmental Health.	26/11/20 - No concerns. Recommend approval with conditions relating to matters such as Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, Monitoring Arrangements and working hours/days.
Landscape Architect.	03/05/23 - I find the proposals generally acceptable in terms of landscape and visual impact and design, subject to resolving the access issues to minimise tree loss/ damage identified by the tree officer. I note also that the indicative masterplan layout entails the loss of the existing pond towards the northeast corner of the site together with the clearance of associated goat willow. This loss should be adequately compensated for by proposed SuDS basin to the northern end of the site which should aim to provide a body of permanent standing water.
Housing Strategy.	12/02/20 - The indicative plans show 12 x 1 bedroom flats, 12 x 2 bedroom houses and 6 x 3 bedroom houses. Whilst this is a good mix which will meet housing need consideration should be given to the form the 1 bedroom flats will take. Large blocks of flats are problematic for affordable housing providers due to management issues, affordability for occupiers and negative stigma. Those in need of 1 bedroom accommodation often have

	complex needs and living in a large block of flats can exacerbate their issues and cause problems sustaining a tenancy.
Trees	07/03/23 - Impact of felling will be relatively low. The main access onto London Road will create division of existing woodland belt and potential loss in the long- term of further trees due to changes in soil levels. However, individually, the trees are of relative low importance. Concern is raised though about the extent of construction works to enable the road / paths to be built and the long-term effects on retained trees. The eastern cycle path onto Gribble Lane is considered unnecessary and existing entrance into the field from Gribble Lane could be used or include cycle lanes within the new proposed junction onto London Road.
Urban Designer	16/02/21 – The application documents express a desire to create a pleasant green development, but this is achieved at the cost of those around the site and at the potential cost of the aims of the masterplan and emerging DPD. When set against national design guidance such as Building for a Healthy Life, around which much of these comments have been structured, there is so much that can be improved. Unfortunately, without change far beyond the scope of what has been offered so far, this application cannot be supported in urban design terms.
Waste and Recycling	27/11/20 - We don't see any problems with vehicle access for this development.
<b>Devon County Council</b>	
Lead Local Flood Authority	21/06/23 – we have no in-principle objections to the above planning application at this stage, provided that a pre-commencement condition is imposed on any approved permission. The condition must seek details of: soakaway test results, drainage design based on the Flood Risk Assessment, management proposals for surface water and silt run-off, proposals for the adoption and maintenance of the surface water drainage system, how exceedance flows will be managed and an assessment of the condition and capacity of existing surface water drainage system.
Local Highway Authority	<p>22/06/23 – No objections subject to a S106 agreement to secure:</p> <ul style="list-style-type: none"> <li>- A Travel Plan</li> <li>- Alterations to the speed limited on London Road.</li> <li>- A contribution toward the maintenance of and controlled crossings required, and/or any crossings over the ditches in the woodland, as required by the Highway Authority.</li> <li>- The timing of delivery of vehicular access points, associated alterations to existing highways, controlled crossing points and access points onto London Road and Gribble Lane.</li> </ul> <p>In addition to conditions relating to:</p> <ul style="list-style-type: none"> <li>- Visibility splays</li> <li>- Plans for cycle access onto and over Gribble Lane.</li> </ul>

	<ul style="list-style-type: none"> <li>- Details of any traffic calming or other highway works which require amendment (having been consented as part of another development) to be agreed in writing by the Highway Authority, and funded by the developer.</li> <li>- A timetable for the delivery of a separate cycle and pedestrian access across Gribble Lane.</li> <li>- A timetable for the delivery of a bus access across Gribble Lane.</li> <li>- Obtaining a right of discharge.</li> <li>- Submission of a Construction Management Plan.</li> </ul>
Other County Council departments	<p>23/02/23 - Subject to the imposition of suitable planning conditions, the council raises no objection on matters relating to historic environment or waste planning.</p> <p>Subject to the provision of appropriate s106 contributions, DCC does not object in respect of matters relating to the provision of transport, education, children's services, youth services, library services, extra care housing, and health and wellbeing.</p>
<b>Other Technical Consultees</b>	
Devon and Cornwall Police	<p>27/01/20 - I welcome and support the comments regarding safety and security within the 'Placemaking Principles' section of the DAS. It is pleasing to see that designing out crime principles have been considered in the application and sincerely hope these translate into meaningful design should the application progress.</p> <p>31/01/23 – Thank you for your consultation in relation to the revised plans of the planning application. I have nothing further to add to my comments submitted to the initial application.</p>
Devon and Somerset Fire Service.	<p>23/02/23 - I have studied the revised site layout drawings you have provided and they would (without prejudice) not appear to satisfy the criteria we would require for B5 access under Building Regulations. It would be beneficial if more detailed fire appliance vehicle tracking drawing is provided so B5 access can be assessed.</p>
Environment Agency	<p>06/02/23 - We have no objections to this proposal subject to the delivery of the Flood Alleviation Scheme drawing (dated June 2020, ref. 6164.404 Rev. A).</p> <p>It is important that the delivery of the Flood Alleviation Scheme is secured. To achieve this, your Authority could include a specific condition on any permission granted, or include the drawing reference 6164.404 revision A, and LAR-LHC-00-00-DR-UD-0101 Rev P2 'Layout Plan' dated NOV 22 on the list of approved documents and plans.</p>
Exeter Airport safeguarding.	<p>Exeter Airport have no safeguarding objections to this development.</p>

Historic England	<p>08/02/23 - The revised illustrative masterplan shows an increase in SANGS along the southern boundary of the site. This significantly increases the buffer between the gates and the proposed development. We also note that on the illustrative masterplan the units to the south are 1 storey, further reducing their height and overall impact. This offers an opportunity by which the potential visual impact could be avoided and minimised.</p> <p>We recognise that the application is outline only and with all matters reserved but access. However, the illustrative masterplan demonstrates that development can be achieved on this site that avoids and minimises harm to the historic environment.</p>
National Highways	11/02/20 - No objection in principle to the proposal, subject to the inclusion of a condition requiring the submission of a Construction Management Plan, should the application be approved.
Natural England.	03/07/23 – Objection withdrawn. Following receipt of further information Natural England is satisfied that the specific issues we have raised in previous correspondence relating to this development have been resolved.
RSPB	16/12/20 - Provided the long term management plan of the green spaces within the development is effective together with the SANGs currently under development in and around Cranbrook most of the displaced avian species should be adequately protected. We strongly recommend that a bird box plan showing the locations and models specified are a composite part of the LEMP and a condition of the approval if granted.
South West Water	31/01/23 - South West Water has no objection subject to the foul and surface water being managed in accordance with the submitted drainage strategy.
Sport England.	27/11/20 – No further comments. Sport England is not a statutory consultee for developments of under 300 dwellings.

### **Other Representations**

114 objectors raised the following comments in relation to the application:

- Cranbrook was originally planned with no development south of the former A30.
- The development contravenes the Local Plan and the Rockbeare Neighbourhood Plan.
- Flooding risk.
- Drainage on Gribble Lane is poor.
- Adverse impact on wildlife.

- Increased traffic through Rockbeare if Gribble Lane is closed, and also on the former A30, with subsequent impacts on highway safety on those roads and in the wider area.
- Insufficient infrastructure to support the housing.
- Detrimental impact on the rural character of the area.
- Adverse impact on trees and hedges.
- Brownfield sites should be developed first.
- Greater pressure on schools.
- Greater pressure on medical and dental services.
- Increase in pollution (light, noise and air).
- Loss of archaeological history.
- Loss of agricultural land.
- Negative visual impact.
- Encroachment on existing settlements/Green wedges.
- Loss of privacy to the occupiers of Grange Cottages.
- Insufficient SANGS proposed.
- Inadequate cycling provision.
- Impact on the access to Grange Cottages.
- The proposal will contribute further to climate change.
- The application is premature, and should wait until the Cranbrook Plan is made.
- Inadequate sewerage provision.
- The development is in an unsustainable location.
- Lack of sustainability in terms of construction.
- Further pressure on waste collections.
- Inadequate public transport.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
20/0530/LDO	Consultation on a Draft Local Development Order for District Heating Networks (DHN) comprising of pipes, cables and wires, heat exchange equipment, street furniture, informational signage and ancillary engineering works within defined areas of land in East Devon	Local Development Order Approved with condition	07/09/2020

Adjacent site: (Land At Ingrams Sports Pitches)  19/2675/MRES	Reserved matters application comprising layout, scale, appearance, landscaping and access for a revised pitch layout, the relocation of a play area, addition of a multi use games area and air ambulance lighting column, and revised junction layout with the B3174 (London Road) (subsequent application in respect of permission 03/P1900 which was accompanied by an environmental statement)	Approval with conditions	12/05/2022
Adjacent site: (Farlands London Road Exeter)  14/2945/MOUT	Development of up to 260 houses, commercial/retail uses, public open space including youth sports pitch, vehicular access and associated infrastructure (outline application with all matters reserved except access and accompanying Environmental Statement)	Pending Consideration	N/A

## **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)



Neighbourhood Plans  
Rockbeare Neighbourhood Plan

Government Planning Documents  
National Planning Policy Framework (NPPF 2021)

## **1.0 Site Description**

- 1.1 This application relates to a field and adjoining woodland, situated to the west of Gribble Lane, and to the south of the B3174, now known as London Road. The former of these roads is an unclassified single carriageway highway, whilst the latter was formally the A30 and is a two carriageway highway. Both roads are currently subject to a national speed limit restriction where they pass the site frontage.
- 1.2 Although relatively level, the application site slopes gently downwards to the north, and has some minor undulations within it; including a small pond. Also, there are a number of small ditches and wet areas within the woodland belt - particularly along the north edge of the site.
- 1.3 There are a number of significant trees within the site, in addition to an area of woodland on its northern edge (between the field and London Road). There are also a number of trees within the hedges forming the eastern and western boundaries of the site. The southern boundary of the site is formed by fence which adjoins the private access road to Grange Cottages (a group of residential properties). Those properties, and the adjoining property known as The Grange, are the nearest to the site.
- 1.4 The site is located within the Cranbrook Plan area. That plan designates much of the site within the 'Grange Expansion Area', under Policy CB5 (Grange Expansion Area). Although a small amount of the area which is the subject of this application is on land safeguarded for Suitable Alternative Natural Green Space (SANGS). It also falls within the Rockbeare Neighbourhood Plan area which is a material consideration in the determination of the application

## **2.0 Proposal**

- 2.1 As an outline planning application, permission is sought for the erection of up to 180 dwellings, and associated infrastructure. Apart from access, all matters are reserved
- 2.2 The proposal would include the creation of two vehicular accesses into the site (one in detail, the second indicatively shown but forming part of this application), in addition to the provision of pedestrian/cycle accesses.
- 2.3 Areas of open space and Suitable Alternative Natural Green Space (SANGS) are also proposed within the development. The aim of the SANGS being open space which is designed, laid out and managed to provide an alternative recreational environment which mitigates for additional pressures that would otherwise effect the Exe Estuary and Pebblebed Heaths.

- 2.4 The plans which have been amended during the progressing of the application (most recently in January 2023) indicate that the dwellings closest to the southern edge of the site would be single storey, whilst those elsewhere would be two storey.

### **3.0 Analysis**

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

1. Policy Context and principle of development
2. Housing
3. Affordable Housing
4. Building standards and Nationally Described space standards
5. Phasing
6. Historic Environment
7. Landscape and visual impact
8. Agricultural land classification
9. Drainage and water resources
10. Transport and access
11. Air quality Odour noise and amenity
12. Contaminated land
13. Biodiversity and ecology
14. Climate change
15. Lighting
16. Airport safeguarding
17. Health
18. Sustainability
19. Infrastructure obligations

#### **3.1 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 whole of the current site as being within the Cranbrook Plan Area – the northern two thirds of it forming part of the Grange allocation where 178 dwellings would be expected to be brought forward, while the remaining southern third lies outside of the built up area boundary and is identified as land safeguarded for SANGS – Suitable Alternative Natural Green Space. While objections regarding the concept of extending the town to south of the former A30 are noted, the principle for this is already well established within adopted policy.
- 3.1.4 For the specifics of the application, the proposal seeks to extend residential development to the south of the built up area boundary formed by a minor incursion on the eastern side but a more extensive projection towards the western side of circa 80 m. This incursion facilitates an additional 18-20 dwellings.
- 3.1.5 While the incursion means that despite the allocation the application is treated as a departure from the Development Plan, this does not automatically mean that the proposal is unacceptable. Other material considerations needs to be assessed before a balancing exercise is then undertaken at the conclusion of the report. Nevertheless, the main issues that fall out from the southern encroachment result in the potential delivery of more houses, the degree of additional impact on the local landscape and character, the impact on the historic environment and the impact on neighbour amenity. In addition there is a further policy issue that also results from the encroachment and that focuses on the loss of safeguarded land for SANGS. While the other issues will be addressed elsewhere in the report the loss of safeguarded land for SANGS will be addressed here.
- 3.1.6 In identifying land and safeguarding land for SANGS purposes at the plan making stage, the primary aim was to ensure that there was sufficient/more than sufficient land for SANGS as required by the expansion proposed. In this instance the area of land identified for SANGS within this sub parcel was appropriate to meet the need of the allocated housing. While the number of dwellings has increased by 2 (above the allocation) the land take for those houses has increased allowing a lower density to be delivered on site - something that in this instance benefits the retained trees on site and more generally the site's parkland character.
- 3.1.7 As explored in more detail in the Appropriate Assessment which is set out in full at appendix 2, the proposed layout within this application now results in a shortfall of available SANGS – not something that can be supported in isolation, as such a shortfall would mean a failing of the Habitat Regulation Assessment (demonstrated through the Appropriate Assessment); a scenario which must result in a refusal of the application.
- 3.1.8 To overcome the identified shortfall while still maintaining the land take for the proposed housing, the applicants have put forward through the submission of a second application, part of an additional field that lies to the south of the access driveway that would otherwise form the southern boundary of the site. The application has been accompanied by evidence on the Title of the land

which has been legally reviewed, that sets out that the owner has the right to pass laterally over the driveway thereby providing links for pedestrian purposes between the two areas of SANGS. The application for additional SANGS (23/0662/COU) now benefits from a formal resolution to approve subject to a s106 agreement. This position gives confidence that the additional land is acceptable for use as SANGS and that it can be accessed. As set out in the Appropriate Assessment, SANGS land within the primary application area (this scheme) and that in the supplementary area (under application 23/0662) allows confidence that a suitable quality and quantum of SANGS land can be provided. It is therefore considered that in respect of the loss of safeguarded SANGS per se, no objections should be sustained in this instance.

- 3.1.9 Within the consultations responses it is noted that objections have been received from Rockbeare Parish Council who amongst other things cite conflict with policies in the Rockbeare Neighbourhood Plan. Although the Cranbrook Plan was adopted after the Rockbeare Plan and therefore carries greater weight, the Rockbeare Plan nevertheless remains a material consideration that must be fully addressed.
- 3.1.10 In terms of Rock 01 (Local Woodland, Trees and Hedgerows) the policy requires that where proposals cause loss or damage to such features that contribute positively to the character and amenity of the area, they must provide for replacement planting. The losses that are proposed will be discussed elsewhere but the overriding requirement from this policy is to “replant and maintain”. In the event of approval, this approach would be secured through future landscaping which would be a Reserved Matter and therefore controlled by condition in any event.
- 3.1.11 Rock 06 (Green Wedge) also referenced within the response, recognises that proposals within the Green Wedge (and which cause harm to the character or purpose of the area), will not be supported. While bordering the Green wedge the application is outside of this area and therefore it is not considered that the policy applies in this instance.
- 3.1.12 Finally Rock 07 (Development Limits) recognises that proposals within the defined settlement area of Rockbeare will be supported while the rest of the Neighbourhood Plan area is regarded as open countryside with new development only allowed in exceptional circumstances. The requirements of this policy are noted, but the more recent adoption of the Cranbrook Plan means that much of the site is allocated and therefore already finds policy support elsewhere. It is recognised that parts of the proposal which result in an incursion beyond both the Built Up Area boundary of the Cranbrook Plan and the Rockbeare settlement area fall as open countryside. The proposed development within this area remains subject to the balancing exercise as already described.

## **3.2 Housing (total quantum)**

- 3.2.1 This application proposes the construction of up to 180 dwellings; this is in excess, by two properties, of the quantum budgeted for on this site
- 3.2.2 Whilst excess dwellings can put additional strain on some infrastructure, the number of additional dwellings above that factored for is very small in this instance. However, this can be mitigated by additional contributions secured through a S106 legal agreement.
- 3.2.3 Furthermore, the application is proposed on a site which is largely allocated for housing development. Importantly, this means that the site is considered to be sustainable, and able to support housing growth.
- 3.2.4 Given these factors, and as the Council cannot demonstrate a five year housing land supply at the current time, it is considered that the additional two dwellings (in terms of quantum) are unlikely to have a detrimental impact on the suitability of the site for development. In fact, they are considered to weigh in favour of the development, given the current circumstances.

### **3.3 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 27 affordable homes. Such a figure would form an important component of the affordable housing delivery within District. The final mix of house sizes, and tenure mix remains to be negotiated, noting that the Council needs to try to lever in some socially rented units where possible. However the starting point, based on evidence in the emerging Local Plan, indicates that a mix of 12% 1 bedroom, 37% 2 bedroom, 40% 3 bedroom and 11% 4 bedroom plus would meet the identified need.
- 3.3.2 The applicant will be expected to cluster the delivery of the affordable housing in groups of no more than 10 and link their delivery with triggers based on delivery of open market housing. The cluster size and triggers are derived from the affordable housing SPD and together helps to ensure delivery and balance the 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 it is understood that the applicants are agreeable to this provision.

- 3.3.4 Unlike other large scale strategic expansion area applications considered to date, 4% of the 180 proposed provides a total of 7 plots. This is a small enough number to be considered as a single phase. It is recommended that a cascade to alternative housing products (eg affordable housing) and ultimate release from the restriction is still included within future agreement to cover off the potential for risk associated with undeveloped plots.

### **3.4 Building Standards and Nationally Designated 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.

### **3.5 Phasing**

- 3.5.1 Whilst the proposal to which the application relates is modest compared to other applications relating to Cranbrook expansion areas, it is important to ensure that suitable phasing is secured through conditions.
- 3.5.2 Policy CB7 (Phasing) of the Cranbrook Plan sets out how developments in the expansion areas must be phased, and is relevant in this instance as the proposal relates to part of the Grange expansion area.
- 3.5.3 A key element of the phasing considerations in this case relates to education provision. Policy CB7 requires that land for the first school is transferred to the County Council/school provider prior to the commencement of any dwelling or that no more than 30 dwellings are occupied across all expansion areas before the first school opens (depending on the delivery method for the school. However, there is no school proposed and no policy provision for a school as part of this application. Instead, school provision is proposed in other expansion areas – namely Cobdens and either Treasbeare or Bluehayes. Despite the lack of control over school delivery by proposals within the Grange (including this application), the requirements of CB7 regarding school provision must still be adhered to – a scenario that was envisaged and reviewed through the Examination in Public of the Cranbrook Plan. Therefore, in the event that this application is approved these restrictions will need to be captured within the section 106 agreement.
- 3.5.4 SANGS provision is also an element of Policy CB7 which is relevant in this case. Particularly so as the SANGS land provided within the application site is inadequate for the number of houses proposed. To counter this issue, the

applicants have submitted a separate application to change the use of some land to the south of the site into SANGS (application 23/0662/COU refers) – that application has been considered by the Authority and now benefits from a formal resolution to approve subject to the completion of a Section 106 agreement. The resolution gives confidence that the use of the additional land and access to it, which itself has been the subject of legal opinion, is acceptable. As a result and in the event that the current application is approved, the number of dwellings that can be occupied prior to the delivery of the additional SANGS can reasonably be restricted to 160 dwellings in the knowledge that there is a solution available and in line with the Appropriate Assessment which has been found acceptable by Natural England. .

### **3.6 Historic Environment/heritage**

3.6.1 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.

3.6.2 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.”*

3.6.3 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).

3.6.4 Within the first submitted iteration of the Environmental Statement (the overarching document which considers a range of environmental topics relevant to the application, it recognised that heritage would be affected through both direct and indirect impacts – both during the construction and operational phases of the development; considering these to be largely permanent. The ES described the principal effects as comprising the loss of significance through the removal of, or damage to, buried archaeological deposits, upstanding archaeological monuments or historic buildings and their settings, and historic landscapes.

- 3.6.5 The ES initially considered a 1km radius study area focussed on the centre of the site although also included the Grade II\* Registered Park at Killerton. The ES undertook a screening exercise where assets even within the 1km radius but which were not visible from the site were identified and excluded from further assessment. This left the following for additional detailed assessment:
- Killerton House Grade II\* Registered Park and Garden
  - Grade II Listed The Old Rectory
  - Grade II listed Ford Farmhouse
  - Rockbeare Manor Grade II Registered Park and Garden
- 3.6.6 In terms of the relationship with the Killerton Estate, the ES found that the development may be visible within one of the 16 key long distant views out from the Grade II\* Registered Park and Garden but the degree of change within this view and as result of development, would represent a small change to an area of agricultural land. IN addition it would be seen within the context of a long-distance view such that Woodbury Common would still remain a dominant feature on the horizon. In this regard the report correctly concludes that there would be no change to the significance of the heritage asset.
- 3.6.7 In respect of the cumulative impacts within this view (noting in particular the proposed and allocated development at Cobdens and Grange – both of which lie adjacent to the site and within the same view point) and with the evidence set out in the ES, it is still concluded that the degree of change within the view would be relatively limited, the degree to which houses are viewed, broken by intervening structures and vegetation and with a continued backdrop of the Heathland (Woodbury Common). In this regard it is not considered that the development would harm the setting of the Registered Parkland.
- 3.6.8 The ES also dismisses impacts on The Old Rectory and Ford Farmhouse (Grade II listed buildings) set down in the valley to the south of the site. While The Old Rectory is well screened from the adjoining lane by trees and hedges Ford Farm has a much more direct relationship with Gribble Lane and can also be viewed from Rockbeare lane to the south. At the time the ES was initially prepared, development was proposed to extend across the whole of the site including all the SANGS safeguarded land. In this context the ES acknowledged that housing from the site would be visible but that considered that views of both would be long distance and not ones in which the evidential and architectural values of the buildings, would be best appreciated. It therefore concluded that the then scheme did not harm the elements of setting that contribute towards the significance of the heritage assets despite, in the case of Ford Farm, the proposed development being directly visible on higher land to the north (behind the farmhouse when viewed from the surrounding public highways). Officers disagreed with this assessment.
- 3.6.9 Of greater concern was the potential impact on the setting of the Grade II\* listed Gate Piers that form the principal entrance to Rockbeare Manor. While Officers were comfortable that due to the relationship, distance and nature of the intervisibility and screening, the development would not harm the setting



of the Registered Parkland, the Grade 1 Manor house and other outbuildings, the setting and appreciation of the Gate Piers would be harmed. This is because with development extending to the southern extent of the site and therefore elevated within the rural landscape, the experience of the piers on exiting the Manor would have been to see the decorative and historic piers with agricultural land in the foreground but the view then terminated by housing on the ridgeline. Given that such housing was outside of the built up area boundary and therefore any Development Plan allocation, and was on land otherwise safeguarded for SANGS, there was no justification for the proposed housing in this location. The harm identified while less than substantial was nonetheless harm, needed to be given great weight and was not outweighed by public benefits.

