

Ward Cranbrook

Reference 20/1663/VAR

Applicant D S Developments (Exeter) Ltd

Location South Whimble Farm Clyst Honiton Exeter EX5 2DY

Proposal Removal of condition 16 of 16/1826/MFUL (decentralised energy network connection) to remove requirement for connection to the Cranbrook district heating network



RECOMMENDATION: Approval subject to conditions and S106 deed of variation (to be delegated to officers)



		Committee Date: 26.09.2023
Cranbrook (Cranbrook)	20/1663/VAR	Target Date: 30.09.2020
Applicant:	D S Developments (Exeter) Ltd	
Location:	South Whimble Farm Clyst Honiton	
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EXECUTIVE SUMMARY

This application is before members as the recommendation to approve is contrary to views expressed by Cranbrook Town Council, Cllr Hawkins, Cllr Blakey and Cllr Bloxham.

The application seeks to remove condition 16 (decentralised energy network connection) of application 16/1826/MFUL which granted planning permission for the demolition of agricultural buildings and erection of 19 dwellings. The removal of condition 16 would remove the requirement for the development to connect to the existing district heating network serving Cranbrook with alternative provision provided mostly via Air Source Heat Pumps (ASHP). It should be noted that the development is largely complete and at the time of writing, with 14 of the 19 dwellings occupied. The original application was also CIL Liable whereas the original Cranbrook application and subsequent expansion areas application are not CIL Liable.

Following the adoption of the Cranbrook Plan DPD in October 2022, Policy CB12 (Delivering Zero Carbon) superseded Strategy 38 in part and Strategy 40 in full of the East Devon Local Plan (EDLP) in full at Cranbrook. Policy CB12 seeks to maximise the proportion of energy from renewable or low carbon sources through ensuring connection to the District Heating Network subject to viability.

A previously submitted S73 application (ref. 19/2591/VAR) to remove condition 16 was appealed on non-determination grounds and dismissed due to a technically relating to affordable housing requirements. However, the Inspector stated that the insistence of a District Heat Network connection would be an unviable imposition in this case and without the connection, the proposal would still conform to Policies 38 and 40 of the EDLP.

In light of the aforementioned appeal decision, negotiations around this application sought to secure an alternative low carbon heat and hot water source. The details put forward to support this planning application include air source heat pumps (ASHP) to be installed on all dwellings apart from Plot's 5 and 6 which would be served by electric boilers for both heating and hot water as they are flats and it was asserted that ASHP's weren't feasible. Plots 5 and 6 achieve a Standard Assessment Procedure (SAP) rating of 84/100 and those dwellings with ASHPs achieve 86/100. The proposals are considered to be a reasonable low carbon alternative to powering the scheme which is viable for the applicant. Overall, the proposal is considered to meet the overall requirements of Policy CB12 and would deliver a reduction in carbon emissions.

Officers acknowledge concerns from Cranbrook Town Council and ward members however given the circumstances and appeal decision, it would be unreasonable to refuse the application. Therefore, the application is recommended for approval subject to conditions and S106 deed of variation to carry across all S106 provisions.

CONSULTATIONS

Local Consultations

Cranbrook - Cllr Kim Bloxham – 5 Sept 2021

I object to this application that requires removal to the connection to the decentralised energy network. This is not only contrary to Strategy 38 and 40 of the local plan but goes against the whole ethos of the development of the town of Cranbrook. Irrespective of the desire to achieve low carbon emissions removal of this condition would set this small development apart from the remainder of the town. Should this application go to Committee I reserve the right to review my comments until the final information is known.

Cranbrook - Cllr Kim Bloxham – 8 August 2023

Having looked at the amended application, I can no reason to change my view therefore I maintain my original objection.

Cranbrook - Cllr Sam Hawkins – 9 August 2023

I object to this application that requires removal to the connection to the decentralised energy network. This is not only contrary to Strategy 38 and 40 of the local plan but goes against the whole ethos of the development of the town of Cranbrook. Irrespective of the desire to achieve low carbon emissions removal of this condition would set this small development apart from the remainder of the town.