- 3.6.10 The scheme has since been amended as described elsewhere and the housing pulled back from the ridge line. While an incursion beyond the built up area boundary continues to be proposed, the degree of incursion is substantially reduced, and together with a proposed limitation on ridge height of the southernmost buildings, the harm has now been removed both for the piers but also Ford Farmhouse and The Old Rectory. Provided conditions control the extent of the southern encroachment of the development (to that as shown on the latest illustrative masterplan), and that buildings within the south westernmost section of the development are constructed as a single storey (bungalows) only, the development is now considered acceptable in respect of the setting of the above ground historic environment and Policies that support this - namely EN8 and EN9.
- 3.6.11 Below ground archaeology has also been considered by the proposal and assessment and geophysical survey work undertaken. At this stage it is not considered that there is a high likelihood of important or unidentified features being found and therefore it is reasonable that further intrusive work is secured by condition and undertaken prior to the start of development. This is a reasonable risk based approach and one that is supported by policy and advocated by the Historic Environment Service at Devon County Council.

### **3.7 Landscape and visual impact**

- 3.7.1 Initially, and in a similar vein to the assessment for the historic environment, the proposals for this development gave rise to concerns regarding the visual impact on the surrounding area. This was with particular reference to the proximity of development to the ridge line on the southern edge of the site, as development close to it would be visible from a relatively wide area, contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the Local Plan.
- 3.7.2 Given those concerns, the proposal was amended to move development further north into the site, and also to provide only single storey dwellings closest to the southern edge of the site. SANGS land is now proposed on the land in the southern part of the site. It is considered that these amendments are sufficient to overcome that concern. Therefore, the development is now

considered to be acceptable in this regard, subject to a condition to ensure that the dwellings are delivered as shown on the approved masterplan.

- 3.7.3 The Council's Landscape Architect has raised some concerns about the impact of the proposal on the trees on the northern edge of the site; specifically due to the proposed entrance through that area. Those concerns are noted but, on balance, it is considered that the visual impact of this will be limited in the context of the site and other development coming forward in the area. This is especially so, as the Council's Arboricultural Officer has stated that the trees where the entrance is proposed are of "relative low importance". Therefore, whilst the loss of part of the tree belt is unfortunate, it is considered that this element of the works can take place in accordance with the provisions of Policies D1 and D3 (Trees and Development Sites) of the Local Plan.
- 3.7.4 The existing trees within the site would be retained, and would become 'features' of the development being provided with root protection areas 15x their radii in accordance with the veteran and ancient status. Further tree planting is shown on the submitted details to help establish the next generation of trees although details of these would be considered at the reserved matter stage.
- 3.7.5 There is currently a pond within the site. However, it is proposed that this would be lost. This is considered to be unfortunate, although it is noted that ponds are proposed as part of the landscaping. The Landscape Architect highlights that this loss needs to be adequately mitigated. With that, and the above comments, in mind, the Landscape Architect has stated that he is in support of the development, subject to the imposition of a condition to secure a number of factors, including landscaping and lighting details. This condition is considered reasonable, and will be imposed in the event that this application is approved. With such a condition in place, and taking into account the comments made above, it is considered that the development would be in accordance with the provisions of the above-mentioned Local Plan Policies.

### **3.8 Agricultural Land classification**

- 3.8.1 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..
- 3.8.2 Information available to the Council indicates that the land to which this application relates is a mixture of grades 3a and 3b. Policy EN13 (Development on High Quality Agricultural Land) of the Local Plan states that land within classes 1, 2 and 3a shall be protected, and may only be developed if the following criteria are met:

- Sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable or available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs the agricultural considerations. Or
  - The benefits of the development justify the loss of high quality agricultural land.
- 3.8.3 The fact that the field contains land of more than one class presents a minor issue. This being, if it is considered that the grade 3a areas cannot be developed in any way, it is necessary to question whether it would be practicable to develop only the grade 3b, area within the field, or whether the two classes can be farmed differently when they are in the same field.
- 3.8.4 Certainly, in the past, it has been considered that dividing a field by its land classification would not be a practical way to farm. Indeed, the Council's Planning Committee approved applications 19/2832/MFUL, 21/3120/MFUL and 22/0783/MFUL, which relate to solar development, and 22/1532/MOUT, relating to the Treasbeare Farm extension of Cranbrook. Each of those proposals also included fields which contained various agricultural land classifications and, on each occasion, members were satisfied that dividing a field by its land classification would not be a practical way to farm. It is considered that no strong case has been made to alter that view when considering this proposal.
- 3.8.5 Furthermore, in this instance, the application site is allocated in the Cranbrook Plan for residential development. During the process of producing the Cranbrook Plan, the agricultural classification of land was fully considered, and the land in question was deemed suitable for development.
- 3.8.6 Policy EN13 of the Local Plan states that development is not permitted on grade 3a agricultural land unless “the benefits of the development justify the loss of high quality agricultural land”. Given the comments above, and as the proposal would deliver much needed housing within East Devon, it is considered that the proposal would comply with that provision of Policy EN13.
- 3.8.7 Consequently, given the factors discussed above, it is considered that it would not be reasonable to object to the proposal on the basis of the loss of agricultural land.

### **3.9 Drainage/water resources**

- 3.9.1 There are a number of drainage issues relating to this site, in particular within the woodland on the northern edge of the area. The woodland contains a number of ditches and wet areas, in addition to pipework which appears to lead under London Road. There are also drainage channels leading into the site off Gribble Lane. Additionally, there is an existing pond within the site, as well as some shallow depressions within the field. Some parts of the site are located within flood zones 2 or 3, as designated by the Environment Agency (EA).

- 3.9.2 Given these factors, the proposal has been the subject of significant discussion between the Local Planning Authority (LPA), Devon County Council, as the Lead Local Flood Authority (LLFA) and the applicants. Flood alleviation works, in the form of ponds, are proposed within the development.
- 3.9.3 Initially, the LLFA had concerns about the scheme, which were mainly based around the impact of the development up on the ditches and wet areas in the woodland. Consequently, the submitted details have been amended and upgraded, which has now resulted in a situation where the LLFA has removed its objection to the proposal. However, this is subject to a condition, as detailed in their comments.
- 3.9.4 It is noted that the EA have no objections to the proposal in terms of drainage, or flood risk and their comments are simply caveated with a proposed condition.
- 3.9.5 SWW have not raised any objection in terms of foul drainage but this position must be seen in the context of other recent Cranbrook applications which have received resolutions to approve.
- 3.9.6 Within Officer reports for those application it has similarly been recognised that SWW do not object and more over have to comply with legislation that allows developers to connect to the foul network; SWW are able to recover costs for any improvement that is necessary as a result of the proposed connection. Importantly the reports recognise that there is no justification for refusing or delaying an application in respect of foul drainage despite downstream flooding events in Clyst St Mary where at times of heavy rainfall, sewage has backed up into Private property – a situation which is unacceptable and deeply distressing for the residents affected.
- 3.9.7 Nonetheless to help manage foul flows from the various sites and in recognising the downstream effects that are experienced within the Clyst area, it is considered precautionary to impose conditions scheme to ensure that surface water and foul drainage is managed in a way that seeks to reduce the risk of foul water flooding. This approach is supported by Policy EN19 (Adequacy of foul sewers and adequacy of sewage treatment systems) of the Local Plan and should similarly apply to this proposal.
- 3.9.8 Considering drainage and flood risk more generally, it is considered that the development would not result in an increased flood risk, and that it can be made acceptable from a drainage and sewerage perspective. Additionally, as the site is allocated in the Cranbrook Plan, and as the relevant consultees in this regard are content that the proposal is acceptable, it would not be reasonable to object to the proposal with regard to drainage, flooding or sewerage issues, subject to the imposition of the conditions.
- 3.9.9 Consequently, and given the factors discussed above, it is considered that the development would comply with Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems), EN21 (River and Coastal

Flooding) and EN22 (Surface Run-off Implications of New Development) of the Local Plan.

### **3.10 Transport and Access**

- 3.10.1 The application has been made in outline with all matters reserved except for the principle access. The scheme has provided significant detail concerning the primary access which is taken to the north of the site through the narrow tree belt and in so doing seeks to provide direct access to the London Road. In this location there are three issues that come together and form a complex web of competing requirements that have needed to be resolved – drainage, tree retention (and safeguarding), and highway construction.
- 3.10.2 During the preparation of the Council's Cranbrook Masterplan it was not envisaged that an access could be achieved in this location but if achievable, its benefits are clear. Not only does it facilitate an access into this development parcel from London Road which is clearly in the applicants interest, but it provide resilience to the network and allows for a connected loop to be made through the whole of the Grange expansion area when the remaining parcels located to the east of Gribble Lane come forward.
- 3.10.3 The tree belt is an attractive mix of Oaks, Ash, Elm, Willow Field Maple and a couple of pine all of varying densities, age and structure. Following revised plans being submitted the location now proposed seeks to minimise the loss and is considered to achieve this with reasonable success. While 2 category B Oaks would be removed – one on the London Road frontage and one set deep within the body of the belt (and therefore of a spindly nature and less well formed), the remaining trees to be lost comprise 2 Ash trees (graded as Category C but both already appearing to show signs of Ash die back) and 12 further Category C trees (comprising a mix of ash elm and willow) all of narrow trunk diameter, poor form and relatively young.
- 3.10.4 The location of the road allows for the retention of three Category A Oak trees and a Category B Pine tree all immediately outside of the road and its required embankment. However these trees are only just outside the embankment area and as significant care would be required during the actual construction process to ensure that the working area was restricted. In addition and to allow air and water to still access the tree roots whose root protection would otherwise be impacted, it is proposed to construct parts of the supporting embankments using cellweb. This product would be located under and support the embankments of the road but would not be under the actual carriageway itself and on this basis has in principle been accepted by the Local Highway Authority. In the event of approval of the application, method statements for the construction of the road and protection of trees with supervision by an on site arboriculturist will be required. This can be secured by condition and would be in accordance with Policy D3 (Trees and Development Sites)
- 3.10.5 The access to the site would be formed on a straight section of London Road where it is recognised that speeds can be excessive. However London Road

is already undergoing significant change in this area due to the introduction of new junctions into the Ingram's sports field (part of Cranbrook Phase 1) which is located almost opposite, and the remodelling of a further access to a new residential parcel located to the west of the sports area. Both are under construction and are likely to be completed ahead of any potential material start, associated with this scheme.

- 3.10.6 However in taking the same approach as with other junctions that have been proposed by expansion area developers, and with the overarching London Road scheme having been delayed, it is necessary to ensure that respective junctions are safe. This takes into account speed, the nature of the road at the point of the junction, the form of the junction itself and the likely number and type of vehicles using that junction.
- 3.10.7 In this instance the junction form is more modest than has been seen elsewhere but recognises that the site is of a smaller scale than the other schemes that have been considered to date. In this regard the form of junction – a simple priority junction is considered proportionate and appropriate.
- 3.10.8 The developers are promoting a traffic gateway to bring speed down before the junction – an approach which in principle is acceptable but which also may not be necessary depending on the timescale for implementation and the sequencing of development with that of the Cobdens development further to the east. If the gateway feature is required, then an amendment to the position and nature of it (over and above that shown on the access plans submitted for the application would be required).
- 3.10.9 This is because the application fails and the accompanying plans fail to identify a set of traffic islands which are shown on the consented Ingram's scheme. These islands whilst off-set from the principle access are located such there is likely to be conflict with turning movement. The islands which serve a useful purpose in helping to slow traffic but also aid the crossing of the road by pedestrians would need to be relocated as part of this proposal.
- 3.10.10 To overcome this issue, it is recommended that a requirement be secured which, notwithstanding the otherwise submitted (and potentially approved) drawings, identifies and delivers a scheme for a relocated set of traffic islands between the frontage and that of Ingrams. The scheme – to be delivered in the event that other schemes found local to the site have not already been implemented and achieve the same. It is considered that such a requirement would be in conjunction and with supported by Policy TC7 of the adopted Local Plan.
- 3.10.11 As part of Policy CB24 (London Road Improvements) of the adopted Cranbrook Plan, it is a requirement that safe crossing between parcels north and south of the road are delivered. This is to ensure that the road doesn't act as a bypass and split the expanded town in two. With this application, the proposal is to install a toucan crossing towards the west of the site to provide safe direct access to the sports hub located to the north. The crossing is an

important part of the scheme and together with commuted sums for maintenance must be secured in any future legal agreement.

- 3.10.12 In addition and although in outline, the scheme also demonstrates how cycle links would be delivered within the site. The width of the road is restricted by the presence and retention of the trees and as a result is too narrow to facilitate any segregated cycle route. While traditional 2m footways are shown as being provided, cycle provision would lie inside the site and run broadly parallel east west through the site – exiting through the tree belt on the east to join with Gribble Lane and through the tree belt in the north west corner of the site to provide access to the London Road. In this position there is also easy to the proposed toucan crossing and cycle way that is located on the north side of London Road. Both ends of the cycle route pass through trees and would require non-traditional construction methods for the schemes delivery through the root protection areas. In such instances and in order to facilitate adoption an enhanced maintenance contribution would be needed and should be secured through any legal agreement.
- 3.10.13 In terms of highways and access, a secondary vehicular access point is indicated on the submitted plans located south of the main tree belt along the Gribble Lane frontage. This would facilitate connectivity between the site and both Gribble Lane and the rest of the Grange expansion area but does not form a detailed part of this application. Its problem without being fully designed at this outline stage is the unknown extent of the visibility splay which is required and the effect that this might have on the hedgebank which bounds the Lane. The size of the splay is dependent upon whether the Lane in this location remains open to vehicular traffic. Within the masterplan that accompanied the Cranbrook Plan (Figure 8), it was envisaged that the Lane (which does not directly serve any residential properties along this stretch) was redirected through the eastern section of the Grange area. This is something that could still occur and would significantly reduce the likely effect on the hedgebank. The delivery and timing of the access route is therefore critical and something that can be controlled by condition in the event of permission.
- 3.10.14 As part of the highway considerations, travel planning is an important 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 that of adopted Policy (CB18). Developers are expected to make the proportionate contributions to travel planning for the residential occupiers of the dwellings. This requirement can be secured as part of the Section 106 agreement.

### **3.11 Air quality, Odour, Noise and Amenity**

- 3.11.1 The nature of the proposal is such that issues of this nature are most likely to arise during the construction phase. The Council's Environmental Health Officer (EHO) has assessed the proposal and has not raised any objections. However, that is subject to a condition ensure that a Construction and Environment Management Plan (CEMP) is submitted to, and approved by, the Local Planning Authority prior to the commencement of works. The CEMP would need to include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements.
- 3.11.2 Furthermore the EHO has recommended that construction hours shall not be outside the following: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays.
- 3.11.3 Finally, the EHO has stated that there shall be no burning on the site, and high frequency audible reversing alarms shall not be used during construction.
- 3.11.4 Each of the above factors can be included in a condition attached to the decision notice in the event that this application is approved. With such a condition in place, it is considered that during construction the proposal would meet the requirements of Local Plan Policy EN14 (Control of Pollution), which seeks to ensure that development does not give rise to unacceptable levels of pollution.
- 3.11.5 Once developed, issues relating to noise are most likely to arise for occupants of the houses nearest to London Road, due to the increase in traffic using that road. However, in this instance, the houses nearest to the road would be set back from the London Road by a considerable distance, and would also benefit from the existing tree barrier between them and the road. Therefore, it is considered that, whilst this issue may present concerns on other development sites along London Road, this is not the case for this proposal. The EHO has not raised any concerns in this regard.
- 3.11.6 Also, once developed, occupants of existing dwellings near the site may experience an increase in noise from people living in the new dwellings. However, none of the proposed properties would be situated immediately adjacent to an existing residence, and the noise produced by people living in the proposed houses is unlikely to be at a harmful level. The EHO has not raised any concerns in this regard.
- 3.11.7 While considering the noise impact on existing residents it is also important that their wider amenity is addressed. In this regard existing residential properties that are close to the site lie adjacent the entrance to the Grange Hotel (Grange Lodge - to the west/north west of the site) and in Grange Cottages to the south west.
- 3.11.8 Existing and retained boundary treatments (as well as distance) would be sufficient to safeguard the amenity of the first of these. The second however



(occupiers of Grange Cottages) would be able to see the proposed development – primarily as a result of the south incursion beyond the built up area boundary. While this incursion takes the proposed dwellings closer to existing property, there would remain a separation distance of in excess of 45m boundary-to-boundary and in excess of 80m to the façade of the nearest dwelling. With no right to a view, this distance is more than sufficient to safeguard neighbour amenity.

- 3.11.9 When all the above factors are taken into account, it is considered that, subject to the aforementioned condition, the development would comply with Policy EN14 and D1 of the Local Plan.

### **3.12 Contaminated Land**

- 3.12.1 The EHO has assessed the proposal in this regard, and has noted that no evidence regarding contaminated land has been submitted with the application. Consequently, the EHO is recommending that, in the event that this application is approved, a condition is imposed to ensure that, before development commences, remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority.

- 3.12.2 This condition is considered reasonable and necessary, to ensure that the development would comply with Policy EN16 (Contaminated Land) of the Local Plan.

### **3.13 Biodiversity and ecology**

- 3.13.1 This section of the report will address the relationship with and impacts on landscape and wildlife designations; the direct and indirect impact on protected species and finally the potential for the site to achieve 10% biodiversity net gain

- 3.13.2 Designations

- 3.13.3 The site the subject of this application lies within part of a provisional County Wildlife Site whose status has for some time been pending consideration. The reason for its candidacy is the presence of parkland veteran and ancient trees that are of particular importance for biodiversity and ecology. In addition the site is recognised as comprising a woodpasture and parkland BAP Priority habitat. Again one of the key qualifiers for this recognition, comprises the presence of ancient or veteran trees. Development in this environment must therefore be strictly controlled and impacts carefully weighed

- 3.13.4 Strategy 47 (Nature Conservation and Geology) permits development in such locations but requires proposals to conserve biodiversity and geodiversity value, minimise fragmentation of habitat and should not be permitted where there is either direct or indirect harm on nationally designated sites unless amongst other things prevention mitigation and compensation are provided

and/or there are public benefits that clearly outweigh the impacts on the features.

- 3.13.5 In this instance, it is recognised that although the site is a pCWS and has been identified as a BAP Priority habitat, these designations rely on the trees themselves. The intervening land management and activity that currently takes place between the trees is not only alien to the designation (being intensive agriculture rather than the expected pasture and grazing based activity) but actively harms the important trees through close ploughing and related arable activity. On various site visits over the three years that the application has been in, intensive maize and cereal cropping has been witnessed in close relationship to the trees. While in theory it may be possible to work with the land owner to try to improve management of the land, the proposed introduction of residential development could benefits the trees.
- 3.13.6 While the introduction of built form would be a permanent change (unlike agricultural land management), supporting arboricultural information submitted with the application sets out the expectation of the development to allow for a root protection area of 15x the diameter of all Veteran and Ancient trees. This approach is in line with government advice and would provide significantly better safeguarding of the trees than is currently the case.
- 3.13.7 On this basis and provided the degree of tree protection as outlined is adhered to through any reserved matters applications and subsequent build out, it is considered that the proposal while set within designated habitat can be accommodated.
- 3.13.8 The remaining aspect to consider in terms of designations lie within the relationship between the site and Exe Estuary/Pebblebed Heaths. These are off site but have been internationally recognised for their importance in terms of habitat. Falling within 10km, the application site is within the zone of influence and therefore has been the subject of a detailed bespoke appropriate assessment (AA). Together with Natural England's response to the AA, this is set out in full within Appendix 2 of this report.
- 3.13.9 In terms of onsite habitat much has already been discussed, however the loss of an ephemeral pond that lies within the proposed developable area of the site needs further consideration.
- 3.13.10 To compensate for the loss of the pond, the application proposes the provision of a new pond – as a standalone non drainage based feature. This is an attractive option but details of its construction, feed and management is required to ensure that it doesn't become a stagnant unpleasant feature that fails to support wildlife. In the event of approval a condition a LEMP which specifically includes details of the pond should be secured by condition.
- 3.13.11 Turning to species specific issues, a detailed albeit now aging survey was undertaken and submitted with the application. While populations of protected species of all types can vary over time, the age of the survey coupled with the nature and degree of regular agricultural activity is considered to have allowed

only limited change to the survey findings. Provided these findings are reviewed and updated at the Reserved Matters stage and any additional mitigation identified as being necessary is then followed, it is considered reasonable to continue to determine this application at this stage.

3.13.12 More particularly (and for completeness) the following can be reported for specific species:

#### 3.13.13 Bats

3.13.14 The proposals could result in the indirect loss of bat commuting and foraging habitat through increased lighting on the site, which would deter bats from using the retained habitats on the site. Severance of woodland and hedgerows could also prevent light-averse bat species from commuting across the site while the removal of some trees on the northern boundary would result in the loss of some roosting potential sites of moderate equality.

3.13.15 In mitigation, it has been recommended that a sensitive and detailed lighting plan be submitted with the reserved matters applications, which avoids illumination of retained and created bat foraging/commuting habitats. In addition it has been recommended that lanterns should be of a full cut-off design to reduce light spill and that external lighting should be in the warm white spectrum (<2700 kelvin), featuring wavelengths higher than 550 nm to avoid the component of light most disturbing to bats. The installation of bat boxes (as integrated features and on trees) should also be secured although details of these can come forward through the required Landscape Biodiversity and Drainage plan required by Policy CB26 which should address the three disciplines and demonstrate how they can work together.

#### 3.13.16 Dormice

3.13.17 Dormice are confirmed to be nesting within suitable habitats on the site. Unmitigated removal of approximately 200 m<sup>2</sup> of woodland and 22 m of hedgerow could result in the killing or injury of dormice and the loss of dormouse foraging and nesting habitat. Such activity would require the obtaining of a European Protected Species Licence from Natural England. In mitigation the ecologist recommends that amongst other measures, clearance of the habitat is staged and takes place under a watching brief; mitigation planting is provided; hedgerows are managed less intensively and that additional nest boxes are provided. These are matters that can be controlled by condition in the event of permission.

#### 3.13.18 Amphibians

3.13.19 No Great Crested Newts have been identified at the site and due to the agricultural activity, it is not considered that it provides particularly good opportunities for this species. It is nevertheless recommended that hedgerow and understorey clearance is undertaken using a watching brief and that amphibian underpasses are provided on key road structures to avoid the habitat from being fragmented.

### 3.13.20 Breeding birds

3.13.21 The site is home to a number of red and amber listed species but owing to the nature of the layout and retention of hedgerows, woodland and water features, development is not considered to not present a long term harmful impact to this category. To further enhance the opportunities for birds, nest boxes should be located in trees and dwellings in suitable location and can be secured by the LBDS condition.

3.13.22 In recognising the potential impact on dormice it is considered that the proposed works would require a European Protected Species Licence from Natural England. In these circumstances the Local Planning Authority has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercise of its functions when dealing with cases where a European Protected Species may be affected.

3.13.23 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.

3.13.24 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

3.13.25 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 180 houses (as part of a comprehensive expansion plan for Cranbrook).

3.13.26 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 land supply and would provide much needed homes for people. As explored already within the report, changes to the scheme have been made to reduce where possible the likely landscape impact (reducing the amount of built form, enhancing connectivity and retaining additional land for open space). However the removal of some trees and understorey is required to enable the development to proceed.

3.13.27 To mitigate for the loss of the dormouse habitat, additional (new) habitat is being created across the site focussed along the southern area which is otherwise used for SANGS and along the buffer zones around the periphery

of the development. 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 would be brought together in a Landscape Biodiversity and Drainage Strategy which would secure delivery of the mitigation. As part of the scheme, the Policy requires the developers 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.

3.13.28 With appropriate conditions to secure details of the mitigation in advance of, and through the reserved matters applications which would follow (in accordance with an agreed Landscape Biodiversity and Drainage Strategy), it is considered that the ecological status of the protected species can be maintained in a favourable condition. On this basis (and as wildlife moves around) further up-to-date protected species surveys at subsequent reserved matters stages would be required (these can be secured at the validation stage of such application(s) using the validation checklist - there is no need for further conditions on this application).

3.13.29 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.

3.13.30 Biodiversity Net Gain

3.13.31 In accordance with Policy CB26, the applicants have prepared a BNG assessment (to version 3.0 of the metric). While this needs to be updated, given the scale of the development, it is appropriate for consideration at outline stage and can be updated and further reviewed at the reserved matters stage. The submitted assessment recognises that habitat and hedgerow units show a change in excess of 10% despite the infilling of the pond and introduction of the access road through the northern boundary. In essence the site aims to keep the majority of the biodiversity of the site and develop the arable areas which have a low score due to the nature of the farming activity. Final assessments using the latest metric can be secured through the Section 106 agreement in the event of approval.

### **3.14 Climate change**

3.14.1 Specifically addressed as a discrete chapter (ch 11), climate change is directly tackled within the ES. Guidance published in February 2022 by the Institute of Environmental Management and Assessment (IEMA), assists with the topic of how to address greenhouse gas emissions within EIA documents. Importantly it places a significant emphasis on mitigation and recognises how an ES should give proportionate consideration to whether and how a development will contribute to the 2050 target (that is the Carbon Reduction target for the government of 100% (net zero) by 2050). Ultimately the main issue that it states as needing to be addressed is whether there would be a reduction in greenhouse gas emissions relative to a comparable baseline and obviously consistent with the trajectory towards net zero by 2050.

- 3.14.2 Despite the National guidance that is available and which is referenced in the application, the specific assessment that has been provided for this particular development is limited in detail, instead identifying more general aspects and seeking to defer much of the detail until the reserved matters stage. This is unfortunate as it fails to demonstrate the degree of change for the site relative to the identified baseline and relies on the future development management process to ensure that effects on climate change of the future development is acceptable. To a large degree this fails to fulfil the expectations of an Environmental Statement which is supposed to fully evaluate the range of relevant environmental effects.
- 3.14.3 It does however recognise that the baseline is that of an agricultural field, that ploughing operations release stored carbon back into the atmosphere and that the do-nothing scenario would perpetuate this situation. It recognises that during the construction phase which would continue to be managed by the planning system, mitigation could include the use of pre-fabricated and low carbon recycled building elements/materials where feasible; the adherence to a Construction Method Statement (including dust suppression); Flood Risk Assessment and a Sustainable Urban drainage system; the provision of shaded areas; good soil management; and the adoption of the waste hierarchy.
- 3.14.4 For the operational phase identified mitigation includes securing of design and layout of the development; use/deployment of renewable energy technology; the controlled phasing of development to ensure that infrastructure to support sustainable travel is available on occupation; that the buildings adopt renewable technology; that there is good management of green amenity/ecological features; and that habitat and species protection is provided.
- 3.14.5 Taken together the chapter does not address climate change relative to the development in any detail. The mitigation proposed is not specific and as a whole there are significant concerns as to the level of information that has been provided relative to the scoping opinion originally provided and the subsequent Regulation 25 letter which sought additional information. However the scheme only proposes up to 180 dwellings and in this regard is at the lower end of the scale of likely significant effects that could result. Attempts have been made to describe relevant mitigation and provided additional detail is sought by condition, it is considered adequately proportionate not to further delay the application at this stage. A condition requiring details assessment to set out the actual measures that will be deployed for the scheme will however be necessary.

### **3.15 Lighting**

- 3.15.1 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 can have a detrimental effect on local wildlife – particularly bats.

- 3.15.2 The ES has considered lighting in relevant chapters comprising the landscape and visual appraisal and that addressing ecology. These have considered the potential effect on a range of receptors including existing residential properties and key ecological receptors.
- 3.15.3 The scheme is entirely residential in nature and is likely to allow for a conventional lighting scheme to be modelled for assessment although this has not been included within the ES which focusses on the principles of mitigation rather than the detail.
- 3.15.4 For a scheme of this scale, the approach is considered reasonable although does strengthen the need for a lighting plan to be secured as part of the reserved matters applications. In addition the principles to which the plan needs to adhere are clear – the protection of bat corridors and the offsetting of lighting away from the boundaries together with the use of warm white light (less than 2700Kelvin). These requirements are consistent with those advocated in other expansion areas where the Committee reports have noted that while the output of lamps with a warmer white light are less than the equivalent for cooler white light, this reduction is in the order of 10-14% and can be compensated for by the number of LEDs within a particular lamp head or by increasing the wattage. The reports have noted that this modest increase in energy usage is considered to be more than compensated for by the benefits to the environment and wildlife and remains relevant for this application. As such the requirement to use warm white as part of a detailed lighting plan can be controlled by condition.

### **3.16 Airport safeguarding/wildlife hazard management**

- 3.16.1 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.
- 3.16.2 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.
- 3.16.3 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. As with other development sites they recognise that SUDS features pose the greatest risk and will require monitoring to ensure that water does not persist beyond assumed 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.

### **3.17 Health**

- 3.17.1 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. In so doing the scheme is trying to address the requirements of the first policy of the plan - CB1. However, before this is considered through the conclusions to this report, there is an important discussion required concerning the funding available for tangible health related activity. Although the Plan aims for a more healthy community which is inherently less dependent upon various health related services, need for them will inevitably arise.
- 3.17.2 As part of the consultation responses for strategic scale applications found within the Cranbrook area, the Royal Devon University Healthcare Foundation Trust (RDUH) have consistently submitted requests for contributions towards acute and community care – principally aimed at addressing gap funding for the first year of occupation of each dwelling. The RDUH have identified these contributions as being necessary because the funding of its services is based on service demand and the population within its catchment but is calculated around 12 months in arrears. It is noted that in principle this Council has previously given an acceptance that it will support such requests where possible.
- 3.17.3 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.
- 3.17.4 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.
- 3.17.5 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.



- 3.17.6 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. Although explicit requests for this particular application any such addition requests 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. In essence, such requests are not considered to fit with the adopted Cranbrook Plan or the infrastructure that is expected to be secured and which is set out in policy.
- 3.17.7 As an aside from the principal arguments here, caution must also be expressed as to the weight given in respect of East Devon's previously agreed position with the RDUH Foundation Trust. This is because on the 13 February 2023, the High Court handed down a judgement on a legal challenge brought by the University Hospitals of Leicester NHS Trust in respect of a decision by Harborough District Council not to secure gap funding for health related services. The University Hospitals of Leicester NHS Trust challenged this position and lost – principally on the grounds that it had not established that a gap existed. The judgement went further and is clear in identifying that funding for “services” (which is different to an infrastructure project) could be viewed as a national issue. It recognises that as the CCG funding formula recognises at least in part projected population migration, it can be argued that people moving into an area are already considered within the health funding provision even if not at a local level.
- 3.17.8 NHS Devon wrote to all LPA's across Devon at the end of April 2023 setting out in relatively high level terms why the above court case does not render the type of request made by RDUH (and other hospital trusts in Devon) as invalid. While helpful in setting out their overarching position the letter did not go into specific detail around the funding arrangements of the RDUH. Clearly more work needs to be undertaken within East Devon and between this Council and the RDUH to understand the implications of this decision but it does act as a caution to the weight that should be given to East Devon's previously agreed approach.
- 3.17.9 Even in the absence of a direct request from the RDUH, Officers have previously set out that the issue can be addressed and for completeness, the approach identified will be repeated here as the site forms part of the Grange allocation. To help reconcile this issue, 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 towards the delivery of the facility through the equalised funding available (figures based on 1Q2020). It is equivalent to £1679 per dwelling or when inflation is taken into account and indexation applied, £1859 per dwelling (correct to 4Q2022).

- 3.17.10 The final mix of uses and services that are provided from the HWH are not yet fixed and are currently being explored by the Council with the various parts of the NHS. It is therefore possible that the HWH may provide elements of primary, acute and community care or be more focussed towards primary care. As such it is possible that the RDUH may benefit directly from the hub if some of their services (acute and/or community) are housed within the new facility. Even if their services are not provided through the Hub, it is still likely that they would benefit (albeit indirectly) through reduced pressure on the services that it delivers.
- 3.17.11 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 currently set as £1241 per dwelling for primary care, acute and community needs combined and therefore demonstrates how meaningful the Cranbrook HWH contribution (at approximately £1859) should be considered. Having regard to the discussion above and the tight financial viability position of the Plan, it is recommended that East Devon do not support the additional financial contributions requested by the RDUH for development within the Cranbrook Plan area. Instead it is recommended that East Devon maintain the level of affordable housing identified in policy and use the monies identified through the IDP and towards which this site would make a significant contribution, for the delivery of permanent facilities and infrastructure in the town as originally envisaged – not least the Health and Wellbeing Hub.
- 3.17.12 As part of typical consultation responses to Strategic applications in the Cranbrook Plan area, the NHS ICB (Integrated Care Board) have also sought contributions towards care provision. However the HWH contribution as already identified is 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 for a specific ICB request is not appropriate. While noted it is remains the consideration that it is not appropriate to accede to an ICB request.

### **3.18 Sustainability**

- 3.18.1 Much of the application site is allocated for development in the Cranbrook Plan. This, indicates that, in principle the site is considered to be sustainable. The reasons for this relates to the infrastructure that is in place, or is being/will soon be delivered within Cranbrook. It means that the site already benefits from having reasonable access to facilities such as shops, schools and medical facilities. Additionally, there is open space within Cranbrook, and an area of SANGS is proposed as part of the development to which this report relates. There is also a regular bus service along London Road, which links Exeter with Ottery St. Mary, Honiton and Axminster, and serves Cranbrook along its route. Furthermore, Cranbrook has a station on the West of England

line, which links Exeter with London Waterloo. Whimble station, on the same line, is also not far from the site.

- 3.18.2 Given these factors, it is considered that the development site is accessible. Especially so as, in due course, other development due to come forward, such as additional schooling provision, will result in the site becoming more accessible.
- 3.18.3 While accessibility is one component of sustainability, a sites relationship with the environment, the impact on the economy and potential social benefits also play a key role. It is these factors which when taken in the round and recognised with policy implications and other material considerations help to derive the final planning balance for an application.
- 3.18.4 In this regard the harm resulting from the southern incursion beyond the built up area boundary is considered limited resulting in the loss of a modest amount of safeguarded land which should otherwise to be brought forward for SANGS. However this land can in some respects be compensated for by the release of other adjoining agricultural land for SANGS. It is therefore simply a net loss of undesignated countryside which results. In other respects the southern incursion does not cause harm to neighbour amenity, or result in the loss of particular trees or important habitat.
- 3.18.5 In support of the application the scheme would deliver important housing and affordable housing, and support the local economy through the development that takes place. In an era when the Council is unable to demonstrate a 5 year housing land supply the benefits of the scheme and the limited harms identified indicate that the balance should be tipped towards approval.
- 3.18.6 Before a final conclusion is drawn on this issue, the other obligations that would need to be secured from the scheme should be reviewed.

### **3.19 Infrastructure obligations and section 106 requirements**

- 3.19.1 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.
- 3.19.2 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.

- 3.19.3 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
- 3.19.4 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.
- 3.19.5 In the case of this part of the Grange expansion area, and in accordance with Policies CB4 and CB6, the applicant here represents a constituent developer. This means a development who controls less than 80% of the allocation (in this case 22.5% by housing number). In there is no on site infrastructure for this particular developer that needs to be factored into the equalisation.
- 3.19.6 It also means that they control an insufficient area to necessarily need to deliver all open typologies but instead should be making financial contributions to these items in conjunction with an agreed allocation wide parameter plan that recognises how and where such typologies would go. This has not happened in a formal way as envisaged by policy but the masterplan submitted with the application indicates that the scheme can support
- the provision of a play area (LEAP),
  - the full quantum of formal open space required for the expansion area
  - the proportionate quantum of informal open space.
- 3.19.7 It is therefore considered that these should be secured within any future legal agreement (and be provided on site by the developer), while off site contributions are taken for allotment provision which would need to be delivered by a third party elsewhere within the expansion area.
- 3.19.8 With particularly low on site infrastructure costs (Category 3) which are only related to London Road improvements, the equalised category 4 contribution for the allocated housing is by comparison high. Based on 1Q 2020 figures, the allocated Category 4 contribution (derived from 178 dwellings) equates to £2.498m (or £14,036 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.

3.19.9 As discussed earlier, the scheme seeks to deliver just 2 dwellings in excess of the allocation. Based on Policy CB6, these too 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). In respect of categories 3 and 4, the financial contribution is expected to be £16,624 per dwelling (noting the enhanced Devon County education multiplier) which is expected to be used towards category 3 and 4 projects including education and other town centre infrastructure.

3.19.10 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.

3.19.11 In summary this proposal is expected to deliver:

Category 1 infrastructure (delivered on site unless otherwise stated)

- Biodiversity net gains (10%)
- SANGS establishment and enhancement (set up costs)
- Formal open space
- Play provision (1 LEAP)
- Allotments (off site contribution)
- 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)

- Financial contribution towards the Upgrading of London Road

Category 4 infrastructure (off site contributions)

- £2,498,343 (1Q2020) from allocation housing

3.19.12 Contributions towards items in categories 1 and 2 are expected from all development proposed. Items set out in Categories 3 and 4 are for the allocated housing and therefore additional financial contributions on a proportionate and per dwelling equivalent are required from excess housing, totalling £33,248 should the 2 excess dwellings be delivered.

#### **4.0 Assessment against Policy CB1 and conclusion**

4.1 Policy CB1 (Health and Wellbeing at Cranbrook) is a key policy against which all development within the Cranbrook Plan area is assessed. It aims to ensure that development within the town is designed so that it helps “to maintain and improve the good health and wellbeing of individuals and the community as a whole at Cranbrook”, and lists a number of criteria which must be met by a proposal in order to comply with the policy:

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

4.2 Assessing the proposal against these criteria, it is considered that:

- The proposal, as shown on the masterplan would result in an attractive and legible development, which would integrate well with the natural environment within the site and beyond. This will be enhanced by the retention of the majority of the trees on the northern edge of the site, in addition to retaining the trees within the site and planting further trees. Furthermore, as cycle/pedestrian paths into the site are proposed which will allow easy access to the wider Cranbrook area, including the country parks and the Clyst Valley Regional Park.
- As mentioned earlier in this report, the site forms part of Cranbrook, where it is considered that there is sufficient infrastructure of people to reside. Whilst the application site is currently on the edge of the town, development close to the site is ongoing, which will serve to provide further accessibility to services, such as schools, shops and public

transport. Additionally, also as mentioned above, none of the houses in this development will be able to be occupied until a new school at Cranbrook has been provided.

- The application is seeking outline consent, so the precise design of the dwellings are not currently known. However, it is known that some of the properties would be single storey; such properties are often well suited to less mobile people.
- In terms of the overall design of the site, there would be adequate open space for recreation (subject to the conditions mentioned earlier in this report, and the delivery of the supplementary application for additional SANGS), which would integrate well with the housing. The provision of cycle/pedestrian paths linking into other facilities in Cranbrook would further enhance this integration.
- The level of housing proposed on the site is considered to be adequate, given the constraints on the site (flooding/drainage and trees), and the proposal is well designed around these factors to ensure that a viable and pleasant community would be created.

4.3 When these points are taken into account, it is considered that the proposal, as submitted would meet the requirements of Policy CB1. Together with the findings on sustainability, the obligations that can reasonably be secured as part of the development, and the consistency with Policy CB1 means that having regard to the planning balance and despite the application representing a departure from adopted policy (as least in part), the application can be recommended for approval.

## **5.0 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. SUDS and open space delivery and management
- e. Restriction on the commencement and occupation of dwellings to implement school phasing requirements
- f. If required by the Local Highway Authority to submit and secure a TRO for the required posted speed limit and any other signage on London Road, the extents and full detail, 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 to the satisfaction of the Local Planning Authority prior to commencement of works
- g. To pay a commuted sum for the maintenance of any controlled crossing across London Road, any vehicular and/or NMU structure over the ditch

- as seen as necessary by the Highway Authority. The costing and detail of which, to be agreed in conjunction with the Highway Authority
- h. The timing of the delivery of all vehicular access points (including their internal connections), any associated alterations to the public highway, any controlled crossing points, NMU access points and full and appropriate NMU access thereto on London Road and Gribble Lane.
  - i. Monitoring fees
  - j. Pedestrian access to the supplementary SANGS area (under application reference 23/0662/COU) in accordance with a strategy to be agreed
  - k. Proportionate contributions for dwellings in excess of the allocated of 178 units
  - l. 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)
- Play provision – 1 LEAP to be provided on site
- Formal open space – 1.88ha required on site
- Amenity Open space – minimum of 0.15ha required on site
- Allotments – off site contribution £352.83 per dwelling (index linked)
- 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 (provide contributions to and produce and secure an appropriate Travel Plan, detail, delivery and implementation to be agreed)

#### Category 3 infrastructure (on site direct delivery)

- Financial contribution towards the Upgrading of London Road £162,478 (index linked from Q1 2020)

#### Category 4 infrastructure (off site contributions)

- £2,498,343 (1Q2020) from allocated housing

## **6.0 Statement on Human Rights and Equalities Issues**

### **6.1 Human Rights Act:**



- 6.2 The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance
- 6.3 Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation

## **7.0 Proposed conditions**

### **Timescale 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 five 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 plan set out in the following schedule which are hereby approved:

- Location Plan 18130 Loo.01 Rev A
- Updated Grange Area Masterplan LHC-00-00-DR-UD-0102 Rev P2

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

Prior to the submission of the first reserved matters application a phasing plan/detailed phasing scheme shall be submitted to and agreed in writing with the Local planning Authority. This shall include details for the general phasing of development and more particularly the following requirements

- the delivery and access to SANGS and provision of supporting infrastructure including car parking
- delivery of pedestrian and cycle access points to the London Road boundary (broadly in the north west corner of the site); the Gribble Lane boundary (broadly in the north east corner of the site) and the Gribble Lane Boundary (in east/south east of the residential site area)
- Vehicular access joining with Gribble Lane

Triggers shall be set out as to when details (including construction drawings, surfacing materials, implementation method statements and in the case of highway related works visibility splays) shall be submitted. Triggers linked to occupation-of-dwellings numbers shall also be set out to demonstrate when a particular requirement shall have been delivered by.

No occupation beyond an identified trigger shall occur until the particular requirement has been delivered in accordance with the agreed details.

For the avoidance and in any event the following restriction shall be strictly observed:

- No more than 160 dwellings shall be occupied until supplementary SANGS land (in addition to the SANGS provided by this application and in accordance with a scheme which has been submitted to and agreed in writing by the Local Planning Authority) has been made available and is open to the public

Reason: To bring clarity to the phased delivery of the development and ensure that an important infrastructure is delivered in a timely fashion in accordance with the NPP, Policies TC4 (Footpaths, Bridleways and Cycleways), TC7 (Adequacy of Road Network and Site Access), D1 (Design and Local Distinctiveness) and D5 (Trees on development sites) of the East Devon Local Plan and Policies CB1 (Health and wellbeing at Cranbrook), CB5 (Grange Expansion Area) and CB7 (Phasing) of the adopted Cranbrook Plan 2013-2031.

## 5) Design Code

Prior to the submission of the first reserved matters application, a design code which addresses site wide and detailed components of design and sets the parameters and specific character for each phase/area of development shall have been submitted to and agreed in writing by the Local Planning Authority.

The design code must reference the parameter plan hereby approved (by condition 3) and build upon both these and the supporting masterplan which accompanied the outline planning application with plan reference LHC-00-00-DR-UD-0101 Rev P2. The design code 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.

Amongst other aspects, the design code 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.

Subsequent Reserved matters applications must each include a statement of compliance setting out how they meet with the terms of the Approved Strategic 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.

The code is required up front to ensure that the development is properly planned and coordinated from the outset of development.

## 6) LBDS

A Landscape Biodiversity and Drainage Strategy (LBDS) shall be submitted to and approved in writing by the Local Planning Authority in advance of the first Reserved Matters application.

The LBDS shall be a single document and set out the strategic commitments and principles which address each of the relevant disciplines (namely that of Landscape Biodiversity and Drainage). It shall address how the measures interrelate ensuring that they are complimentary and do not result in contradiction as well as document how and when measures identified will be undertaken as part of the delivery of the scheme. For the avoidance of doubt, the LBDS which shall be informed by up to date protected species surveys shall amongst other things address:

- Measures to detail surface water (exceedance) flows during construction and other pollution pathways to safeguard water quality, ditches and other aquatic features
- Nesting and roosting provision,
- Wildlife highway underpass provision
- The provision of hedgehog holes within garden boundaries
- The location of key dark corridors where light levels will be maintained at no greater than 0.5 lux and a commitment to provide a lux level contour plan (which shall accompany reserved matters applications) in accordance Devon County Council maintaining dark corridors through the landscape for bats (2022) and guidance Note 08/18, Bats and artificial lighting in the UK, Bat Conservation Trust (BCT) and Institution of Lighting Professionals (ILP)
- Principle of community gardening
- Principle for the design and delivery of attractive and suitable headwall designs
- Clear indication of any avoidance, mitigation, and compensatory features provided for biodiversity, including for any protected and priority species, in addition to any provision required for open space or SANGS provision and detail of how landscape permeability for wildlife will be provided and maintained.
- Details of the pond construction; its feed and drainage provision; and the means by which water quality will be maintained

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

Reason – To ensure that the LBDS meaningfully captures all relevant requirements and that these are implemented in accordance with the agreed details, in accordance with Policy CB26 (Landscape Biodiversity and Drainage) of the adopted Cranbrook Plan 2013 – 2031.

The early trigger is required to ensure that requirements in the LBDS can be captured in the Design Code where relevant and therefore planned from the outset of the development.

7) Foul Sewage

In advance of the first reserved matters application, 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.

The early trigger for this condition is required to enable the final design of the scheme to incorporate any measures identified as being necessary.

8) Wildlife Hazard Management Plan

Prior to or no later than the submission of the first reserved matters application, 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.

The early trigger for this condition is required to enable the final design of the scheme to incorporate any measures identified as being necessary.

## **To accompany all or relevant Reserved matters applications**

### **9) 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.

### **10) 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.

#### 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. For the avoidance of doubt the LEMP will be expected to address the following:

- 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.

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 the Flood Risk Assessment (FRA) - with reference 6164.404 Rev A dated June 2020.

The scheme shall evidence:

(a) Soakaway test results in accordance with BRE 365. If infiltration is feasible, then groundwater monitoring results (in line with Devon County Council's groundwater monitoring policy) will be required which should evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the approved Flood Risk Assessment and the results of the information submitted in relation to (a) above.

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

(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.

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

(f) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or



improvement works to secure the proper function of the surface water drainage receptor.

Unless evidence that the following can't be achieved, it is expected that the detailed scheme shall evidence how surface water is managed and conveyed through at least 2 above ground SUDS features before being discharged to an attenuation basin.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) 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), national policies, including NPPF and PPG and Policies CB26 (Landscape Biodiversity and drainage) of the Cranbrook Plan 2013 – 2031, and EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan 2013 – 2031.