I am very concerned that the properties have been occupied despite the properties not complying with the permission granted.

Cranbrook - Cllr Kevin Blakey – 9 August 2023

I object to this application. The proposal to remove the requirement to connect to the decentralised energy network is a key requirement for all developers in Cranbrook, and the applicant has been well aware of this for several years but has made no apparent effort to install the network infrastructure. This application appears to be an attempt to override and avoid the obligation to connect the homes to the heating network.

It is also a matter of concern that many of the properties within this development have already been sold and are occupied, despite the fact that the dwellings have been constructed other than in compliance with the planning consent.

Development Delivery Project Manager - Andy Champion – 9 Oct 2020

Firstly, the removal of this condition is contrary to Strategy 40 of the local plan.

Secondly, it appears they are saying the scheme is not viable due to the increased costs associated with the connection to EON, which now renders the scheme unviable. If this is correct then they need to prove this to us. As such we would require a new 'full open book' Development Viability Assessment. If as they have said, they are looking at LPG connectivity and this mitigates the increased cost that has arisen as a result of EON's revised quote. Then we will need to see EON's quote plus details of the costings involved with the installation costs of LPG gas. Until we get that information and cannot comment further.

Development Delivery Project Manager - Andy Champion – 21 August 2023

I object to this application that requires removal to the connection to the Cranbrook district heating network. This is contrary to Strategy 40 of the East Devon Local Plan 2013 - 2031.

Clerk To Cranbrook Town Council – 30 Sept 2020

The Committee considered

(b) Planning Application 20/1663/VAR for the removal of condition 16 of 16/1826/MFUL (decentralised energy network connection) to remove the requirement for a connection to the Cranbrook district heating network.

The Committee discussed the removal of social housing and how allowing this amendment may set a precedent for future developments.

The Committee commented that the original planning permission was granted under the premise of being joined to the heating system as well as including the social housing provision and were uncomfortable with the change in direction of the developers.

It was proposed by Cllr Barry Rogers, seconded by Cllr Colin Buchan and resolved to

(d)not support Planning Application 20/1663/VAR for the removal of condition 16 of 16/1826/MFUL to remove the requirement for a connection to the Cranbrook district heating network.

Clerk To Cranbrook Town Council – 20 July 2021

Cranbrook Town Council Planning Committee discussed planning application 20/1663/VAR on the 19 July 2021, minute ref P/21/55, and resolved to to object to this application and would like to comment that:

' the developer had removed some two metres of mature hedgerow and crossed a verge, both owned by the Town Council, without consent in order to make other utility connections and the Town Council would like the East Devon District Council Planning Enforcement Department to ensure this was reinstated.

'the original application included a safe path connection with the town to remove the need for children walking and cycling to school to pass alongside the B3174 and to create a safer connection direct to the town, the Town Council would like East Devon District Council Planning Department to work with the developer to ensure this path was put into place.

Parish/Town Council – 29 June 2022

The Committee considered the application for removal of condition 16 of 16/1826/MFUL (decentralised energy network connection) to remove requirement for connection to the Cranbrook district heating network having noted its previous consideration on 19 July 2021. The Chairman suggested that the application be reviewed in conjunction with application 20/2028/VAR below.

The Chairman reminded councillors that planning consent had been granted for the demolition of agricultural buildings and the erection of 19 dwellings on 20 November 2018 under application 16/1826/MFUL with conditions regarding the connection to district heating and the provision of five affordable homes. Both aspects had been subject to applications for removal for some time. Members considered that the homes should be connected to district heating and the costs should be part of the costs of the dwellings which were for sale. Alternative green heat sources were equally if not more costly and the Committee considered other solutions as unacceptable.

The Committee agreed that South Whimble Farm formed part of Cranbrook and was located within the first phase of the town. One of the key considerations was that the development of 19 homes would be properly integrated within the town and part of this integration would be facilitated by the connection to the district heating network. The town sought a net zero carbon solution for heat and in order to achieve that, the residents of Cranbrook were tied into a district heating contract with E.ON. The Committee considered that it would be grossly unfair for developers to be allowed to divert to other heat sources as their purchasers would be treated and be subject to differing contracts and costs, resulting in a potential "us and them" scenario.