The condition is a pre-commencement requirement as 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 the site layout is fixed

14) 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.

15) 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.

#### 16) Climate change

Accompanying each reserved matters application shall be a detailed statement which in accordance with the Environmental Statement sets out and evaluates the benefits of the proposal in respect of climate change having regard to adopted Policy and the national targets. Development shall be undertaken in accordance with the agreed statements

Reason – to ensure that climate change is adequately addressed within the consideration of the proposal in accordance with National Policy and Policy CB 12 of the adopted Cranbrook Plan.

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

#### 17) Contaminated Land

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

##### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the

site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination.
- (ii) an assessment of the potential risks to:
  - Human health,
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - Adjoining land,
  - Groundwaters and surface waters,
  - Ecological systems,
  - Archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

## 2. Submission of Remediation Scheme

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

## 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (other than any part of the development required to carry out remediation), unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and will be subject to the approval in writing of the Local Planning Authority.

#### 4. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

#### 5. Long Term Monitoring and Maintenance

Where identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of reports on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

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

#### 18) Method statement trees/construction

No development shall commence until a detailed method statement, based on the following submitted plans:

- Arb Impact Detail – main access 05-10-22; and
- Arb Impacts under section 1-1 main access 10-10-22)

for the construction of the primary access hereby permitted has been submitted to and agreed in writing by the Local Planning Authority.

The scheme shall document the sequencing of work and all necessary tasks for each stage including the formation and clearance of the access, the erection of tree protection and the required working/construction area.

The Method statement shall make provision for the works to be undertaken under the direct supervision of a suitably qualified arboriculturist and identify steps necessary for the temporary removal of protective fencing which shall be fully reinstate as soon as practicable after its initial movement. All such incursions/movement shall be documented by the supervising arboriculturist who shall record the need for the incursion, the activities that took place and the period for which fencing was moved from the agreed position.

Once the access road has been completed to base course level a completed record, which shall include details of any mitigation as required, shall be submitted to and agreed in writing by the Local Planning Authority. No work shall commence on the footings/foundations of any dwelling until this record has been agreed.

If any mitigation is deemed necessary following the completion of the access works and the submission of the completed record, these works shall be undertaken in accordance with an agreed specification and timetable which shall also be agreed prior to the commencement of footings/foundations.

Reason: To manage the delivery of the primary access through an important tree belt and ensure that robust measures are in place to fully protect trees within the belt but lie immediately adjacent to the route of the road; in accordance with Policy D5 (Trees on Development Sites) of the adopted East Devon Local Plan.

This is required as a pre commencement condition as it forms the primary access into the site and therefore is needed from the outset of development.

19) Construction compound and access

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 have been submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area and document remedial measures necessary to allow that use to be properly delivered.

Reason – to ensure that proper control exists over the initial construction and access work in the interest of highway safety and tree management in accordance with Policies TC7 (Adequacy of Road Network and Site Access), D1 (Design and Local Distinctiveness) and D5 (Trees on development sites) of the East Devon Local Plan.

This condition is required as a pre commencement condition to ensure that appropriate measures/locations are used from the outset.

20) Junction design

No development shall take place in respect of the principle junction hereby approved, until final detailed plans for it 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:

- *Proposed Section 278 Works 6164.021 Rev D*
- *Section 278 Drainage Cross Sections 6164.028 Rev-*
- *Proposed Access arrangements – Proposed Levels 6164.019 Rev B*

Through the updated drawing pack(s) final details of proposed signage, kerbing, traffic islands (including any that require removing and reinstating) 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 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.

21) Surface water drainage (highway works)

No development shall commence until an appropriate right of discharge for surface water has been obtained.

Details of this together with a drainage scheme for the site showing details of gullies, culverts, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority before development commences.

The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason - to ensure that drainage is properly managed from the outset of the development and through phases of both construction and operation, to reduce the risk of flooding to and from the proposed development in accordance with guidance in the NPPF.

22) 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.

## 23) 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**

#### **24) Post Investigation assessment (Archaeology)**

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.

#### **25) 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.

26) 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.

**General stipulations/compliance requirements**

27) Highway Features

For the avoidance of doubt, any traffic calming features, and/or other consented highway works associated to consented application sites along London Road that would be impacted as a result of this application being consented shall be appropriately replaced and/or relocated as part of this scheme. The design(s) shall be funded and delivered in full by the developer, the detail of which shall be agreed in writing in conjunction with the Highway Authority.

Reason: To clarify the terms of the permission and in accordance with Policies TC7 (Adequacy of Road Network and Site Access), and D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan.

28) Lighting

In accordance with the findings of the Environmental statement (ES), lighting where used shall be restricted to the use of warm light of between 2700k-3000k in the interests of biodiversity and landscape impact unless wholly

impractical. For the avoidance of doubt this shall apply to all external lighting including street columns (but excluding private domestic lighting).

Reason – The use of warm light is less disruptive to a variety of species and less in congruent 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 20131- 2031.

29) Extent of Development and Height restriction

Built form including roads and buildings shall extend no further in a southerly direction, than the extent of development as set out in the indicative layout and masterplan that accompanied the application and have reference numbers:

LHC-00-00-DR-UD-0101 Rev P2 (Nov 22) and  
LHC-00-00-DR-UD-0103 Rev P1 (Nov 22)

In addition and in also accordance with plan 0103 rev P1 (listed above), development located within the area marked as being for single storey (bungalows) only shall be restricted to that form of dwellings and no other.

Reason - In the interests of the character and appearance of the landscape; the setting of nearby heritage assets (notably the Grade II\* listed gate piers at Rockbeare Manor and Grade II Listed Ford farmhouse) and to ensure that development is sensitively designed to respect and enhance the character of the local area in accordance with guidance in the NPPF and Policies EN9 (Development Affecting a Designated Heritage Asset) and D1 (design and Local Distinctiveness) of the adopted East Devon Local Plan, and CB15 (Design Codes and Place Making) of the Cranbrook Plan and ROCK 07 (Development Limits) of the made Rockbeare Neighbourhood Plan.

30) Archaeology

The development shall proceed in accordance with the Written Scheme of Investigation prepared by AC Archaeology (document ref: ACD1934/2/0 and dated the 20th May 2020) and submitted in support of this planning application. 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.

31) 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.

### 32) 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.

## **The Informatives**

### **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.



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

### **East Devon District Council**

## **EDDC Conservation**

**Comment Date: Fri 13 Mar 2020**

CONSULTATION REPLY TO  
LISTED BUILDING CONSENT/CONSERVATION AREA  
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Land West of Gribble Lane, Rockbeare.

GRADE: Adj II & II\* APPLICATION NO: 19/1798/MOUT

CONSERVATION AREA: N/A

PROPOSAL: Outline application for the construction of up to 200 dwellings and associated infrastructure, with all matters reserved apart from access.

### **HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:**

This site is bounded by many heritage assets including registered Parks and Gardens. By default it is expected that there will be some impact on certain, but perhaps not all, heritage assets.

The topography of the landscape is an important consideration to the setting and significance of the listed buildings, as equally does the rural/agricultural nature of the landscape, (as identified in the Scoping Report, section 2.5, February 2020); "Though predominately agricultural in "feel" at the moment, as Cranbrook expands, this speed of change will accelerate, creating a more urban "feel"....".

The steep topography of on the Southern part of the site leads up to a wider plateau in the Northern section of the site. It is this Southern slope, that rises up to a defined ridge, (approximately on a similar contour as the Grange complex of buildings) that provides the near and distant setting to certain listed buildings.

In close proximity and to the South of the site, are the 2 complexes of The Old Rectory grade II and the grade II Ford Farm. Each of these will undoubtedly have grade II listed curtilage structures associated with them too.

The Old Rectory and its chapel are located South of the site and are grade II listed. Its significance is through its architectural and historical values. This extends to the historical associations of Rockbeare village. The setting makes a positive impact to this heritage asset as a building with set outside of a village boundary that is set within a rural landscape. Views are limited from the lane that serves this property, however, it is likely to be experienced from within the site. It sits on the boundary of the grade II registered park and Garden of Rockbeare Manor. It is considered that it

is of medium significance.

The proposal by the virtue that the development extends to the ridge of the (Southern end) of the site and changes the setting and landscape character to urban, is considered to detract from the significance of the heritage assets.

The grade II\* Gate Piers and Gates that form the entrance to the grade I listed Rockbeare Manor and its other numerous, associated and curtilage listed buildings, is specifically located in at a prominent road intersection. This is located at the southern end of Gribble Lane. This position has clearly been considered in order to enhance the experience of these structures. This is in context to the grade II listed Park and garden of Rockbeare Manor, but also the importance of the appreciation of the extended rural setting and views. It has clearly been designed so that it is to be experienced exiting from the manor as well as entering. This is evidenced by the detail of architectural decoration on both sides and the height and finish of this structure in this slightly elevated position. It is considered that this heritage asset is highly significant.

The proposal, (along with the line of development) would form part of the view from the gateway and the setting to these heritage assets as they are intended to be experienced within the wider rural landscape, providing a subtle comment to the contrast of the experience and setting of the designed landscape within the boundaries of Rockbeare Manor.

The proposal by the virtue that the development extends to the ridge of the (Southern end) of the site and changes the setting and landscape character to urban, is considered to detract from the significance of the heritage assets.

Ford Farm is a grade II listed building that has grade II listed curtilage buildings associated with it as well. It is located South of the site and sharing a similar topographic level to the Southernmost boundary of the site.

By virtue that this is a farmhouse, it is considered that the setting and views form an important part of its significance. It is through the additional architectural and historical values that make it of medium significance. There may be scope for additional archaeological evidence due to its close location South of the ancient Roman road, now classified as a B road.

The curtilage listed buildings form a prominent boundary to the West of Gribble Lane. The main farmhouse is prominent in the landscape due to its orientation that purposely allows the principle elevation i.e. the front, to be viewed against a rural setting. The view from the Southern road junction of Gribble Lane has a direct view of the house against the verdant setting behind it, which forms the Southern section of the site.

The proposal by the virtue that the development extends to the ridge of the (Southern end) of the site and changes the setting and landscape character to urban, is considered to detract from the significance of the heritage assets.

Overall, the consideration concurs with the comments and conclusions made by

Historic England.

It does not agree with the conclusions in the Historic Environment Assessment (June 2019) section 8.28, that the grade II\* Rockbeare gates and piers should be excluded from further assessment.

Furthermore it does not agree with the conclusion in section 9.3, of the Land to the West of Gribble Lane Grange Expansion Area Cranbrook - Scoping Report (February 2020) which states that; "considered to remain unaffected by the proposed development or are not considered to play a formative role in the overall significance and the heritage values attributed to these assets".

In conclusion, the heritage assets are considered to be of medium to high significance. The setting of these are diminished by the insensitively located development and fails to preserve or enhance the significance of the heritage assets. In light of the information provided to date and the status of the application, it is considered that there is less than substantial harm to these designated heritage assets.

There may be scope for mitigation measures to minimise the potential for adverse impact on the historic environment and that the advice from historic England is taken into consideration.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

## EDDC Contaminated Land Officer

### **Comment Date: Thu 06 Feb 2020**

I have assessed the application and recommend the following condition:

#### Phased Condition:

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

#### 1. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination.

(ii) an assessment of the potential risks to:

Human health,

Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

Adjoining land,

Groundwaters and surface waters,

Ecological systems,

Archeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

## 2. Submission of Remediation Scheme

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

## 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (other than any part of the development required to carry out remediation), unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and will be subject to the approval in writing of the Local Planning Authority.

## 4. Reporting of Unexpected Contamination

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



Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

#### 5. Long Term Monitoring and Maintenance

Where identified as necessary, a monitoring and maintenance scheme to include monitoring the longterm effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of reports on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

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

#### **Comment Date: Thu 26 Nov 2020**

I have considered the application 19/1798/MOUT relating to contaminated land and as no evidence has been submitted with the application in association to the risks from contaminated land I recommend approval with conditions:

#### Condition - Contamination Investigation and Remediation Strategy

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

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

details of the remediation measures required and how they are to be undertaken.

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

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

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

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

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

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

## EDDC Environmental Health

### **Comment Date: Thu 26 Nov 2020**

I have considered the application 19/1798/MOUT relating to environmental health issues and I recommend approval with conditions:

A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring

Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

**Comment Date: Wed 25 Jan 2023**

As per my last comments

## **EDDC Housing Strategy/Enabling Officer - Jo Garfoot**

**Comment Date: Wed 12 Feb 2020**

This site is located on the south side of London Road and is allocated in the draft Cranbrook Development Plan Document (DPD) as part of the Grange expansion area under policy CB5. The allocation in the draft Cranbrook DPD is for mixed use development on part of the site and green space on the lower part of the site. The proposed Cranbrook built up area boundary runs through this site.

The site is not allocated in the Local Plan and therefore under current policy is considered open countryside. Under Strategy 34 of the local plan a target of 50% affordable housing would be sought (100 units) with a tenure mix of 70% rented and 30% shared ownership or other affordable home ownership route.

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 (30 units).

Once the Cranbrook plan is adopted this policy will supersede Strategy 34 of the East Devon Local Plan.

The Cranbrook DPD is in draft form and is currently being examined. Therefore it will be up to the planning officer to decide how much weight it will carry in determining this application and whether this site should provide 15% or 50% affordable housing. There is also the issue of the proposed Cranbrook built up area boundary to consider and whether the area outside of that should provide a higher affordable housing target.

The completed 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.

The indicative plans show 12 x 1 bedroom flats, 12 x 2 bedroom houses and 6 x 3 bedroom houses. Whilst this is a good mix which will meet housing need consideration should be given to the form the 1 bedroom flats will take. Large blocks of flats are problematic for affordable housing providers due to management issues, affordability for occupiers and negative stigma. Those in need of 1 bedroom accommodation often have complex needs and living in a large block of flats can exacerbate their issues and cause problems sustaining a tenancy.

## **Comment Date: Fri 11 Dec 2020**

I have no further comments to make on this application.

development shall proceed in accordance with the Written Scheme of Investigation prepared by AC Archaeology (document ref: ACD1934/2/0 and dated the 20th May 2020) and submitted in support of this planning application. 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'

## **EDDC Landscape Architect**

### **Comment Date: Fri 24 Apr 2020**

#### **1 INTRODUCTION**

This report forms the EDDC's landscape response to the outline application for the above site with all matters reserved except access.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

#### **2 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT**

##### **2.1 Location and brief description of proposals**

The site is an existing field parcel extending to 12.8Ha, situated in gently rolling countryside to the east of Rockbourne village and to the south of London Road.

The proposals comprise the development of up to 200 homes together with associated infrastructure, open space and new access provision off London Road and Gribble Lane.

##### **2.2 Site description and context**

The site is presently improved grassland bounded by London Road (old A30) to the north, Gribble Lane, a single track minor county road to the east and private access drives serving the Grange Hotel to the west and south. A mature mixed woodland belt approximately 30m - 40m wide forms the boundary to London Road and the northern end of Gribble Lane. The east and western boundaries comprise native hedgerow with mature trees. The southern boundary is open affording views over countryside towards Rockbeare Manor.

There are a number of mature and veteran oaks across the site, which appear to be remnants of former field boundaries but which lend the site a parkland character. A

small pond is situated towards the northeastern corner with associated goat willow around.

The site slopes northwards from an east-west ridgeline which crosses the site just to the north of the Grange access drive off Gribble Lane.

Surrounding land-use is currently predominantly agricultural. The Grange is an established hotel complex situated immediately to the southwest of the site. Land to the northeast of Gribble Lane and to the north of London Road is allocated for residential development within the Cranbrook Masterplan with SANGS land allocated to the south and south east.

There is no public access within the site. Views from the site are limited by surrounding trees and hedgerow to the north, east and west and rising landform to the south, although there are open views from the southern boundary across open countryside. Glimpse views into the site are afforded from surrounding highway and potentially from Percy Wakely Wood to the east which is public access land.

## 2.3 Landscape, Conservation and planning designations

There is a blanket TPO covering trees within the site and around the perimeter.

The Grade I listed Rockbeare Manor and associated registered historic parkland is situated 800m to the south.

## 3 REVIEW OF SUBMITTED INFORMATION

### 3.1 Landscape and visual impact Assessment (LVIA)

It appears that the LVIA has been prepared on the basis of outdated information in relation to the Cranbrook Masterplan which in earlier iterations included development of land to the west of the site between the Grange access drive and the former Golden Pond Chinese restaurant. This land is designated as Green Wedge within the EDDC local plan and is excluded from the 2019 version of the Cranbrook Masterplan. The LVIA needs to be amended to correct this error, which is repeated at points throughout the document, and re-evaluate the landscape and visual impacts accordingly.

The LVIA should also address how the proposals are likely to impact the current Cranbrook masterplan, particularly in relation to the proposed extension of built development south of the Cranbrook development boundary and resultant impact on allocated SANGS which will be fragmented as a result.

At para. 3.66 the LVIA states there is no Open Access Land within the study area. This is incorrect as Percy Wakely Woods 250m to the east is currently open access and there is potential for views from its western edge over proposed SANGS land towards the site which need to be assessed.

At para 3.27 the assessment of trees and hedgerow within the site boundaries should consider and describe the degree to which they will be affected by the proposal.

In considering mitigation measures, the statement at para. 4.7 that 'development has

been restricted to the northern part of the site reducing its prominence from the south' is misleading as proposed development has been extended up to, if not over, the ridge line that crosses the site north of the Grange access drive from Gribble Lane, where it is likely to be visible in views from the site entrance of Rockbeare House and the Rockbeare road.

At para 4.8 in respect of existing trees and hedgerow, the key requirement is for their appropriate management to maximise their, amenity, biodiversity and landscape benefits. The need for additional understorey planting to the existing woodland belt along London Road as proposed is questioned.

Table 2.1 summarises the predicted effects of the proposals on Landscape character. Notwithstanding the need for re-assessment to correct for the fact that land to the west is excluded from the Cranbrook Plan the findings in respect of the following are questioned:

For London Road the significance of effect accounting for future context is given as None. I see no reason why it should be considered less than moderate-low adverse as the creation of the new opening through the existing woodland belt will remain.

Base line photos are taken with a wide angle lens. While this is appropriate for views into the site from London Road and Gribble Lane in order to provide sufficient context, in longer range views particularly from the south a 50mm lens on full frame sensor camera (or equivalent) should be used to provide an approximate 40 degree field of view in line with current best practice guidance.

Camera and lens data should be included on each photo together with recommended viewing distance.

A photomontage should be provided showing the impact of proposed development on views from the entrance to Rockbeare Manor on completion of construction and after 15 years.

### 3.2 Layout and landscape details

It is noted that application is for outline consent and access provision, with all other matters reserved. However, a relatively detailed layout plan has also been provided and further comment is made in respect of this.

#### 3.2.1 Site Access

The proposals include the provision of two new vehicular access points into the site, one from London Road to the north and the other from Gribble Lane to the east. London Road - The creation of a new access into the site from London Road is contrary to the Cranbrook Masterplan which indicates an access to serve the site from proposed development land to the east. An access from London Road would entail the loss of a number of mature trees the extent of which has not been quantified in the submitted details. It would also interrupt the connectivity of both the existing woodland and proposed wetland area to the north for wildlife and greatly increase the prominence of the site in views from London Road. These impacts are entirely avoidable if vehicular access was restricted to the eastern boundary via land

to the east of Gribble Lane as identified in the Cranbrook Masterplan.

Gribble Lane - A new vehicular access is proposed off Gribble Lane some 280m south of London Road. This entails the closure of Gribble Lane to vehicles between the proposed access and London Road and provides for vehicular access initially from Gribble Lane south of the proposed access with an additional future link indicated from development land to the east. This conflicts with proposals in the Cranbrook masterplan for creation of a pedestrian/ cycle route along this section of Gribble Lane. Additionally, due to the narrowness of Gribble Lane there is also likelihood of damage by large vehicles to hedgebanks and tree canopies, particularly tree T3 in turning in and out of the site and general resulting increase in traffic on this attractive, quiet, narrow lane.

### 3.2.2 Layout

The layout retains the existing veteran and specimen oak trees within the site and provides for a generous amount of open space around these.

A generous wetland area is proposed for the low lying northern edge of the site, although this would be bisected by the proposed London Road access, reducing wildlife connectivity.

The north east corner of the site extends over designated flood plain. It is not clear whether this is compensated for elsewhere.

Although there is an indication of tree planting across the site there appears to be little provision for on-street trees in the indicative layout, particularly to secondary streets which are necessary to break up the built form of the development and provide amenity value.

House types appear to be predominantly detached with some semis and apartments. Inclusion of a good proportion of terrace units would better reflect surrounding settlement patterns and provide a less suburban character.

### 3.2.3 Drainage

Proposed swales do not appear to be well integrated within the overall layout and in the northern end of the site are compromised by an excessive number of vehicular cross overs.

Consideration should be given to creating small ponds at suitable locations within open space across the site and integrated with the overall SuDS design.

### 3.2.4 Cycle/ pedestrian links

It is not clear whether the applicant has rights of access over the Grange access drives to the south and west and this should be clarified.

Details of proposed pedestrian/ cycleway improvements across the frontage to London Road should also be provided.

## 4 CONCLUSION AND RECOMMENDATION

## 4.1 Key landscape issues

The proposals represent a departure from the Cranbrook Masterplan. Particular issues in terms of landscape and visual impact and design are:

- Extension of proposed development area southwards beyond the existing Cranbrook development boundary.
- Creation of new access into the site through the existing woodland strip fronting London Road, resulting in loss of trees and increased prominence of site.
- Fragmentation of and visual impact on proposed SANGS to south and east.
- Impact on setting of Rockbeare Manor and registered historic parkland in views from south.
- Increase in vehicular use along Gribble Lane with resultant loss of character and damage to adjacent trees and hedgerow, loss of tranquillity and conflict with proposed cycle and pedestrian routes identified within the Cranbrook masterplan 2019.

## 4.2 Problems with supporting information

The submitted LVIA is considered unsatisfactory for reasons noted at section 3.1 above and should be amended accordingly.

## 4.3 Acceptability of proposals

For the above reasons the proposals are considered contrary to local plan policies particularly D1, D2 and D4 as well as the Cranbrook Masterplan and should be refused in terms of landscape and visual impact unless amended information is provided that adequately addresses the concerns raised.

## **Comment Date: Thu 22 Jun 2023**

### 1 INTRODUCTION

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House types appear to be predominantly detached with some semis and apartments. Inclusion of a good proportion of terrace units would better reflect surrounding settlement patterns and provide a less suburban character.

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Consideration should be given to creating small ponds at suitable locations within open space across the site and integrated with the overall SuDS design.

#### 3.2.4 Cycle/ pedestrian links

It is not clear whether the applicant has rights of access over the Grange access drives to the south and west and this should be clarified.

Details of proposed pedestrian/ cycleway improvements across the frontage to London Road should also be provided.

### 4 CONCLUSION AND RECOMMENDATION

#### 4.1 Key landscape issues

The proposals represent a departure from the Cranbrook Masterplan. Particular issues in terms of landscape and visual impact and design are:

- o Extension of proposed development area southwards beyond the existing Cranbrook development boundary.
- o Creation of new access into the site through the existing woodland strip fronting London Road, resulting in loss of trees and increased prominence of site.
- o Fragmentation of and visual impact on proposed SANGS to south and east.
- o Impact on setting of Rockbeare Manor and registered historic parkland in views from south.
- o Increase in vehicular use along Gribble Lane with resultant loss of character and damage to adjacent trees and hedgerow, loss of tranquillity and conflict with proposed cycle and pedestrian routes identified within the Cranbrook masterplan 2019.