The developer cited viability as the reason for the application and suggested that 17 of the homes would have heat source pumps with two social housing units connected to electric heating. With E.ON connection charges of approximately £8,000 per unit, the Committee considered the question of heat source pumps meeting viability tests as problematic and questionable - the concern being that if £8,000 was considered unviable, heat source pump systems would be too and the next stage could be a move towards reversion to conventional boilers.

The development at South Whimble Farm had been ongoing for many years and there had been no visible attempt to instal the groundwork infrastructure for district heating. Subsequently, there was a concern that there had never been any intention to do so.

In summary, if Cranbrook was to achieve net zero and South Whimble Farm was to become integrated into the town, the homes should be connected to district heating and the costs should be included in the costs of the dwellings which were for sale. Alternative green heat sources were equally if not more costly and other solutions were considered unacceptable by the Committee.

It was proposed by Cllr Barry Rogers, seconded by Cllr Colin Buchan and resolved to continue to object to the application to remove condition 16 to connect to the district heating network on the basis of promoting a development which would be integrated with the remainder of the development at Cranbrook and not set apart, the aim of net zero and supporting the development of the waste-to-energy project.

Parish/Town Council – 14 August 2023

There is nothing in this recent re-submission of the application to remove condition 16 (and the requirement to connect to the decentralised energy network) which changes the previous view of the Town Council and the Committee therefore re-states its previous objection.

Technical Consultations

Environmental Health – 23 July 2021

I have no objections to the removal of condition 16.

Environmental Health – 10 August 2023

I have reviewed the technical data on the ASHP's and I have no Environmental Health concerns.

Housing Enabling Officer – 31 August 2023

Having now understood the precise nature of this application, I withdraw my objection.

Other Representations

No comments have been received by neighbouring properties.

POLICIES

Adopted Cranbrook Plan DPD

CB12 (Delivering Zero Carbon)

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 38 (Sustainable Design and Construction)

Strategy 40 (Decentralised Energy Networks)

EN14 (Control of Pollution)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

OFFICER REPORT

Site Location and Description

South Whimble Farm was a brownfield site, adjacent to phase one of Cranbrook. The site is accessed from the B3174 to the south and a brick farm house sits in the centre of the site (excluded from the red line boundary).

At this time, the site is in construction with 14 dwellings occupied. The connection to Cranbrook Phase 1 within the development site has been completed.

Relevant Planning History

16/1826/MFUL

In 2018 the above site received planning approval for a total number of 19 dwellings, with the existing farmhouse being retained. Of the 19 dwellings, 26% (equating to a total number of 5) were to be affordable homes.

The location of the site outside of Cranbrook at the time, resulted in a need for 50% on-site affordable housing provision in accordance with Strategy 3 and a higher CIL rate of £125/m². The application underwent a viability appraisal, which concluded that 26% affordable homes could be achieved across the site.

This permission was subject to the following planning condition:

16. Connection to Energy Network

The development hereby approved shall be connected to the Decentralised Energy Network in the locality. The buildings shall be constructed so that the internal systems for space and water heating are connected to the

decentralised energy network prior to their first occupation for their permitted use.

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

19/2591/VAR (Appeal Ref. APP/U1105/W/20/3254780)

An appeal was submitted due to the non-determination of this section 73 planning application submitted by PCL Planning on land at South Whimble Farm. The application was submitted in November 2019 and was found to be invalid and was later appealed due to the failure to validate it.

The submitted s73 application had sought to remove condition 16 of 16/1826/MFUL relating to a requirement to connect to the district heating network in the locality. In addition to this, the applicant's appeal documentation (and not their s73 application form) sought a change to the affordable housing percentage, taking it from 26% to 0%.

In determining the appeal, the Inspector concluded that the matter of amending the affordable housing percentage fell beyond the scope of the section 73 application and such changes should be sought through the variation of the s106 agreement and a separate determination process.