#### 4.2 Problems with supporting information

The submitted LVIA is considered unsatisfactory for reasons noted at section 3.1 above and should be amended accordingly.

#### 4.3 Acceptability of proposals

For the above reasons the proposals are considered contrary to local plan policies particularly D1, D2 and D4 as well as the Cranbrook Masterplan and should be refused in terms of landscape and visual impact unless amended information is provided that adequately addresses the concerns raised.

**Comment Date: Wed 21 Jun 2023**

Having reviewed the latest details submitted by the applicant in respect of the above scheme I find the proposals generally acceptable in terms of landscape and visual impact and design, subject to resolving the access issues to minimise tree loss/ damage identified by the tree officer. I note also that the indicative masterplan layout entails the loss of the existing pond towards the northeast corner of the site together with the clearance of associated goat willow. This loss should be adequately compensated for by proposed SuDS basin to the northern end of the site which should aim to provide a body of permanent standing water.

Should the application be approved the following landscape related 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.

External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.

c) A site levels plan(s) at 1:250 scale or greater indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by at least 5 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. The SuDS scheme shall include an area of permanent standing water as compensation should the existing pond be destroyed to accommodate the proposed scheme.

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:

- o a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.

- o methods for stripping, stockpiling, re-spreading and ameliorating the soils.

- o location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).

- o schedules of volumes for each material.

- o 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.

- o identification of person responsible for supervising soil management.

f) A full set of soft landscape details including:

- i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas,

existing vegetation to be retained and removed.

- ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
- iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
- iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
- g) Measures for protection of existing trees and hedgerow and 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 detailed 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:

- o Extent, ownership and responsibilities for management and maintenance.
- o Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
- o A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- o Landscape and ecological aims and objectives for the site.
- o 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.
- o Arrangements for Inspection and monitoring of the site and maintenance practices.
- o Arrangements for periodic review of the plan.

Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

4) 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.

5) Any new planting or grass areas which fail to make satisfactory growth or dies within ten years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the

East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

## EDDC Recycling & Waste Contract Manager

**Comment Date: Thu 26 Nov 2020**

Thank you for sight of this -

The recycling and waste vehicle tracking plans are very helpful and I have sent on to my SUEZ colleagues for comment on vehicle access. I will pass on any comments they may have.

My own comments are:

1. Can the developer be provided with a copy of the R & W Developer Guide if not already done so (copy attached) ?
2. Can we have a version of the layout plan indicating the recycling and waste collection points as indicated in the guide ?
3. Can the location of any communal recycling and waste facilities be shown ?

**Comment Date: Fri 27 Nov 2020**

Just to add to my earlier comments we don't see any problems with vehicle access for this development.

## EDDC Trees

**Comment Date: Mon 15 Feb 2021**

Please find attached my concerns relating to the proposed vehicular and pedestrian access points and their impact on the trees and the woodland.

In addition to the specific impacts associated with the individual locations there is the also the wider ecological and visual impact caused by the fragmentation of the woodland belt.

Overall it appears that this site is premature in relation to the overall strategic development on this southern side of London Road. A sequential development of the area, would allow road access to the site to be gained from the adjacent phases to the east of Gribble Lane. Thus obviating the need to create a highway access through the middle of the woodland belt.

For the reasons stated above along with those outlined within the attached document I consider that the application fails to comply with policy D3 of the current Local Plan.

Kind regards

David Colman

**Comment Date: Tue 07 Mar 2023**

Note on tree plans - not all trees are identified.

Appendix 1 - cycle path through northwestern aspect of woodland boundary onto London Road.

Tree felling for construction of cycle way; 4 cat C Horse Chestnut & Elms.

Construction of cycle path; no dig cycle path through RPA of 6 trees (4 cat A, 2 cat B).

Impact of felling; low.

Impact of construction; if done correctly should be relatively low. However, are street lights required? How are these to be installed along cycle way without trenching within the RPA of retained trees?

Appendix 2 - main junction onto London Road.

Tree felling for construction of road; 2 cat B oaks & 14 cat C Ash, Elm Willow.

Construction of road; impact construction within RPA of 3 Oak (2 cat A) & 1 Pine (B)

.

Impact of felling; trees individually low importance, collectively as part of the woodland boundary provide shelter and character - moderate. This is the only section of woodland bounding London Road from Clyst Honiton to the Whimble junction. Ideally another entrance should be utilised elsewhere on site so that belt of trees is not fragmented. How is this site to be linked with future developments of local area?

Impact of construction; long-term, potential decline of nearby cat A & B trees and eventual loss due to high target location; further erosion of woodland belt.

Appendix 4 - cycle path through eastern woodland boundary onto Gribble Lane.

Tree felling for construction of cycle way; 4 cat B ( 1 x Pine, 2 x Oak, 1 x Sycamore). 9 cat C.

Construction of cycle path; no dig through RPA of 2 cat B Oaks. Last 6m ground level requires lowering due to lower road height of Gribble Lane.

Impact of felling: relatively low.

Impact of construction: No dig cycle path if done correctly should be relatively low. However changes in soil level is likely to lead to severance of structural roots of 1 B cat Oak & therefore potential decline of tree. Is street lighting required? How are these to be installed along cycle way without trenching within the RPA of retained trees? This section of cycle line is considered unnecessary; existing entrance into the field from Gribble Lane should be used or include cycle lanes within the new proposed junction onto London Road. Again, how is this section going to link to future development?

3 green links along western boundary - 3 cat B (2 Lime & 1 Hornbeam) to be felled; these are part of an informal avenue adjacent to the site. Existing gaps between trees should be utilised rather than creating gaps through felling. Proposed to TPO



these trees following recent poor arb works. Are these links necessary and how are they to link to future development?

19f Oak - RPA does not appear to have been offset due to road.

There are two 19 g plotted; one by proposed bus stop (Appendix one), the other east of main junction (Appendix two & four) - assumed to be 19n Oak.

Careful locating of LEAP is required to avoid creating unnecessary high risk targets and management issues for ancient and veteran trees. (the valuable features of older trees - decay, deadwood etc are the very things that are removed due to health and safety). Increased footfall will also lead to compaction of soil. Alternative location of LEAP is recommended.

Overall: main access onto London Road will create division of existing woodland belt and potential loss in the long- term of further trees due to changes in soil levels. However, individually, the trees are of relative low importance. Concern is raised though about the extent of construction works to enable the road / paths to be built and the long-term effects on retained trees. The eastern cycle path onto Gribble Lane is considered unnecessary and existing entrance into the field from Gribble Lane could be used or include cycle lanes within the new proposed junction onto London Road.

## Urban Designer

**Comment Date: Tue 16 Feb 2021**

### 1 Introduction

This report forms EDDC's urban design response to drawings and documents submitted to EDDC to develop land within the 'Grange' area of the Cranbrook Masterplan and Cranbrook DPD. This will be assessed against the emerging Cranbrook DPD, the EDDC Local Plan, relevant design guidance including Building for a Healthy Life, and relevant evidence documents.

### 2 Brief description of the development and the site

The site lies immediately west of the Gribble Lane where it meets London Road and between Gribble Lane and the private access to The Grange hotel. The site is made up of agricultural land in which there are a number of mature trees. Although this has been designated former park land,

investigation by HDA Landscape Ltd on behalf of EDDC showed that the trees follow the lines of former hedgerows across the site, indicating it as having historic agricultural use, while regular ploughing in recent years would have lost any parkland biodiversity that might have once existed.

The site is relatively flat but sits on the edge of a steep escarpment with the ridgeline being along the southern site boundary. The lowest point on the site itself is along the northern boundary with the London Road. The northern and north eastern boundaries of the site have a well established

treeline onto the London road and Gribble Lane.

The development proposal has three areas of housing with one at the north of the site and two on each side of the site to the south that extend to the boundary of the site next to The Grange hotel.

The housing is relatively low density and relies on a series of cul-de-sacs around which to arrange the houses, resulting in a dispersed suburban layout. Open space separates the two southern housing clusters, and a more substantial area of open space separates these two from the cluster in the north of the site. This enables the proposal to retain most of the existing trees on site.

### 3 Comments and recommendations on the layout

The proposal deviates from the Cranbrook Masterplan in a number of ways and sets itself against evidence documents underpinning the masterplan. Although this may not have much of a negative impact on development within the site itself, it does have implications for neighbouring sites and other infrastructure delivery that will impact the overall development of Cranbrook and undermine its ability to deliver either its housing numbers or the required area of SANGS.

#### Impact on SANGS land

Firstly, the two southern clusters of housing in this proposal are located where the Cranbrook Masterplan proposes SANGS. Although the overall land area directly affected is small in relation to the overall total for SANGS, the area affected is important in that it forms part of the continuous area of SANGS required under the relevant legislation and guidance. If this link is broken and it is not possible for SANGS areas for Cranbrook to be accessed as a continuous area it may prevent the SANGS from being capable of serving the number of people expected to live in the new town once it is complete. This means that the location of housing in this area potentially jeopardises the ability of Cranbrook to deliver the housing numbers set for it. As such it is important that the housing is removed from this area so this risk is avoided.

#### Impact on SuDS strategy

Likewise, the proposal includes an access road onto the London Road. This in itself is not a problem as increased legible accessibility helps to create a more active and vibrant town, especially where this access enables people to walk more directly to the neighbourhood or town centre. However, the access here crosses an area that in the Cranbrook masterplan is indicated as a large SuDS basin that not only serves the current application area, but also the majority of the rest of the area allocated in the masterplan and Cranbrook DPD as 'Grange'. Putting an access road across the the middle of a SuDS basin significantly decreases the capacity that can be held within that land area. It reduces the available area, the maximum depth, increases the ratio of perimeter to area and therefore the amount of ground given over to sloping sides. Therefore this area would no longer be

capable of draining the area indicated in the SuDS strategy underpinning the masterplan.

In the masterplan a smaller basin is indicated immediately east of Gribble Lane, that drains into the larger basin shown on this site. The smaller basin could be enlarged to compensate for the capacity lost to this larger one. However, it is on higher ground which will mean an increased level of engineering to achieve the necessary capacity while still ensuring the outfall level allows it to drain out to the now smaller basin in this application site and then on through the SuDS chain to the Canny Brook. As more land area may be lost to this work, less total capacity may be achieved which could again mean that there is a restriction to the amount of housing that can be built in the remainder of the Grange area and thus in Cranbrook as a whole.

#### Impact on landscape strategy

The southern clusters of housing both run up to the southern boundary of the site. As mentioned above, the ridgeline to the escarpment edge runs along the site boundary meaning that these southern clusters are likely to be visible from areas to the south. The HDA landscape evidence and landscape strategy underpinning the Cranbrook masterplan makes clear this risk. The accompanying photomontages to the evidence documents (2017 HDA 00c Supporting Photomontages, page 9) are particularly helpful in pointing out that this southern area of the site will have a significantly greater landscape impact than the rest of the site, leading to this area being taken out of the development area within the masterplan and instead being used as a landscape buffer with additional tree planting. The evidence has not changed so the same would apply to this application.

The access road from the London Road runs through the middle of a line of TPO trees. Access to the site is clearly helpful, but this could be avoided through sequencing of the delivery of the masterplan areas. If access is required, the entry to the London Road would be better placed to the west of the site boundary so that it (a) does not undermine the SuDS strategy for Cranbrook and (b) reduces the visual and ecological impact that comes from splitting this line of trees in the middle.

#### Integration of green and blue infrastructure

The layout retains nearly all the established trees within the site boundaries and uses them to anchor green spaces within and around the housing. This is welcome but the road layout does mean that some compromises to green space could be avoided. This is covered below. Where the route exits through the treeline onto the London Road which obviously breaks this up but this is the least of the issues with this access point as mentioned above.

The layout of housing does respect the levels on site, avoiding the lowest point where the SuDS basins have been indicated. These are fed by swales which are good to see integrated into the green space within the site. It should be noted that swales are not the only open SuDS infrastructure available as these could run through rain-gardens and linked tree-pits where transpiration can significantly reduce the amount of water that travels on towards the

watercourse.

## Housing and road layout

The comments should be read alongside drawing 19.1798\_EDDC\_UD\_SK01 that has been provided to demonstrate an alternative way of laying out development on site.

The way the housing has been arranged around the route from the London Road through to the Gribble Lane means that there is some internal legibility but that is mainly because this is a small site. Putting the through route to the east of the central green space would allow a more legible route while also reducing the amount of road through the site. This arrangement would also allow the central green space to be continuous to the western site boundary making it safer and more accessible to the children and adults living around it.

The housing has been arranged using cul-de-sac's and private drives. This does not provide the level of accessibility that alternative arrangements could provide. The use of private drives in particular, means that paved areas that might otherwise enable people to take direct routes from one place to another are unable to. Reversing the design thinking of the routes to place pedestrian and cycle at the front of houses and the car access to the rear creates a legible route pattern that keeps green infrastructure such as hedgerows and trees separate from private garden boundaries, enables desire lines to be followed and reduces the amount of vehicle related tarmac in the development.

Revising the layout to prioritise walking and cycling also promotes attractive active travel links to the future district centre for Cobdens and Grange and the Cranbrook town centre. With the green space no longer surrounded by vehicle routes there is more chance that people in the southern housing clusters will use active travel as they will feel safer doing so.

## Integration of affordable housing

The distribution of affordable homes within the layout places them in two groups. The northern group is in an attractive location but risks being identifiable to residents as it is at the end of a cul- de-sac. This is not the case with the southern group as it is part of a frontage and better integrated within the overall cluster.

## Creating character

The current layout uses a series of short cul-de-sac off a meandering distributor road through the site. As homes front onto this road, and do their driveways, there will inevitably be a relatively open feel as homes are set back and cars and parking take front of house. This typical suburban layout will lack character with visual priority given to cars rather than people. More integrated parking and circulation, shared surface layouts and elevations that are designed alongside the spaces around them will help create more memorable places.

Reversing the prioritisation of the layout, as mentioned above, could help the houses relate more to each other and create a better sense of place and a more pro-social layout. Setting pedestrian and cycle routes to follow desire lines will also help promote social activity where routes come together.

With more continuous routes serving the housing, rather than cul-de-sacs there is opportunity for more considered building and street elevations where this will again lead to greater legibility and sense of place. This will also help reduce the use of detached and semi-detached properties in a location very close to the neighbourhood centre and where a greater density would be expected and help sustain the businesses and other facilities there.

#### 4 Concluding remarks

The masterplan and forthcoming DPD for Cranbrook have been developed over the course of several years and on the back of a significant body of evidence. Given the stage the Cranbrook Plan is at it holds significant weight. There needs to be good, clearly demonstrable reason to deviate from these documents. This application both deviates from the masterplan and appears to ignore the evidence entirely. This is particularly unhelpful, omitting opportunities from which the application itself could benefit, while simultaneously working against the ability to deliver the overall housing number for Cranbrook and East Devon through the threats to both the drainage strategy and the successful delivery of SANGS for Cranbrook.

The layout provide provides plenty of green space but this has not been accompanied by a high design quality for the housing layout which would not provide a characterful or forward looking place to live. This application is surprising in the way it deviates so far from the masterplan and the emerging Cranbrook Plan for so little obvious gain and when this could be avoided with more considered design.

The application documents express a desire to create a pleasant green development, but this is achieved at the cost of those around the site and at the potential cost of the aims of the masterplan and emerging DPD. When set against national design guidance such as Building for a Healthy Life, around which much of these comments have been structured, there is so much that can be improved. Unfortunately, without change far beyond the scope of what has been offered so far this application cannot be supported in urban design terms.

## **Technical Consultations**

### **List of Background Papers**

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

# Devon County Council

## DCC Flood Risk SuDS Consultation

### **Comment Date: Mon 17 Feb 2020**

At this stage, we object to the above planning application because the applicant has not submitted

sufficient information in order to demonstrate that all aspects of the surface water drainage management

plan have been considered. In order to overcome our objection, the applicant will be required to submit

some additional information, as outlined below.

#### Observations:

The applicant has proposed to manage surface water via a SuDS Management Train. However, further details are needed to demonstrate the extent and viability of this Management Train. It is noted within section 5.27 of the Flood Risk Assessment & Drainage Statement (Rev. 02; dated 17th July 2019) that rainwater harvesting shall be incorporated into the development. The applicant should clarify how rainwater harvesting will be incorporated, will all dwelling's have rainwater harvesting tanks?

The applicant has depicted swales on the Layout Plan (drawing No. 18130\_SK01.05; dated 22nd May 2019) but no pipes flowing into or out of the swales. The applicant should clarify whether these swales will serve the highways only or whether all surface water from the site will pass through them. The applicant should demonstrate this on a plan.

The applicant has submitted a copy of the UK SuDS Tool to demonstrate the calculations for the greenfield runoff rates. However, the applicant must also submit MicroDrainage model outputs (or similar) to demonstrate the proposed surface water drainage system (restricted to the proposed discharge rates).

The applicant has provided maintenance details for the proposed surface water drainage system. However, the applicant should clarify who will maintain the system. Exceedance flows are discussed within section 5.37 of the Flood Risk Assessment & Drainage Strategy (Rev. 02; dated 17th July 2019), but these need to be depicted on a plan. The applicant should clarify the proposed exceedance flow routes within the site and immediately outside of the site.

The Preliminary Geotechnical and Contamination Assessment Report contains pictures of the existing site.

One of these pictures is of an existing ditch. However, this ditch is not referred to within the Flood Risk Assessment. The applicant should clarify the extent of this

ditch within the site and beyond the site. This ditch may take flows upstream from the site.

The pictures also depict existing surface water features, where surface water appears to be 'ponding'. The applicant has proposed to discharge surface water into the watercourse to the north of the site.

However, the applicant has not clarified how this could be achieved. The applicant should clarify: what permissions would be required; how much vegetation would need to be cleared; how a headwall would be formed.

### **Comment Date: Fri 22 Jan 2021**

At this stage, I am unable to withdraw our objection, but would be happy to provide a further substantive response when the applicant has formally submitted the additional information requested below to the Local Planning Authority.

#### **Observations:**

The applicant has submitted a plan titled Flood Alleviation Scheme (drawing No. 6164.404; Rev. A; dated 17th September 2020). This plan depicts a detention basin as well as an attenuation pond. The applicant previously discussed detention basins within the Flood Risk Assessment (Ref. 6164-FRA&DS; Rev. 02; dated 17th July 2019), however, the applicant has not discussed attenuation ponds and the maintenance which these features require. The applicant must confirm whether this feature will contain a permanent level of water. The applicant must also confirm whether the detention basin and attenuation pond will only manage surface water.

This plan also depicts an outfall from the site draining beneath London Road into a watercourse to the north. The outfall allows the ditch (which may be an ordinary watercourse) to the south of London Road to connect into it. However, the applicant must clarify the suitability of this arrangement. The flows within the ditch to the south of London Road are not known, the direction of flow within this ditch is also not known.

This arrangement will alter the existing function of the ditch, therefore, the applicant must demonstrate the suitability of this arrangement. If this arrangement will alter the existing flow path/s of this ditch, then the applicant must also clarify the suitability of this. The applicant must confirm the existing flow path/s of this ditch and the volumes of water that the ditch conveys. The applicant must confirm whether this ditch is within their ownership.

It is understood that the outfall into the watercourse to the north of London Road will be a new connection. Therefore, the applicant will need to assess the condition and capacity of this watercourse to ensure that it can safely convey flows from this site (in addition to the existing flows which it currently conveys).

The connection into the watercourse to the north of London Road is outside of this planning applications red line boundary. Therefore, the applicant must confirm whether they have permission to form this outfall.

As previously noted (within our comments dated 17th February 2020), it is understood that water features exist within this site. The applicant must assess these features and ensure that water can continue to be managed appropriately. It is noted within Stuart Michael Associates' letter (dated 9th October 2020) that the Ecological Impact Assessment assessed the pond and no springs or watercourses were identified.

However, the pond could be fed by shallow groundwater and/or land drains. The applicant must assess this pond and any other existing features such as field ditches.

The applicant must confirm when a Landscape, Biodiversity and Drainage Strategy will be submitted for this area of Cranbrook.

The applicant must submit a plan of the proposed surface water drainage features with the flood zones overlaid to demonstrate that the features are located within flood zone 1.

The applicant will need to address our comments from 17th February 2020.

### **Comment Date: Thu 22 Jun 2023**

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:

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

(a) Soakaway test results in accordance with BRE 365. If infiltration is feasible, then groundwater monitoring results (in line with Devon County Council's groundwater monitoring policy) will be required. and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the approved Flood Risk Assessment and the results of the information submitted in relation to (a) above.

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

(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.

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

(f) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) 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/1798/2020; dated 11<sup>th</sup> January 2021), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful. The applicant has confirmed that the pipe/culvert beneath the site entrance could be 600mm in diameter.

The applicant has also confirmed that their surface water outfall will connect into an Ordinary Watercourse within their land.

Revised model outputs have been submitted for the 1 in 100 year (+45% allowance for climate change) rainfall event. Whilst these outputs determine a lot of flooding, the applicant has confirmed that this flooding will be addressed at the next stage of planning and that surface water will remain within the system.

The applicant has described how permeable paving could be designed to store flows, potentially including nearby roofs.

The current survey of the surrounding watercourses and highway drainage systems is incomplete. Whilst the survey appears to demonstrate that the site currently drains into a culvert beneath London Road, the survey was unable to confirm some of the highway drains due to blockages. The applicant should clear highway drains, as well as vegetation where appropriate, to allow the following system to be assessed: highway drainage system along northern extent of site (between the access to Grange Court and Gribble Lane) highway drainage system at London Road and Gribble Lane junction possible highway ditch along Gribble Lane (this feature is thought to take flows from Rewe Lane)

The greenfield runoff rates have been revised. They have now been calculated for the assumed impermeable area only. Any future reserved matters applications must comply with this principle.

At the reserved matters stage, the proposed storage features should be designed to achieve biodiversity.

An applicant will need to consider:

an uneven base to a basin or pond varied side slope planting aquatic shelf/s

Within storage features, inlets should be constructed as far as possible from outfalls (to maximise treatment).

If the development will be constructed in phases, then the above condition may be reworded to allow this.

An applicant will need to consider whether each phase can construct its own surface water drainage system, or, whether there will need to be site-wide surface water drainage.

Joshua Lewis  
Flood and Coastal Risk Officer

## DCC County Highway Authority

**Comment Date: Tue 11 Feb 2020**

We are unable to determine our response upon this application until the result of the ongoing Cranbrook expansion plan hearing has been determined due to the level of influence that it could have upon the operation of this development.

## **Comment Date: Fri 23 Jun 2023**

### 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 access. The vehicular access proposal is onto London Road to the north, which would also see Non-Motorised-User (NMU) connections, off Gribble Lane, feeding through the site and connecting onto London Road, that includes the delivery of a controlled crossing point at this location. The applicant has also highlighted a potential Bus route connection to the east across Gribble Lane.

### Transport Assessment and s106 Contributions for Sustainable Transport

In terms of traffic capacity, and with the consideration of the recently revised Saturn model which factored in this application has part of the modelling assessment, it is view of the Highway Authority that this proposal is unlikely to have a severe impact on the local highway network.