The appeal then considered the removal of condition 16 which required the applicants to connect to the EON district heating network that served the rest of Cranbrook. The Inspector made reference to Strategy 40 of the East Devon Local Plan which requires schemes of 10 or more dwellings to connect to an existing or proposed district energy network (DEN), where it is viable to do so.

In this instance, evidence was submitted to demonstrate a quoted connection charge to the DEN of £8,193/dwelling, which was considerably above what was envisaged prior to the determination of the original application. This, in addition to the high CIL rate was considered by the Inspector, that a connection to the DEN would be an unviable imposition. Nevertheless, due to the inability of the Inspector to consider the amendment of the affordable housing requirement the appeal was dismissed on the 17th March 2021.

The application subject of this report is a duplicate of the appealed section 73 application but seeks only to remove the condition 16 and a separate request to amend the affordable housing provision and carry over existing S106 requirements has been made (ref. 20/2028/V106). At the time of writing this report, the V106 application is yet to be determined but is now in a position to be taken forward as the developer has identified a Registered Provider to take on the affordable units and so appropriate amendments to the s106 regarding the tenure split can be made to facilitate this.

It is acknowledged that this application has been with the LPA for a considerable period of time. The reasons for this are multiple and in the first instance, a delay ensued whilst the aforementioned appeal was determined. When the application subject of this report was submitted it did not include the provision of alternative low carbon technologies for heating and hot water. Negotiations resulted in the ASHP's being proposed in mid-2021, after the appeal had been dismissed. However, at that time the tandem V106 application was seeking to entirely remove the requirement for affordable housing provision, largely due to the developer not having secured a Registered Provider willing to take on the 5 units in accordance with the S106 provisions. The total removal of the affordable housing provisions was not acceptable to the Council and therefore the applicants were asked to explore alternative affordable housing mixes with RP's with support from our housing team. The positive determination of this S73 application would require an S106 deed of variation to ensure that the S106 provisions continue to apply; it would therefore make most sense to determine both applications at similar times and have one overarching S106 deed of variation. Application 20/2028/V106 shall be determined under delegated powers.

ANALYSIS

The proposal seeks planning consent for the removal of Condition 16 of planning consent 16/1826/MFUL (connection to DEN) which requires a connection to be made to the existing Cranbrook DEN system.

This condition reads:

16. Connection to Energy Network

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

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

Development of the previously consented scheme has begun with a number of the properties being occupied (14 at the time of writing). No changes are proposed under this application to the overall layout, car parking, landscaping, design and access of the scheme.

Viability

Strategy 40 of the East Devon Local Plan requires schemes of ten houses or more to connect to existing or proposed DENs in the locality to bring forward low and zero carbon energy supply and distribution. However, this is only where it is viable to do

so, which is an approach consistent with Paragraph 157 of the National Planning Policy Framework (the Framework). It is noted that this policy is no longer relevant at the application site as it was superseded within the Cranbrook Plan Area with the adoption of the Cranbrook Plan in October 2022.

In respect of Cranbrook, Strategy 40 was replaced with Policy CB12 (Delivering Zero Carbon) that states that all development at Cranbrook will be designed, constructed and perform to the highest practicable and viable whole life sustainability standards possible. As with Strategy 40, ensuring a connection to the District Heating network is subject to viability.

In line with Strategy 40, all of Cranbrook to date is served by a district heating system supplied by an energy centre immediately to the west of the town, on a concession operated by E.ON. During the course of the original planning application (16/1826/MFUL), it was understood that conversations were being had between the applicant and E.ON and it was further conditioned that prior to commencement, details of below ground infrastructure (including any connection to EON) should be provided to the LPA.

On the 5th April 2019, Condition 5 (below ground Infrastructure) was discharged, where details were provided to show the connection point for the scheme and this included DEN connection.

Since then further conversations with E.ON established a higher connection cost than first expected, and in line with Strategy 40 as was applicable at the time (now CB12), the applicants were advised that this should be demonstrated through an open book viability exercise if amendments to the scheme were to be sought.