The necessary s106 contributions were outlined in Devon County Council (DCC) overarching response dated 23rd February 2023, which remain a requirement. The detail is reiterated as below:

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

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

- concentrate more on provision of enhanced bus provision to serve the expansion areas (cost of £6,128,000 for 5 years).
- provide £250,000 to undertake feasibility work for a second station to provide the basis of a potential future bid for Government/third party funding to deliver it.
- s106 provisions to secure the land for a future second Cranbrook rail station in perpetuity.

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

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

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

In the Design and Access statement section 2.4.2, it states two new bus stops will be provided on the B3174 which are served by services 4/4A and 4B. Since the report was written bus services in the area have changed. Service 4 now only operates between Exeter and Cranbrook, with the nearest stops to this development at Yonder Acre Way. Services beyond Cranbrook, to Ottery St Mary, Honiton and Axminster are now the 44 and 44A. The service along the B3174 has been reduced and now only operates approximately every two hours - eight journeys in each direction. As the route is restricted to single deck buses the peak journeys have limited spare capacity. The present limited frequency is also unlikely to prove attractive. We therefore wish to seek a s106 contribution towards improving the bus service, as part of the overall plan for Cranbrook.

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.

## Access

The applicant previously submitted a RSA1 report, that highlighted the potential issues, and the mitigation required to alleviate them. The Highway Authority has previously accepted the principle of the applicants intentions on and adjacent to the public highway, where detailed design for most of the information provided at this stage to be agreed at a later stage.

Notwithstanding, and whilst there remains opportunity at live application stage there

are several elements detailed in the body of this response that would be of betterment for the schemes delivery and expected to be delivered.

Further to previous conversations with the applicant, in conjunction with the Local Planning Authority (LPA), recent discussions have been held with a primary focus to understand the design of the bellmouth of the vehicular access off London Road. With ecological constraints and a ditch running along the frontage, DCC needed to ascertain in more detail how, the uncustomary design would enable the access, and in principle the internal layout of the site could meet adoptability requirements in the future, which is the applicant's intention.

In order to accommodate the existing ditch that sits at the interface of the, but on the private side on the highway boundary, the applicant has proposed a piped arrangement of 450mm.

However, it is to our understanding that the existing piped arrangement is 500mm and therefore the applicant should provide a consistent design approach to this as a minimum or as otherwise agreed with the LLFA. Please note this may require a commuted sum, which will be better ascertained upon any agreement at detailed design stage.

It cannot be assumed that the proposal can connect into to any highway drains or drainage infrastructure and under no circumstance should water or detritus be allowed to be discharged onto the highway. DCC reserve the right to reject such a method proposal should we see fit, where it is expected for the applicant to have a written agreement with a third party for its discharge (which DCC will need confirmation of).

The wide bellmouth proposal with a 10m radii would pose more inconvenience for NMUs needing to cross a larger area. There would appear no overriding reason why this cannot be reduced to a more modest level which will be expected to be addressed at detailed design.

It should be noted that the proposed access road and accompanying footways would require the stone fill (detail of which will be required and need to be agreed at detail design) to continue at 45 degrees from their outer edge into the construction of the embankment. The applicant has been made aware through recent discussions that it is likely they will need to bring up the whole of the embankment footprint in imported stone and cut back into it with benches to place the initial material. Careful consideration is needed regarding the extraction of any vegetation to enable the delivery of the access and the adjacent vegetation to ensure that no longer term damage occurs that could pose future highway safety issues. Given this sensitivity, robust evidence of the methodology before and after its practice will need to be provided by the applicant to satisfy this element of the delivery.

To reiterate from previous discussion and dialogue, the widening of the existing footway, in particular around the bellmouth of the access proposal off London Road will need careful design and delivery in order to ensure the existing public highway isn't undermined.

Turning to the proposed new NMU access that is also intended to form part of the S278 works as denoted by the supporting information drawings, the applicant needs to be mindful that the proposed timber bridge/railings to accommodate access over the ditch will be subject to its detailed designed proposals on whether it can be considered as acceptable for adoption. In this instance, this will require discussions with our structures team to ascertain what will be expected/accepted in order for DCC to formally adopt in the future and would require a commuted sum.

The Highway Authority would not wish to see staggered railings and cycle dismount signs, as proposed at the interface from the western side of the NMU access with the footway. For betterment, the approach to London Road and the adjacent footway can be altered to cause cyclists to turn and slow as they approach the footway. This can be addressed at detailed design, however.

At its other end, on the eastern side of the application site, the NMU access would see an extended cross over arrangement over Gribble that would help, accommodate a future connection and extension to the land to the east to promote NMU accessibility and permeability in both directions. However, at this stage, it remains unclear what visibility will be provided for NMUs egressing onto Gribble Lane at this point and, in the future how would the cross over be designed to work in harmony with vehicles utilising Gribble Lane.

The Highway Authority are conscious that in time Gribble Lane is anticipated to be reclassified and see a change in nature of its practice as Cranbrook evolves. However at this stage the applicant is proposing works across a public highway and therefore it needs to be ensured and appropriate form of crossing at detailed design stage is delivered, working in conjunction with the Highway Authority where the timings for it first being brought into use also needing to be agreed.

Further detail would also be required for the other potential NMU and future Bus link across Gribble Lane heading east as denoted in the supporting plans. To ensure its safeguarding given that access is not a reserved matter, appropriately worded obligations are required as part of this application should it be approved.

The proposed Toucan crossing to allow a safe crossing on London Road that will form part of the S278 works on the highway will require a commuted sum, the timings of which will need to be secured through a s106 agreement.

The above and any associated future detailed design will need to be to the satisfaction of DCC requirements should it be formally adopted in the future. It is also noted, taking into account the consented Ingrams Sports pitch development across the road and the highway related drawings associated to it, if this application is consented in its current format the associated drawings would then supersede and therefore remove elements of highway works that the near neighbouring site is obligated to fulfil, which are not yet built out. The consented drawings for the Ingrams site also include traffic calming features that will promote vehicle and NMU relationships along this stretch of London Road. The proximity of the access for this application appears to sit in conflict with a traffic calming feature which forms part of the aforementioned near neighbouring scheme.

Therefore, it is considered necessary and will be the responsibility of the applicant or any successor for this scheme to ensure any consented works and mitigation (including any street lighting, signage, lining etc) for nearby schemes are not unnecessarily lost on the network and are instead relocated and delivered as part of this proposal at full expense. The detail of which, will need to be agreed in conjunction with the Highway Authority. An appropriately worded obligation is therefore required to ensure this is secured through any favourable decision notice.

There also needs to be a clear understanding between both the applicant and near neighbouring party on who will be delivering the parcel of footway on London Roads northern side that accommodate NMU users of the Toucan Crossing. Currently, the consented Ingrams site is obligated to deliver a footway along the point, where it is presumed the infrastructure is likely to already be installed in advance of the applicant fulfilling the necessary works associated to the Toucan crossing put forward.

The latest supporting drawings include the proposed relocation of the existing posted 40mph speed limit that would see it being sited east of the application site. It should be noted that the recently consented and allocated Cobdens site included an obligation to apply for a Traffic regulation Order (TRO) to relocate and change the existing speed limit further east of their parcel to 30mph. In the event of this nearby scheme not being brought forward in advance or if the Highway Authority view it still necessary to do so, it needs to be ensured the applicant is required to apply for and delivering a TRO as part of the s106 obligation should the above arise.

## Travel Plan

For this application, a suitable Travel Plan will need to be delivered by the applicant and agreed in writing with the Highway Authority, secured through a section s106.

## 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:

- To produce and secure an appropriate Travel Plan, detail, and delivery to agreed and finalised at s106 stage.
- If deemed necessary by the Highway Authority at the time, to submit and secure a TRO for the required posted speed limit and any other signage on London Road, the extents and full detail, 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 to the satisfaction of the Local Planning Authority prior to commencement of works.
- To pay a commuted sum for the maintenance of any controlled crossing across

London Road, any vehicular and/or NMU structure over the ditch as seen as necessary by the Highway Authority. The costing and detail of which, to be agreed in conjunction with the Highway Authority.

- The timing of the delivery of all vehicular access points (including their internal connections), any associated alterations to the public highway, any controlled crossing points, NMU access points and full and appropriate NMU access thereto on London Road and Gribble Lane.

#### Conditions

- The proposed accesses and associated highway works, including visibility splays shall be constructed in general accordance with details shown on the submitted plan, drawing number 6164.021 D, yet be subject to other obligations within the schedule and alterations considered necessary by the Highway Authority at detailed design stage.

- Within two years of the date of the decision notice, detailed plans for a pedestrian and cycle access onto and across Gribble Lane, including appropriate visibility splays and any mitigation measures considered necessary by the Highway Authority shall have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority). The agreed package of measures shall also include and detail a timetable for the delivery of the works agreed.

- Any traffic calming features, and/or other consented highway works associated to consented application sites along London Road that would be impacted as a result of this application being consented shall be appropriately replaced and/or relocated as part of this scheme. The design(s) shall be funded and delivered in full by the developer, the detail of which shall be agreed in writing in conjunction with the Highway Authority.

- Within two years of the date of the decision notice, detailed plans and a timetable for the delivery for a separate Pedestrian and Cycle access onto and across Gribble Lane at the South Eastern area of the parcel site shall have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority). onto and across

- Within two years of the date of the decision notice, detailed plans and a timetable for the delivery for a Bus/vehicle access onto and across Gribble Lane on the eastern side of the parcel site shall have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority).

- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

- Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be provided, surfaced, and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area.

- Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits; 22/1532/MOUT
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site; (i) the means of enclosure of the site during construction works; and (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

#### Note

The applicant/developer is advised to contact the Highway Authority at earliest opportunity prior to making any TRO application. The applicant will be required to secure a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary associated to this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development. The Highway observations and comments are based on the information provided by/on behalf of the applicant as verified by the Local Planning Authority, and such information is deemed true and accurate at the time of



assessment. Should any element of the supporting detail, including red and blue line landownership or control details, subsequently prove to be inaccurate, this may partially or wholly change the view of the Highway Authority for this (or any associated) application. As such the Highway Authority reserves the right to revisit our previously submitted comments and readdress where deemed necessary. Where planning permission has already been granted, any inaccuracies which 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

## DCC Climate Change/Environment And Transport

### **Comment Date: Thu 23 Feb 2023**

Thank you for providing the opportunity to comment on this revised planning application. This response provides the formal views of Devon County Council and is separated into sections covering the following topics. Whilst some of our comments on the following topics remain unchanged from our previous response on the 12th February 2021, revisions have been made to many of our comments and also to reflect recent adoption of the Cranbrook Plan:

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

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

Devon County Council provides the following view on this revised application:

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

Extensive work has been undertaken to inform the policy content of the Cranbrook Plan and the Cranbrook Infrastructure Plan which includes consideration of this site.

Devon County Council welcomes the Cranbrook Plan that was adopted on 19th October 2022 which provides a robust policy basis to deliver infrastructure necessary to mitigate the impact of development.

Planning contribution calculations within this response have been identified in line with the Cranbrook Plan and its associated Cranbrook Infrastructure Delivery Plan (August 2022). In identifying the planning contributions required for this development, we have considered the number of dwellings which are allocated within the Cranbrook Plan and the number of dwellings which are over allocation (excess dwellings). We understand that this planning application currently comprises 178 allocated dwellings and 2 over-allocation dwellings ( $178 + 2 = 180$ ).

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

- a. A basic contribution for the allocated dwellings comprising the equalised contribution in line with Policy CB6 of the Cranbrook Plan and the Cranbrook Infrastructure Delivery Plan; plus
- b. Where it is necessary to mitigate additional impacts from over-allocation dwellings and/or the total infrastructure project cost is not fully funded by the CEA contribution, an additional contribution for the over-allocation dwellings within this development based on a per dwelling cost for each additional over-allocation dwelling, calculated at the same per dwelling rate as the basic contribution ( $1/4170$ th). For the current number of 2 over-allocation dwellings, this equates to an additional contribution of 0.05% ( $2/4170 = 0.05\%$ ) of the relevant CEA (Cranbrook Expansion Area) contribution.

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

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

## HIGHWAYS AND TRANSPORT

The Local Highway Authority has recently received the revised information regarding access for this proposal. Comments will be provided to the LPA at the earliest opportunity once the latest proposals have been assessed and understood.

### Section 106 contributions for sustainable transport

Devon County Council has previously requested s106 contributions towards sustainable transport from all the expansion area applications (dated 14 June 2018) . Following consideration of the Cranbrook Infrastructure Delivery Plan (Cranbrook IDP) as part of the Cranbrook Plan Examination, the 'Public Transport' section of DCC's 14 June 2018 request was replaced by the revised package of Public

Transport s106 contributions detailed in DCC's Cranbrook Plan Examination Statement dated 14 July 2020 summarised below:

- o concentrate more on provision of enhanced bus provision to serve the expansion areas (cost of £6,128,000 for 5 years)
- o 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.
- o S106 provisions to secure the land for a future second Cranbrook rail station in perpetuity.

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

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

In the Design and Access statement section 2.4.2, it states two new bus stops will be provided on the B3174 which are served by services 4/4A and 4B. Since the report was written bus services in the area have changed. Service 4 now only operates between Exeter and Cranbrook, with the nearest stops to this development at Yonder Acre Way. Services beyond Cranbrook, to Ottery St Mary, Honiton and Axminster are now the 44 and 44A. The service along the B3174 has been reduced and now only operates approximately every two hours - eight journeys in each direction. As the route is restricted to single deck buses the peak journeys have limited spare capacity. The present limited frequency is also unlikely to prove attractive. We therefore wish to seek a s106 contribution towards improving the bus service, as part of the overall plan for Cranbrook.

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

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

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

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

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

## Summary

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

## LOCAL EDUCATION PROVISION (INCLUDING EARLY YEARS)

### Introduction

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

### Primary education and early years

An assessment of education capacity for Cranbrook, which includes nearby primary schools at Rockbeare and 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 including early years (age 2 - 11) within the Cranbrook expansion areas in order for the county council as the Local Education Authority to fulfil its statutory responsibility to provide sufficient pupil places.

DCC requires that two primary schools with early years provision 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 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, including the new homes associated with this planning application. As such, DCC is content that, in line with Policy CB5, this development is not required to provide primary education provision on site as this will be provided elsewhere within the other Cranbrook expansion areas.

DCC notes that this planning application currently comprises of 178 allocated dwellings and 2 overallocation dwellings. Any over-allocation housing growth (currently 2 dwellings within this Grange West 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 Table 2 of Appendix 1 to this letter.

### Secondary education

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

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

The additional contribution is requested as it is necessary to mitigate additional impacts from 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 provision of a Special Education Needs (SEN) school within the Cobdens development would be subject to the approach for equalising s106 contributions set out in Policy CB6, which is supported by DCC. This s106 contribution towards SEN provision identified in the Cranbrook Infrastructure Delivery Plan provides for the 4170 dwellings in the Cranbrook Plan, including the 178 allocated Grange West dwellings contained in this application.

In addition, DCC would require contributions for any over-allocation housing growth (currently 2 dwellings within this Grange West development) towards SEN provision in accordance with DCC's Education Approach for Developer Contributions (December 2021). This additional contribution is requested as the total infrastructure project cost is not fully funded by the CEA contribution and it is necessary to mitigate additional impacts from over-allocation dwellings relating to SEN education. Further details are contained in Table 2 of Appendix 1 to this letter.

### Payment method (if not included above)

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

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

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

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

### Summary

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

### CHILDREN'S SERVICES

The Cranbrook principal s106 agreement specifies that a permanent children's centre delivery space of 250m<sup>2</sup> will be provided by the developers on 0.1 hectares of land (or an equivalent contribution paid). There is a need to fit this facility out so that it is ready for use, the cost of which is estimated to be £36,218 (base date Q1 2020), as identified in the Cranbrook Infrastructure Delivery Plan. In addition, there will be a shortfall in the funding to deliver the Children's Centre floorspace within the proposed DCC community building.

As such, the county council requests provision of s106 contributions comprising:

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

- b. an additional contribution of £8.69 index linked per over-allocation dwelling (on a per dwelling rate of £36,218 /4170).

The additional contribution is requested as the total infrastructure project cost is not fully funded by the CEA contribution and it is considered necessary to mitigate additional impacts from 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 480m<sup>2</sup> will be provided by the developers on 0.2 hectares of land. The county council is content a youth service facility of this size will be sufficient to meet the needs of the expansion areas so long as funding is made available to fit the facility out. The cost of fit out identified in the Cranbrook Infrastructure Delivery Plan is £36,218 (base date Q1 2020). There will also be a shortfall in the funding to deliver the Youth Centre floorspace within the proposed DCC community building.

As such, the county council requests provision of s106 contributions comprising:

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

The additional contribution is requested as the total infrastructure project cost is not fully funded by the CEA contribution and it is considered necessary to mitigate additional impacts from 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 450m<sup>2</sup> plus parking and servicing areas to be provided by the developers to a specification agreed by the county council, on 0.1 hectares of serviced land. DCC wishes the library to be co-located with at least one other facility within the town centre, preferably the children's centre and youth service. The county council is content a library of this size will be sufficient to meet the needs of the expansion areas so long as funding is made available to fit

the library facility out. The full fit out cost is anticipated to be approximately £480,000 (base date Q1 2020) as identified in the Cranbrook Infrastructure Delivery Plan. In addition, there will be a shortfall in the funding to deliver the library floorspace within the proposed DCC community building.

As such, the county council requests provision of s106 contributions comprising:

a. 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 Strategy specifies the need to provide a 55 unit facility at Cranbrook (to cater for 6,000 dwellings). Based on similar schemes provided recently in Devon, a site of 0.6 hectares would usually be required.

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

The county council requests provision of s106 contributions comprising:

a. 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

In line with the Cranbrook Plan, we note that this application does not make any provision for Gypsies and Travellers. However, we expect that sufficient pitches will be provided elsewhere in Cranbrook as required by the relevant Cranbrook Plan policies.

## HEALTH AND WELLBEING

The previous Public Health comments from February 2021 still stand. These requested "an expansion of HIA section 2.2 to include being able to access affordable and nutritious food using sustainable travel and mixed development of appropriate food outlets" in order to meet the requirements of NPPF paragraph 92c. This development does have provision for a large proportion of green space which is welcomed. It is requested that this development includes allotments and community gardens in line with the requirements of Cranbrook Plan policies CB5 and CB25.

The provision of affordable and adaptable homes should remain a priority. There is still a lack of information on how the quality homes will meet climate change thus enabling healthy indoor environment with sufficient internal space for dining areas for the families to eat together.

We would support the reduction of the speed limit on London Road to 30 MPH (Appendix 7 9.11) and would like to see a cohesive urban environment which includes a traffic management plan for the length of London Road through Cranbrook, to prevent sudden speeding and breaking which could be a risk to pedestrians, whilst potentially causing increased emissions from cars breaking and accelerating.

The promotion and development of cycle pathways is welcomed, the planting of trees and hedge screening to separate the cycle path from the road would not only be an added safety feature but also offer shading and cooling to pedestrians and cyclists. The provision of benches would enable rest areas especially important for elderly or disabled people. We welcome the provision of a children's playground within this development.

## Section 106 Contributions

DCC reiterates the need for this development to provide appropriate planning contributions to ensure local health services can meet the anticipated increase in

demand from its new residents. The county council supports provision of a town centre Health and Wellbeing Hub which serves the whole town including the eastern area population.

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

As such, the county council requests provision of s106 contributions comprising:

- a. 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/1798/2020)

The applicant has submitted a plan titled Flood Alleviation Scheme (drawing No. 6164.404; Rev. A; dated 17th September 2020). This plan depicts a detention basin as well as an attenuation pond. The applicant previously discussed detention basins within the Flood Risk Assessment (Ref. 6164-FRA&DS; Rev. 02; dated 17th July 2019), however, the applicant has not discussed attenuation ponds and the maintenance which these features require. The applicant must confirm whether this feature will contain a permanent level of water. The applicant must also confirm whether the detention basin and attenuation pond will only manage surface water.

This plan also depicts an outfall from the site draining beneath London Road into a watercourse to the north. The outfall allows the ditch (which may be an ordinary watercourse) to the south of London Road to connect into it. However, the applicant must clarify the suitability of this arrangement. The flows within the ditch to the south of London Road are not known, the direction of flow within this ditch is also not known. This arrangement will alter the existing function of the ditch, therefore, the

applicant must demonstrate the suitability of this arrangement. If this arrangement will alter the existing flow path/s of this ditch, then the applicant must also clarify the suitability of this. The applicant must confirm the existing flow path/s of this ditch and the volumes of water that the ditch conveys.

The applicant must confirm whether this ditch is within their ownership.

It is understood that the outfall into the watercourse to the north of London Road will be a new connection. Therefore, the applicant will need to assess the condition and capacity of this watercourse to ensure that it can safely convey flows from this site (in addition to the existing flows which it currently conveys).

The connection into the watercourse to the north of London Road is outside of this planning application's red line boundary. Therefore, the applicant must confirm whether they have permission to form this outfall.

The applicant is reminded that there are watercourses within the north of the site (particularly adjacent to the south of London Road). These watercourses might need to be crossed to form the cycle path links and road access into the site. If possible, these crossings should be clear span.

As previously noted (within our comments dated 17th February 2020), it is understood that water features exist within this site. The applicant must assess these features and ensure that water can continue to be managed appropriately.

The applicant must confirm when a Landscape, Biodiversity and Drainage Strategy will be submitted for this area of Cranbrook. The applicant must submit a plan of the proposed surface water drainage features with the flood zones overlaid to demonstrate that the features are located within flood zone 1.

The applicant will need to address our comments from 17th February 2020.

## Summary

At this stage, the County Council as Lead Local Flood Authority is unable to withdraw its objection on flood risk grounds. 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

The Devon County Council's Historic Environment Team (HET) offer the following amended advice. These comments have been revised to refer to the 2021 revision of the National Planning Policy Framework and now advise the application of two conditions with regard to the archaeological mitigation as currently recommended by the HET.

The programme of archaeological work set out in the AC Archaeology document ACD1934/2/0 and dated the 20th May 2020, included within the Environmental Statement on pages 451 - 461, as mitigation for the impact of the development upon

the archaeological resource is acceptable to the Devon County Historic Environment Team.

As such, the Historic Environment Team would advise that any consent that may be granted by East Devon District Council should be conditional upon the following worded condition:

'The development shall proceed in accordance with the Written Scheme of Investigation prepared by AC Archaeology (document ref: ACD1934/2/0 and dated the 20th May 2020) and submitted in support of this planning application. 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'

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 HET 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 the above 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.

It is noted that Appendix 8 of the Environmental Statement relates to waste. Within this chapter, we are content that the applicant has identified the types of waste likely to be produced during the operational and construction phase, the methods to avoid waste occurring as well as the targets for the re-use of excavation waste for landscaping where possible.

Whilst we note in section 10.11 that a waste audit statement will be provided in the SWMP, we would request that the following information is provided to ensure the requirements of Policy W4 of the Devon Waste Plan are met:

- o Provide the amount of construction waste likely to be produced, in tonnes.
- o The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied. It is noted that the estimated volumes will be provided in a waste management plan.
- o The type of operational waste likely to be generated once the development is occupied.
- o It is noted that the disposal of waste through landfill will be the last option. However, we would request that for any waste materials that are unsuitable for reuse, recycling or recovery, confirmation of the location for their disposal; including the name and location of the waste disposal site is provided.

We recommend that a condition is attached to any consent to require the submission of this additional information within Appendix 8 of the Environmental Statement at the reserved matters stage.

The site is not located within or close to a Minerals Safeguarding Area or Mineral 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.

Yours sincerely,  
Mike Deaton  
Chief Planner

**\*\*See scanned letter in the 'documents' tab for the appendix\*\***

**DCC Historic Environment Officer**

**Comment Date: Wed 01 Feb 2023**

Thank you for your recent consultation. The Historic Environment Team will be responding as part of Devon County Council's overarching response to this re-consultation and the amended plans.

## Other Technical Consultee Responses

### Devon & Somerset Fire And Rescue Service

**Comment Date: Thu 23 Feb 2023**

Thank you for consulting Devon and Somerset Fire and Rescue Service regarding the above planning application.

I have studied the revised site layout drawings you have provided and they would (without prejudice) not appear to satisfy the criteria we would require for B5 access under Building Regulations. It would be beneficial if more detailed fire appliance vehicle tracking drawing is provided so B5 access can be assessed.

Consideration should be given at an early stage for the provision of fire hydrants for the development.

The Fire and Rescue Authority is a statutory consultee under the current Building Regulations and will make detailed comments at that time when consulted by building control (or approved inspector).

### Environment Agency

**Comment Date: Fri 07 Feb 2020**

Thank you for consulting us on this application.

Environment Agency position:

In the absence of an acceptable flood risk assessment (FRA) we object to this application. The reason for this position is provided below.

Reason - The site is located partially within flood zone 2 and 3, identified by Environment Agency flood maps as having a medium to high probability of flooding. We have reviewed the flood risk assessment (FRA) prepared by Stuart Michael Associates Limited (dated June 2019). Whilst we broadly agree with the conclusions within the FRA, we consider that it does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to assess the following two points.

- o Access/egress from London Road and Gribble Lane: the two road access points to the site are noted to fall within fluvial flood zones 2/3 and areas at risk from surface water flooding. The FRA should demonstrate that such access is considered safe and manageable in view of the associated flood risks.

o Pond feature: There is an existing pond feature in North East corner of site. This feature is identified on associated mapping, but it is not reflected in the report discussion. It is unclear how this pond is fed with water, what the overflow mechanisms would be, and how the feature will be removed to allow for development.

#### Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we will respond within 21 days of receiving it.

Production of a revised FRA may not in itself result in the removal of an objection.

Please contact us again if you require any further advice.

### **Comment Date: Wed 11 Mar 2020**

We have reviewed the submitted EIA Scoping report for Land to the West of Gribble Lane and we have no further comments to make in respect of the elements scoped in and out of the report.

There are however, outstanding issues with the proposal relating to flood risk and we maintain our position as set out in our previous response (dated 7th February) of an objection to the development on the grounds that an inadequate flood risk assessment has been submitted with the application. The reason for this position is reproduced below.

Reason - The site is located partially within flood zone 2 and 3, identified by Environment Agency flood maps as having a medium to high probability of flooding. We have reviewed the flood risk assessment (FRA) prepared by Stuart Michael Associates Limited (dated June 2019). Whilst we broadly agree with the conclusions within the FRA, we consider that it does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to assess the following two points.

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#### Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which

addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we will respond within 21 days of receiving it. Production of a revised FRA may not in itself result in the removal of an objection.

Advice regarding the EIA Scoping Report - Construction Environment Management Plan (CEMP)

The EIA Scoping Report indicates that a CEMP will be produced to mitigate risk of spillages. The following is advice for the applicant for the content of a CEMP.

A CEMP is best prepared with the main Contractor. It is a management system showing how the environmental risks are managed through the construction phase, in a similar way that Health and Safety risks are managed. A CEMP should also consider the management of waste on and from the site.

We recommend that a CEMP is drafted using the guidance from PPG6:

<https://www.gov.uk/government/publications/construction-and-demolition-sites-ppg6-prevent-pollution>

As a minimum the CEMP should:

- o Name an Environmental Clerk of Works responsible for managing the environmental risks and site waste management through the construction phase, including an environmental induction for the workers, sub-contractors, and utilities entering the site. They should also maintain 24 hour emergency contact numbers, undertake early liaison with the local Environment Agency Environment Officer and be responsible for the maintenance and management of pollution control measures such as spill kits.
- o Include Pollution Control measures to avoid silt run-off, which should be in place before the main ground works e.g. soil stripping are started. Often, silt control can be created where SUDs infrastructure is to be sited and refurbished at the landscaping phase, once all other surfaces are sealed on the site.
- o Protect biodiversity, sensitive sites and protected species, drawing on recommendations from environmental reports or statements supporting a planning application to ensure that biodiversity features to be retained as part of the development are protected through the construction phase and the correct ground conditions are left for the landscaping phase and biodiversity enhancements.
- o Identify high risk operations in the construction programme where a method statement should be agreed in advance with the local Environment Agency Environment Officer.

Please contact us again if you require any further advice.

**Comment Date: Wed 16 Dec 2020**

SUPERSEDED BY COMMENTS RECEIVED 15/02/2021

Thank you for re-consulting us on this application.

We have reviewed the additional documents submitted in support of this application.



We consider that our position remains unchanged from our last letter dated 11th March 2020. This is provided below and includes our comments on the Scoping report also:

#### Environment Agency position

We have reviewed the submitted EIA Scoping report for Land to the West of Gribble Lane and we have no further comments to make in respect of the elements scoped in and out of the report.

There are however, outstanding issues with the proposal relating to flood risk and we maintain our position as set out in our previous response (dated 7th February) of an objection to the development on the grounds that an inadequate flood risk assessment has been submitted with the application. The reason for this position is reproduced below.

Reason - The site is located partially within flood zone 2 and 3, identified by Environment Agency flood maps as having a medium to high probability of flooding. We have reviewed the flood risk assessment (FRA) prepared by Stuart Michael Associates Limited (dated June 2019). Whilst we broadly agree with the conclusions within the FRA, we consider that it does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to assess the following two points.

- Access/egress from London Road and Gribble Lane: the two road access points to the site are noted to fall within fluvial flood zones 2/3 and areas at risk from surface water flooding. The FRA should demonstrate that such access is considered safe and manageable in view of the associated flood risks.

- Pond feature: There is an existing pond feature in North East corner of site. This feature is identified on associated mapping, but it is not reflected in the report discussion. It is unclear how this pond is fed with water, what the overflow mechanisms would be, and how the feature will be removed to allow for development.

#### Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we will respond within 21 days of receiving it. Production of a revised FRA may not in itself result in the removal of an objection.

#### Advice regarding the EIA Scoping Report - Construction Environment Management Plan (CEMP)

The EIA Scoping Report indicates that a CEMP will be produced to mitigate risk of spillages. The following is advice for the applicant for the content of a CEMP.

A CEMP is best prepared with the main Contractor. It is a management system showing how the environmental risks are managed through the construction phase, in a similar way that Health and Safety risks are managed. A CEMP should also consider the management of waste on and from the site.

We recommend that a CEMP is drafted using the guidance from PPG6:  
<https://www.gov.uk/government/publications/construction-and-demolition-sites-ppg6-prevent-pollution>

As a minimum the CEMP should:

- Name an Environmental Clerk of Works responsible for managing the environmental risks and site waste management through the construction phase, including an environmental induction for the workers, sub-contractors, and utilities entering the site. They should also maintain 24 hour emergency contact numbers, undertake early liaison with the local Environment Agency Environment Officer and be responsible for the maintenance and management of pollution control measures such as spill kits.
- Include Pollution Control measures to avoid silt run-off, which should be in place before the main ground works e.g. soil stripping are started. Often, silt control can be created where SUDs infrastructure is to be sited and refurbished at the landscaping phase, once all other surfaces are sealed on the site.
- Protect biodiversity, sensitive sites and protected species, drawing on recommendations from environmental reports or statements supporting a planning application to ensure that biodiversity features to be retained as part of the development are protected through the construction phase and the correct ground conditions are left for the landscaping phase and biodiversity enhancements.
- Identify high risk operations in the construction programme where a method statement should be agreed in advance with the local Environment Agency Environment Officer.

Please contact us again if you require any further advice.

### **Comment Date: Thu 21 Jan 2021**

Thank you for re-consulting us on this application.

Environment Agency position

Following review of the letter from Tim Wood of Stuart Michael Associates (reference 6164/TSW/sma(01)) we are able to remove our objection to the proposed development.

Reason - The letter (ref. 6164/TSW/sma(01)) dated 09/10/20 submitted responds to the points raised within our previous consultation responses and satisfactorily addresses our concerns.

As the proposal progresses, it is important to recognise that access/egress between the development and Gribble Lane will be restricted at times of surface water

flooding, with a sole reliance on the main access on to London Road. Construction of the measures highlighted in the Flood Alleviation Scheme drawing (dated June 2020, ref. 6164.404 Rev. A) should be seen as an essential requirement of the development, both to manage surface water and the associated flood risks.

Your authority may wish to consider including a condition on any permission granted to ensure the delivery of this flood alleviation scheme, or to include the drawing reference 6164.404 revision A on the list of approved documents and plans.

Please contact us again if you require any further advice.

### **Comment Date: Thu 11 Feb 2021**

Thank you for re-consulting us on this application.

Environment Agency position

Following review of the drainage strategy drawings and the SMA letter dated 9th October, we are able to confirm that we have no objection to the proposed development. These subsequent documents address the concerns raised in our previous responses.

Reason - The letter (ref. 6164/TSW/sma(01)) dated 09/10/20 submitted responds to the points raised within our previous consultation responses and satisfactorily addresses our concerns.

As the proposal progresses, it is important to recognise that access/egress between the development and Gribble Lane will be restricted at times of surface water flooding, with a sole reliance on the main access on to London Road. Construction of the measures highlighted in the Flood Alleviation Scheme drawing (dated June 2020, ref. 6164.404 Rev. A) should be seen as an essential requirement of the development, both to manage surface water and the associated flood risks.

Your authority may wish to consider including a condition on any permission granted to ensure the delivery of this flood alleviation scheme, or to include the drawing reference 6164.404 revision A on the list of approved documents and plans.

Please contact us again if you require any further advice.

11/02/2021

### **Comment Date: Mon 15 Feb 2021**

Environment Agency position

Following review of the drainage strategy drawings and the SMA letter dated 9th October, we are able to confirm that we have no objection to the proposed development. These subsequent documents address the concerns raised in our previous responses.

Reason - The letter (ref. 6164/TSW/sma(01)) dated 09/10/20 submitted responds to the points raised within our previous consultation responses and satisfactorily addresses our concerns.

15/02/2021

As the proposal progresses, it is important to recognise that access/egress between the development and Gribble Lane will be restricted at times of surface water flooding, with a sole reliance on the main access on to London Road. Construction of the measures highlighted in the Flood Alleviation Scheme drawing (dated June 2020, ref. 6164.404 Rev. A) should be seen as an essential requirement of the development, both to manage surface water and the associated flood risks.

Your authority may wish to consider including a condition on any permission granted to ensure the delivery of this flood alleviation scheme, or to include the drawing reference 6164.404 revision A on the list of approved documents and plans.

Please contact us again if you require any further advice.

### **Comment Date: Mon 06 Feb 2023**

Environment Agency position

We reiterate our previous position that we have no objections to this proposal subject to the delivery of the Flood Alleviation Scheme drawing (dated June 2020, ref. 6164.404 Rev. A).

It is important that the delivery of the Flood Alleviation Scheme is secured. To achieve this, your Authority could include a specific condition on any permission granted, or include the drawing reference 6164.404 revision A, and LAR-LHC-00-00-DR-UD-0101 Rev P2 'Layout Plan' dated NOV 22 on the list of approved documents and plans.

#### Reasons - Flood Risk

Part of the site is located within Flood Zones 2 and 3. A sequential approach appears to have been taken to the layout to avoid new development within the floodplain. We are pleased the layout shown on drawing LAR-LHC-00-00-DR-UD-0101 Rev P2 'Layout Plan' dated NOV 22 by Lhc design reflects the overriding requirements of the NPPF. Importantly, we note the public open space element adjacent the B3174 shown on the plan, mirrors the Flood Alleviation Scheme drawing (dated June 2020, ref. 6164.404 Rev. A). We previously advised this should be seen as an essential requirement of the development, both to manage surface water and the associated flood risks, and should be delivered as part of the development.

#### Advice - Access/Egress

As highlighted in our previous response dated 10 February 2021, it should be recognised that access/egress between the development and Gribble Lane will be restricted at times of surface water flooding, with a sole reliance on the main access on to London Road.

Please contact us again if you require any further advice.

# Exeter & Devon Airport - Airfield Operations+Safeguarding

## **Comment Date: Thu 06 Feb 2020**

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

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

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

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

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Further to my last email, this development lies with the aerodromes crane permit area and 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 (see under "associated documents" tab, some safeguarding notes which all developers and contractors must abide by during construction and commissioning.

These include: Airport Operators Association (AOA) Advice notes: Cranes and other Construction Issues.

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

## **Comment Date: Mon 24 Feb 2020**

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

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

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

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

## **Comment Date: Fri 27 Nov 2020**

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

These amendments have been examined from an Aerodrome Safeguarding aspect

and do not appear to conflict with safeguarding criteria.

Accordingly, Exeter Airport has no safeguarding objections to this development provided there are no changes made to the current application and in addition to this we can now lift the objection that was lodged on the 21/05/19.

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

### **Comment Date: Mon 30 Jan 2023**

I acknowledge receipt of the amendments which relate to the Provision of updated site layout, site access and associated details, including updates to the Environmental Statement, and amended description to reduce the proposed number of dwellings from 200 to 180 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.

## **Historic England**

### **Comment Date: Wed 12 Feb 2020**

Thank you for your letter of 20 January 2020 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**

##### **Significance of Heritage Assets**

The application site is on elevated ground to the north of Rockbeare Manor, a complex of designated heritage assets centred on the grade I listed principle house of the same name. Rockbeare is a mid-18th century large country house, which although it has undergone works in the late 18th century and early 19th century, has preserved its regency character. The surrounding formal landscape is designated as a grade II registered park and garden (RPG) and was laid out in the late 18th century and early 19th century to form parkland and pleasure grounds. There are a number of other assets listed in their own right that form part of the complex, with two listed at grade II\*. This includes the grade II\* listed 18th century gate piers and gate which forms the principle access onto the site and are located along the northern boundary of the RPG. The piers are constructed with two faces. They consist of a rounded headed niche flanked by Doric columns with bands of vermiculated rustication under a low pediment. The decoration has been applied to the north-west and south-east elevation and will be visible to visitors as they arrive but also as they leave. Consequently, the site is heavily designated with a number of highly designated heritage assets and consequently, it holds considerable significance.

The landscape around the complex is largely rural with a few individual houses set within agricultural fields. The topography of the application site is flat forming a plateau on the top of the rise from the south. The site is dotted with a number of specimen trees. It is not clear whether this formed part of the wider parkland to Rockbeare Manor or a neighbouring estate. The application site is directly north of the grade II\* listed gates and provides the visitor with a strong rural character on the approach to this important complex of historic buildings. The gates are orientated to the north-west and consequently remain prominent in views on the approach road from Gribbles Lane leading to the historic roman road on the top of the plateau and the road running west towards Rockbeare. This rural landscape contributes to the kinetic experience on the approach to the country house, with the gates providing the formal point of access into the site and consequently an important feature in the contribution made by the formal landscape to the setting of the house. Its role as a key transition between the rural landscape and the formal garden's is an important part of its significance and therefore, the green rural landscape that forms its setting, contributes to its significance.

#### Impact of proposal

The proposal is to develop the site for 200 dwellings with all matters reserved except the point of access. The master-plan brings the proposed buildings up to the southern boundary of the site on the edge of the plateaux. This will be prominent in views from the gate piers and on the approach to the heritage asset. By creating an imposing line of modern development in an elevated position along the skyline, it will introduce urbanisation into the rural setting of the historic complex. This setting is an important part of the kinetic experience to the approach to Rockbeare Manor complex and of particular importance to the role of the grade II\* listed gate piers, which acts as the transition between the rural landscape to the designed character of the historic core site. Consequently, the introduction of modern development into the setting of the historic complex will cause harm through the erosion of the green rural landscape.

#### Planning policy context and position

Harm has been identified to the historic Rockbeare Manor complex, which includes the grade II\* listed Gate piers. In our view, the scheme fails to preserve or better reveal the significance of the heritage asset (Para 200, NPPF). We consider that significant steps need to be taken to avoid the impact of the development into the setting of the complex (Para 190, NPPF). The extent of reduction should be based on detailed photomontages that can appropriately and adequately assess the impact of development in views particularly from the main gate. The NPPF is clear that any harm needs to be clear and convincingly justified (Para 194, NPPF). In the current emerging Cranbrook Preferred Options Masterplan (2017/2018), development on this site has been set back a considerable distance from the southern boundary of the site. As a result, we are not convinced that the harm identified by this scheme can be justified if the council's own preferred Masterplan has identified a scheme that reduces the impact on the significance Rockbeare derives from its setting within their preferred master-planning document.

Due to the high significance of the assets affected, the NPPF highlights that when considering the impact of a proposed development on the significance of a

designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In light of the potential impact to a highly sensitive complex of buildings, we are not convinced that the current proposals would properly safeguard the significance of heritage assets both in the short and longer terms as required through Para 192, NPPF.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds.

Harm has been identified by the current application to the historic complex of Rockbeare due to the erosion of the green rural setting in view from the grade II\* listed gate, the principle access into the complex and an important transition point. Your authority, in consultation with your conservation officer and through appropriate visualisations being provided by the applicant, should seek significant setback of the proposed development boundary from the southern edge of the site (Para 190, NPPF). Historic England does not consider that the harm caused by this site is justified, as your council's own emerging Masterplan for Cranbrook has demonstrated that a less intrusive development could be accommodated on the site (Para 194, NPPF). Consequently, your authority needs to consider carefully whether the application meets the criteria of Para 192, NPPF and whether in its present form it would properly safeguard the significance of heritage assets both in the short and longer terms.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

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.

#### **Comment Date: Thu 10 Dec 2020**

Thank you for your letter of 25 November 2020 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

The outline application introduces urban development into the rural experience of the grade II\* listed gate piers and gates which form the principal entrance of the highly designated Rockbeare complex. The council should ensure that within the application there are sufficient safeguards to avoid any adverse impact at reserved matters stage.

The application site sits on elevated ground to the north of Rockbeare Manor, a complex of designated heritage assets centred on the grade I listed large regency



country house of the same name. The house is situated within a late 18th century and early 19th century parkland and pleasure grounds that is registered at grade II. Of principal interest to this application are the 18th century gate piers and gate which forms the main point of access into the site. These complement the classical references seen within the house through their architectural decoration and reinforce the property's status on the approach. Their more than special architectural and historic interest has result in the gate piers and gates being listed at grade II\*.

The landscape around Rockneare is largely rural with a few individual houses set within agricultural fields. This rural landscape contributes to the kinetic experience on the approach to the country house. The gates therefore play a key role in the transition between the rural landscape and the formal designated landscape that is the setting to the main house. This is an important part of its significance.

Historic England previously commented on this application (dated 11 February 2020) as well as the EIA scoping report that supports this application (HE ref PL00688542, dated 12 March 2020). This letter should be read in conjunction with our previous advice. The focus of these letters related to the treatment and approach to the southern boundary of the application site due to its encroachment into the green rural setting of the listed gates. We identified the need for further visualisation in order for the council to identify ways in which to avoid and minimise any adverse impact (NPPF, Para 190). The previous response highlighted that the council's own emerging Masterplan for Cranbrook identified that the site could accommodate a less intrusive scheme (NPPF, Para 194).

Appendix 30 of the EIA provides further photomontages including views from the gate towards the site. These demonstrates that there will be inter-visibility between the new development and gate piers, to a lesser or greater extent due to seasonal variability. Therefore the application will have some impact through the introduction and encroachment of urban development into the predominately rural experience of the gate piers (NPPF, Para 200).

The application is outline only with all matter reserved apart from access. We consider that the impacts identified could be wholly avoided through amendments to the position of the buildings within the site to allow for a greater buffer along the southern boundary reinforced by a robust landscaping scheme (NPPF, Para 190).

The council in their consideration of the proposals should ensure that the outline application allows for sufficient scope to address these outstanding concerns. They should be confident that the outline application can deliver a scheme that sensitively responds to the heritage constraints of the site at the reserved matters stage.

## Recommendation

Historic England has concerns regarding the application on heritage grounds.

The council need to be satisfied that they have sufficient safeguards in place in order to avoid or minimised the erosion of the rural landscape, which contributes to the significance of the grade II\* listed gate piers as derived from its setting (NPPF, Para 190).

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.

### **Comment Date: Wed 08 Feb 2023**

Thank you for your letter of 25 January 2023 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

#### **Historic England Advice**

The application site sits on elevated ground to the north of Rockbeare Manor, a complex of designated heritage assets centred on the grade I listed large regency country house of the same name. Of principal interest to this application are the 18th century gate piers and gate which forms the main point of access into the site. Their classical design contributes to their more than special architectural and historic interest which has result in the gate piers and gates being listed at grade II\*.

The landscape around Rockneare is largely rural with a few individual houses set within agricultural fields. This rural landscape contributes to the kinetic experience on the approach to the country house. The gates therefore play a key role in the transition between the rural landscape and the formal designated landscape that is the setting to the main house. This is an important part of its significance.

The application is an outline application for 180 homes with all matters reserved apart from access. Historic England previously commented on the application (dated 11 February 2020 and 9 December 2020) as well as the EIA scoping report that supports this application (HE ref PL00688542, dated 12 March 2020). This letter should be read in conjunction with our previous advice.

Our main interest is the treatment and approach to the southern boundary of the application site due to its encroachment into the green rural setting of the listed gates.

The revised illustrative masterplan shows an increase in SANGS along the southern boundary of the site. This significantly increases the buffer between the gates and the proposed development. We also note that on the illustrative masterplan the units to the south are 1 storey, further reducing their height and overall impact. This offers an opportunity by which the potential visual impact could be avoided and minimised.

We recognise that the application is outline only and with all matters reserved but access. However, the illustrative masterplan demonstrates that development can be achieved on this site that avoids and minimises harm to the historic environment (NPPF, Para 195). The council where possible should try to secure some of the key elements of this buffer, such as the SANGS, in ensure the safeguarding of the significance the grade II\* listed gate piers derived from their setting.

#### **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.

## Natural England

### **Comment Date: Mon 10 Feb 2020**

Thank you for your consultation on the above dated 20 January 2020 which was received by Natural England on the same date.

#### 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 the significance of these impacts and the scope for mitigation.

The following information is required:

- How the requirement for mitigation to deliver enhancement and conservation of the above European sites will be met through the provision of financial contributions and SANGS.

- Demonstrate that the necessary Suitable Alternative Natural Green Space (SANGS), allocated in the Cranbrook Plan, will be provided and secured.

- The SANGS and residential development phasing plans.

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 proposal.

Please re-consult Natural England once this information has been obtained and on the Appropriate Assessment.

Natural England's further advice on designated sites and advice on other issues is set out below.

#### Additional Information required

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

caused by that development.

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

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

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

#### Suitable Alternative Natural Green Space (SANGS)

Using the formula from Policy CB15 of the Cranbrook Plan Submission Draft 2013-2031, of 8ha of SANGS required per 1000 net new population, the proposed 200 dwellings should deliver 3.76 ha of SANGS. An area of approximately 3.55ha is indicated in blue on the Illustrative Masterplan July 2019, although it is unclear whether there are firm plans to lay this out as SANGS prior to this housing development.

However the boundaries are not compatible with the allocated SANGS area for The Grange contained in the Cranbrook Plan and some 3.2 ha of land proposed on the Cranbrook Plan policies map as SANGS to the west of Rewe Lane is shown for development.

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

From the information provided with the application to date, Natural England cannot advise the proposal complies with the requirements of the Habitats Regulations.

#### Other advice

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

#### Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Net gain

We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the National Planning Policy Framework (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.

The Interim Ecological Appraisal highlights the importance of the woodland, trees and hedgerows on the site for biodiversity, including dormice and bats, which are protected species. Please refer to our relevant Standing Advice (see above).

In accordance with the paras 170 & 174 of the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development. Note however this metric does not change existing protected site requirements.

In the Chancellor's 2019 Spring Statement, the government announced that it "will mandate net gains for biodiversity on new developments in England to deliver an overall increase in biodiversity".

Accordingly and to future proof the proposed development, we advise that the proposals are reviewed in light of this commitment towards the delivery of biodiversity net gain. On 29 July 2019, Natural England released the updated and improved Biodiversity Metric 2.0. This replaces the earlier 'Defra biodiversity metric'. Further guidance can be found at:

[https://www.ciria.org/Resources/Biodiversity\\_Net\\_Gain.aspx](https://www.ciria.org/Resources/Biodiversity_Net_Gain.aspx).

I

f you have any queries relating to the advice in this letter please contact me on [Alison.Slade@naturalengland.org.uk](mailto:Alison.Slade@naturalengland.org.uk).

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

Discretionary Advice Service.

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

### **Comment Date: Tue 15 Dec 2020**

Thank you for your email received 25 November 2020 requesting our comments on the October 2020 submitted Environmental Statement for the above application.

Our advice on the further information required to meet Habitats Regulations requirements was set out in our letter dated 10 February 2020 (attached). We have reviewed the above ES and the plans included as Appendices but consider that more robust evidence is necessary to demonstrate that the SANGS proposals would deliver all the requirements of Policy CB15 of the Cranbrook Plan Submission Draft 2013-2031. Care must be taken to avoid the residential layout causing the southern SANGS site to be isolated from the main SANGS to the east. The SANGS must be easily and safely accessible by residents and visitors, including dog walkers. Roads, swales and boundary features appear to restrict easy access to the proposed southern SANGS. We have also been unable to find evidence that a measurable biodiversity net gain will be delivered.

Without this information, Natural England may need to object to the proposal.

### **Comment Date: Wed 08 Feb 2023**

Thank you for your consultation on the above dated 25 January 2023 These comments supplement those made 10 February 2020.

#### **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 the significance of these impacts and the scope for mitigation.

The following information is required:

- o How the requirement for mitigation to deliver enhancement and conservation of the above European sites will be met through the provision of financial contributions and SANGs.

- o Demonstrate that the necessary Suitable Alternative Natural Green Space (SANGs), allocated in the Cranbrook Plan, will be provided and secured.

- o The SANGs and residential development phasing plans.

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 proposal.

Please re-consult Natural England once this information has been obtained and on the Appropriate Assessment.

### Suitable Alternative Natural Green Space (SANGs)

Using the formula from Policy CB15 of the Cranbrook Plan Submission Draft 2013-2031, of 8ha of SANGs required per 1000 net new population, the revised proposal for 180 dwellings should deliver 3.4 ha of SANGs. We welcome the proposed 3.4ha of SANGs within the site boundary, shown on Layout Plan Rev P2 19.01.23. However, it appears that 13 dwellings would still extend into the allocated SANGs area for The Grange, contained in the Cranbrook Plan. We appreciate that the layout seeks to retain existing important trees within open space. To create safe and convenient access to the SANGs we would like to see a pedestrian crossing indicated on the road between the LEAP and the SANGs.

An adequately sized, accessible car parking location, suitable for dog walkers, is necessary for the SANGs at The Grange, ideally within easy walking distance of this portion of SANGs. Without a dedicated car park, there is likely to be demand for visitor parking on residential streets.

The alternative Layout Plan - Option 2 Rev H proposes 199 dwellings and a new SANGs area to the south. We do not favour this alternative as it would create a separate parcel and not form a coherent boundary for the SANGs.

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

### Biodiversity net gain (BNG)

Since our 2020 comments were submitted our net gain advice has been updated. Please have regard to the following:

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 this metric does not change existing protected site requirements.

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 later in 2023.

In April 2022, Natural England released the updated and improved Biodiversity Metric 3.1 and accompanying guidance. We strongly advise the most up to date version of the metric is used to demonstrate that net gain requirements can be achieved.

## Additionality

Additional enhancements to the SANGs (over and above what is specified in the SANG's guidelines) can be delivered to achieve some of the BNG requirements. Where enhancement of a SANG is proposed for delivering BNG, the habitat value of the SANGs will need to be calculated through the biodiversity metric (both baseline and predicted BNG value).

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

If you have any queries relating to the advice in this letter, please contact me on [Alison.Slade@naturalengland.org.uk](mailto:Alison.Slade@naturalengland.org.uk).

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

**Comment Date: 28 June 2023**

## OBJECTION

**Natural England objects to this proposal.** 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's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that **it is not possible** to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question.

Natural England advises that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage.



Further assessment and consideration of mitigation options is required, and Natural England provides the following advice on the additional assessment work required;

- The alternative SANG, to replace the SANG identified in the Cranbrook Masterplan, has been secured and its suitability has been addressed.
- The impacts on existing rights of way are addressed.

Should the proposal change, please consult us again.

## **Comment Date: 3 July 2023**

### **Objection withdrawn**

Following receipt of further information on 03 July 2023, Natural England is satisfied that the specific issues we have raised in previous correspondence relating to this development have been resolved.

Please be advised that, on the basis of the mitigation outlined in the Appropriate Assessment being secured, Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and the Exe Estuary SPA/Ramsar and we withdraw our objection.

Should the proposal change, please consult us again.

## **National Highways**

### **Comment Date: Thu 26 Nov 2020**

Thank you for consulting Highways England on the submission of an Environmental Statement for the above application.

Highways England was originally consulted on application 19/1798/MOUT in January 2020 and issued our formal planning response on 11 February 2020, which I have attached for your ease of reference.

We have reviewed the Environmental Statement and other amended plans published on the Local Planning Authority website which relate to flood alleviation, S278 works and site access arrangements. Highways England is satisfied that the proposals contained within are unlikely to result in a change to the previously assessed traffic impact of the development on the safe operation of the strategic road network or the long-term integrity of its assets. As such we are content that our response of 11 February 2020 remains appropriate, and we have no additional comments to make.

I trust the above is clear, but do not hesitate to contact me should you wish to discuss further,

## **Comment Date: Wed 01 Feb 2023**

Thank you for consulting National Highways on amendments to the above application.

National Highways was originally consulted on application 19/1798/MOUT in January 2020 and issued our attached planning response on 11 February 2020 recommending the submission and agreement of a Construction Traffic Management Plan prior to commencement. In November 2020 we were consulted on further revisions relating to flood alleviation, S278 works and site access arrangements, and offered no objections to these subject to the application of planning conditions set out in our February 2020 response.

The amendments now proposed comprise an updated site layout, revisions to site access and associated detail and a reduction in the proposed number of dwellings from 200 to 180. Based on these revisions we remain satisfied that our attached response dated 11 February 2020 recommending conditions remains appropriate, and we have no additional comments to make.

## **Police Arch. Liason For Cranbrook**

No comment yet made

## **Comment Date: Fri 23 Jun 2023**

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

I welcome and support the comments regarding safety and security within the 'Placemaking Principles' section of the DAS. It is pleasing to see that designing out crime principles have been considered in the application and sincerely hope these translate into meaningful design should the application progress.

I note the illustrative masterplan. Whilst I appreciate it is only that, I would make the following comments and recommendations for consideration.

In general terms the layout will provide overlooking and active frontages to the new internal streets and public open spaces.

I note and welcome that much of the housing is shown as self-contained blocks with gardens aligned back to back which enables good overlooking outwards particularly over the public open spaces and adjacent footways.

Detailed design should avoid having accessible space to the rear of residential back gardens and where public space abuts private space, the two must be clearly defined with appropriate boundary treatments and the plots must be afforded defensible space to reduce the likelihood of conflict. See the examples (document on the document tab)

If any of the existing hedgerow is likely to comprise new rear garden boundaries then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does

not undergo radical seasonal change which would affect its security function. Boundary treatments to the front of dwellings are important to create defensible space to prevent conflict between public and private areas and clearly define ownership of space.

Suitable boundary treatments also need to be considered for the open space areas i.e. play areas etc. Whilst such areas appear to benefit from good natural surveillance opportunities, suitable boundaries will help to prevent conflict, aid supervision and protect against damage.

Where possible, pedestrian/cycle links should be well overlooked and straight. From the illustrative masterplan this appears to be the case, but opportunities must be taken to ensure that such links are afforded ample surveillance. See example in document under "document" tab.

In addition, such paths should be wide, devoid of hiding places, well maintained and well-lit to encourage legitimate use. Planting next to a footpath should be arranged with the lowest growing varieties adjacent to the path and larger shrubs, trees etc. planted towards the rear. Planting immediately abutting such paths should generally be avoided as shrubs and trees have a tendency to grow over the path creating pinch points, places of concealment and unnecessary maintenance.

Vehicle parking will clearly be through a mixture of solutions although from a crime prevention point of view parking in locked garages or on a hard standing within the dwelling boundary is preferable. Where communal parking areas are utilised, bays should be in small groups, close and adjacent to homes in view of active rooms. Rear parking courts are discouraged as they provide access to vulnerable rear elevations of dwellings and are often left unlit with little surveillance. If parking courts are considered for residential parking then these must be very well designed. They should only serve a small number of units and surveillance opportunities should be maximised and supported by appropriate lighting. Gating may also be needed as ungated courtyards can provide areas of concealment that can encourage ASB.

The site lighting strategy must provide proper and effective lighting for all relevant spaces which should include pedestrian/cycle links, parking areas as well as new streets. Lighting is advised to meet BS 5489:2013.

## Police Arch. Liason For Cranbrook

**Comment Date: Fri 23 Jun 2023**

25/01/2023

These amendments relate to Provision of updated site layout, site access and associated details, including updates to the Environmental Statement, and amended description to reduce the proposed number of dwellings from 200 to 180.

**Comment Date: Tue 31 Jan 2023**

Thank you for your consultation in relation to the revised plans of the planning application. I have nothing further to add to my comments submitted to the initial application. I have attached a copy of my response for your information.

# Royal Society For The Protection Of Birds

**Comment Date: Wed 16 Dec 2020**

We reviewed the Ecological Impact Assessments dated June & Nov 2019 and the recommendations set out in Section 4 and are pleased to see that more details will be included in an LEMP submitted with the Reserved Matters Application.

We were also interested in the open spaces plan which is a great improvement on the majority of major applications that we have seen recently.

We look forward to reviewing the LEMP which should in combination meet the Governments most recent Guidelines:

<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>

Provided the long term management plan of the green spaces within the development is effective together with the SANGs currently under development in and around Cranbrook most of the displaced avian species should be adequately protected but it will be interesting to see how the ones usually found within the built environment, including starlings (red listed) and swifts (amber listed) not mentioned in the report, can be encouraged to take up occupation and thrive as the recommendations are imprecise.

We recommend installing integral bird boxes in all new builds which is becoming common practice across the UK, for the last ten years we have been involved with putting this into practice in Exeter and elsewhere and found that as boxes designed for swifts are used by most species that nest/roost cavities in buildings and mature trees use them more or less exclusively.

We have attached a paper on the subject from one of the UK's leading Swift Conservation organisations and the 2020 report from the Duchy of Cornwall's Bird Box Monitoring Program to demonstrate the effectiveness\* of installing an average of one box per residential unit and appropriate numbers in non-residential buildings.

In addition to the above integral Bat Tubes/boxes and Bee Bricks should also be given due consideration together with Hedgehog Highways and the creation of an adequate tree canopy to link the green spaces within the development.

We strongly recommend that a bird box plan showing the locations and models specified are a composite part of the LEMP and a condition of the approval if granted.

We are reluctant to include nest cups for house martins and swallows in the above, they are retro-fitted as a consequence are easily removed and have a limited life

span, it would be preferable to encourage the new residents to install and maintain their own.

This condition should only be signed off with photographic evidence to show they have been correctly installed in the agreed locations !!

\* whilst the majority of the boxes have been occupied by house sparrows, significant numbers of starlings and surprisingly house martins have been recorded. Swifts usually take longer to get established and the presence of this year's non-breeders have been reported on site !!

## South West Water

### **Comment Date: Thu 23 Jan 2020**

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

We have for information previously been approached regarding the development and suitable points of connection to our infrastructure where capacity to support the proposals have been identified.

### **Comment Date: Thu 26 Nov 2020**

I refer to the above application and would advise that South West Water has no further comments to those already given.

### **Comment Date: Tue 31 Jan 2023**

I refer to the above application, and note that the FRA dated 17/07/2019 still applies in which the stated surface water drainage strategy is attenuation storage via SuDS prior to discharging controlled flows to an existing drainage ditch.

Based on this document, I would advise that South West Water has no objection subject to the foul and surface water being managed in accordance with the submitted drainage strategy.

## Sports England

### **Comment Date: Fri 27 Nov 2020**


Thank you for consulting Sport England on the above application.

Sport England has no further comment to make on this particular application. Please refer to our previous responses.

Should you require any further information, please do not hesitate to contact me on the number provided.

Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

## Appendix 2 – Appropriate Assessment

<b>The Conservation of Habitats and Species Regulations 2017, Section (63)</b>		
<b>Appropriate Assessment</b>		
<b>Application reference no. and address:</b>	19/1798/MOUT  Land West Of Gribble Lane Rockbeare (South Of Cranbrook).	
<b>Brief description of proposal: (Bullet point list of key proposals)</b>	Outline application for the construction of up to 180 dwellings and associated infrastructure, with all matters reserved apart from access.	
<b>European site name(s) and status:</b>	East Devon Heaths SPA - (UK9010121) East Devon Pebblebed Heaths SAC (UK0012602) Exe Estuary SPA (UK9010081) Exe Estuary Ramsar (UK 542)	

### **Stage 1 - Baseline Conditions and Features of Interest**

<p><b>List of interest features:</b></p> <p><u>East Devon Heaths SPA:</u></p> <p>Source: <a href="http://publications.naturalengland.org.uk/publication/6063170288353280">http://publications.naturalengland.org.uk/publication/6063170288353280</a></p> <p>A302 Sylvia undata; Dartford warbler (Breeding) 128 pairs (6.8% of GB Population when surveyed in 1994)</p> <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)</p> <p><u>East Devon Pebblebed Heaths SAC:</u></p> <p>Source: <a href="http://publications.naturalengland.org.uk/publication/6222265876217856">http://publications.naturalengland.org.uk/publication/6222265876217856</a></p> <p>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.</p> <p>The wet element occupies the lower-lying areas and includes good examples of cross-leaved (Erica tetralix – Sphagnum compactum) wet heath.</p>
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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 part of one of the four key expansion areas; in this case, The Grange Expansion Area. The principle of the town's expansion was itself subject to a Habitat Regulation Assessment in 2019 as part of the plan making exercise which also included an Appropriate Assessment (AA). While an application specific AA is now required, the assessment of potential impacts gathered in 2019 is still appropriate. For completeness the table prepared for that assessment is therefore reproduced below:

Summary Impact	Environment			Notes
	Exe Estuary SPA/ RAMSAR	Dawlish Warren SAC	East Devon Heaths SPA/SAC	
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/objection to management	x	x	x	Management interventions such as tree or scrub removal, water level management etc. can be sensitive and opposed by local residents, leading to issues achieving the necessary management
Damage to infrastructure, vandalism etc.	x	x	x	Direct damage can occur through graffiti and deliberate vandalism which tend to be issues at more urban sites
Predation by pet cats			x	Increased housing may lead to increases in local cat population; pet cats can range widely and predate a variety of bird and mammal species. Unlikely as a risk for Exe Estuary?

Extracted from: <https://eastdevon.gov.uk/media/2760803/habitat-regulations-assessment.pdf>

(Hoskin Liley, Panter and Wilson (2019) Habitats Regulations Assessment of the Cranbrook Plan 2013 – 2031)

Are there other proposals in the area which may give rise to 'in combination' effects?  
(List other proposals which have been considered)

#### Proposed development

The current application proposes the construction of up to 180 dwellings and associated infrastructure. The application is seeking outline consent, with all matters reserved apart from access.

#### 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 and Grange (which this site is part of). There are already resolutions to grant permission at Treasbeare which will deliver up to 1035 dwellings (120 above the allocation), on part of the Cobdens allocation which will deliver up to 1435 dwellings (222 above the respective part of the allocation) and at Bluehayes which will deliver up to 870 dwellings (28 dwellings above the respective part of 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 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 been out to consultation under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 and while further housing is proposed across the District it is considered too early to understand the final distribution of the housing and it's relatively proximity and therefore access to the environments.

#### Neighbouring Local Authorities

The Teignbridge emerging Local Plan 2040 completed three Reg. 18 consultations between 2018 and 2021 and 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 seeks 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 are significant additional housing developments either proposed or planned for in the coming years, of which the current proposal is part. As a result, the risk of the impacts are likely to increase. It is not anticipated that further unidentified impacts would result, only that those already recorded are more likely to occur, and could pose a greater level of risk.

Cumulatively, it is considered that this outcome would result in a likely significant effect, resulting in a failure to deliver the identified conservation objections for both designated environments and in particular the Exe Estuary and Pebblebed Heaths.

Owing to the geographical distance and physical relationship between the application site and Dawlish Warren, and based on the evidence of a marked drop off in numbers attracted to a particular receptor beyond 10km, impacts on this environment are not considered to be significantly likely. Focus for the rest of this assessment will be on the Exe Estuary and the Pebblebed Heaths.

\*[south-east-devon-european-site-mitigation-strategy.pdf](https://www.eastdevon.gov.uk/sites/default/files/2014-12/south-east-devon-european-site-mitigation-strategy.pdf) ([eastdevon.gov.uk](https://www.eastdevon.gov.uk))

### **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), 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 which is required more generally by the Cranbrook Plan, and specifically the site in question, 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 which 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 three means of providing mitigation:

- the direct delivery of SANGS (2c);
- the change the use of an additional area of adjoining agricultural land, within the ownership of the applicant to provide additional SANGS (2c)
- the provision of a financial contribution towards the Onsite Access Management (3) of the designated environments.

SANGS.

In line with the adopted Cranbrook Plan DPD, the development proposes the delivery of 3.4ha of SANGS, as shown in drawing number LAR-LHC-00-00-DR-EN-0101, Rev P2. Using the requirement of 8ha per 1000 population and based on occupation rates of 2.35 people per dwelling, the 3.4ha identified would be adequate to meet the needs of the site in question.

However, it is the Council's view that part of the land which the applicants wish to use as SANGS is unsuitable due to its narrow and constrained nature. There is also a sense that where houses immediately about the SANGS area, this provides an insufficient buffer and therefore a lower quality SANGS environment. Taken together, it means that, in the Council's opinion, the provision of SANGS within the proposal (primary application area) is considered to be inadequate and short by about 0.4ha. The area that the Council considers unsuitable for SANGS or which is of a lower quality (based on the current indicative layout), is shown below:



Given the above, application 23/0662/COU, has been submitted and seeks to change the use of some adjoining agricultural land to form supplementary SANGS.

Application 23/0662/COU now has a resolution to approve, and therefore subject to the securing of

- i. funding for the in-perpetuity maintenance of the SANGS and
- ii. the approval of application 19/1798/MOUT (the application to which this Appropriate Assessment relates);

will be approved. As part of the resolution to approve conditions relating to landscaping, delivery and management, signage and seating have also been secured.

The additional land, which is the subject of 23/0662/COU is within the same ownership as that of 19/1789/MOUT and has an area is 0.95ha as shown in drawing number LAR-LHC-00-00-DR-UD-0105, Rev P3, below:





The area subject to application 23/0662/COU, which has a resolution to approve, is outlined in red. The plan indicates the potential to expand the area further south, but this is not currently part of any application.

Extract of plan number LAR-LHC-00-00-DR-UD-0105, Rev P3.

To ensure that the relevant number of dwellings that can be supported by the SANGS remains in step with the SANGS which is delivered, it is proposed to restrict the number of dwellings that can be occupied to 160 dwelling until the additional SANGS land is made available (this reflects the 3.0ha of SANGS available on the main site).

Occupations above 160 and up to the proposed 180 dwellings should, therefore, only take place once delivery of the supplementary SANGS has taken place. The area of land within this second area is adequate to meet the needs generated by the residual 20 dwellings. While in actual land area term, its size exceeds the minimum required (0.4ha), it will be required to be delivered whole as a single block and not further subdivided or reduced in size to ensure that it makes a viable and usable addition to the primary SANGS area. If it were to be made smaller there is a serious risk that it would become too narrow and insufficiently inviting to be used for SANGS purposes.

For both areas, a detailed landscaping scheme needs to be either secured by condition or delivered through a subsequent application. Such a condition is proposed for the primary application (19/1798/MOUT) and secured on the supplementary SANGS application (23/0662/COU). The principle of the proposed tree planting and retention of existing trees on the site, which contribute positively to the setting of the area, is of benefit.

Furthermore, the proposed layout of the residential site would retain open spaces and be configured such that dwellings nearest the southern edge of the site would be single storey – this would reduce views of the site in the wider landscape, but also increase the feel of openness in respect of the adjoining SANGS. The approach would facilitate the creation of a variety of habitats to explore and would allow the identified land to fulfil the role of providing an alternative recreational

area to the protected European sites. In essence, the land and its layout would be appropriate for the key activities of walking and dog walking to take place in an attractive but less sensitive environment, especially when combined with the existing public access to adjoining country lanes and woodland.

At this stage there is nothing to suggest 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').

Provision of Biodiversity Net Gain (BNG) is a Cranbrook Plan Policy requirement. This will be secured through a legal agreement in the event that the residential development receives planning permission. There is adequate space within the site, especially when the land relating to the Change of Use application is taken into account, to provide at least the minimum 10% BNG requirement on site, noting that where BNG is delivered on SANGS land this could only be calculated as an uplift above any landscaping otherwise required for SANGS delivery.

#### Off Site Measures

The developers are also proposing the provision of a financial contribution towards direct measures affecting the designated environments. This Habitat Mitigation financial contribution would be secured via a S106 agreement, and would comprise £496.16 per dwelling (index linked from Q1 2020).

This contribution recognises 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). An appropriate phasing of the payment, based on the number of housing starts made in a given period, will be secured in a S106 agreement. 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 dwellings 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**

<b>Conclusion: Is the proposal likely to have an adverse effect on the integrity of any Habitats site?</b>	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.	
<b>Natural England's Response</b>	<p>Following receipt of further information on 03 July 2023, Natural England is satisfied that the specific issues we have raised in previous correspondence relating to this development have been resolved.</p> <p>Please be advised that, on the basis of the mitigation outlined in the Appropriate Assessment being secured, Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and the Exe Estuary SPA/Ramsar and we withdraw our objection.</p>	
<b>Do we need to consider alternative solutions</b>	No	
<b>Are there imperative reasons of Overriding Public Interest (IROPI)</b>	No	
<b>Final Assessment and Recommendation</b>	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.	
<b>Local Authority Officer</b>	B Chesters	<b>Date: 3<sup>rd</sup> July 2023.</b>