The Planning Practice Guidance is very clear on that fact that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage and as such we would require a new 'full open book' Development Viability Assessment.

As noted above, the location of the site outside of Cranbrook at the time, resulted in a higher CIL rate of £125/m². The original Cranbrook application was not CIL Liable and the additional cost of CIL alongside the DEN connection was factored into the viability of the scheme. Following the adoption of the Cranbrook Plan in 2022, the entire plan area is not CIL liable meaning the specific circumstances of this application are unlikely to be present elsewhere in Cranbrook and within the District.

Evidence has been submitted that demonstrates the connection cost per plot increased from £2,500 to £8,193 per dwelling which was reflected within the viability assessment and correspondence from E.ON that the applicant submitted to support the appeal (referenced above).

The Planning Inspector noted the following within the appeal decision (p. 12):

“It is evident that due to changes in funding, each dwelling within the Original Permission would have a connection charge of £8,193 to the DEN at Cranbrook, which is markedly above that originally envisaged. This combines

with the CIL rate that the Original Permission faces, which is significantly higher than the new £nil rate at Cranbrook, which also now applies at South Whimble Farm outwith the Original Permission. Together, these matters indicate that the insistence of a DEN connection would be an unviable imposition in this case, particularly given the marginal viability of the Original Permission, a matter accepted by the Council at the time...”

The conclusion reached by the inspector was that due to the circumstances of this application, Condition 16 was unnecessary, and therefore with regard to this planning application and in the absence of any information to demonstrate that the viability of the scheme has improved, and having regard to the current economic climate making such upward changes in viability unlikely, it would be unreasonable to reach an alternative conclusion in relation to a requirement to connect to the DEN. The objections and concerns raised by consultees and members of the public have been taken into account but in this instance, the findings of the appointed Planning Inspector acting on behalf of the Secretary of State, are considered to carry greater weight and it would be unreasonable to refuse permission.

Alternative Proposal

Policy CB12 (Delivering Zero Carbon) of the Cranbrook Plan states that all development at Cranbrook will be designed, constructed and perform to the highest practicable and viable whole life sustainability standards possible.

The consented scheme has been implemented and therefore changes to the design, layout and use of additional fabric first methods are not possible.

There is a zero carbon objective for the rest of Cranbrook in line with Policy CB12 and therefore it was considered appropriate for this scheme to look at low carbon alternatives as it is not viable to connect to the DEN.

The documentation initially submitted proposed LPG, but did not demonstrate that any other alternatives were explored. The proposal of LPG was considered by the council as unacceptable as it is a fossil fuel where two thirds of it is extracted from the earth in the same way as natural gas and the rest derived indirectly from crude oil (petroleum). The Future Homes Standard consultation documents stated that heat networks are envisaged, along with heat pumps, to be the prime ways of low carbon heating being achieved going forward. There is no suggestion in that document that the use of a fossil fuel derived LPG would be low carbon.

Amended details were then submitted to support this planning application which included Air Source Heat Pumps (ASHP) to be installed on all dwellings apart from Plots 5 and 6 which would be served by electric boilers. The air source heat pump locations are shown on drawing number 1997/16/010 REV V: Proposed Site Plan (submitted 02 Sep 2022) and have been indicated by a red cross. The technical details of the heat pumps have also been submitted.

The sound power level of the ASHP's being used is 58 dB which means the sound pressure level is 47dB(A). With regard to their locations, the majority of them are situated either next to the garage or on the side of the properties which is not facing

any bedroom windows. Taking this into consideration along with the separation distances, it is not considered that these locations would be problematic with regard to noise or disturbance in accordance with Policy EN14 (Control of Pollution).

It is also understood that the installer has advised that 1.6m is needed between the house and boundary to ensure they work correctly, which can be achieved and this has been confirmed on site.

Plots 5 and 6 are proposed to be served by electric boilers and will be a combination type, providing heat via a radiator system (the same as a gas boiler) and hot water. Officers have raised concerns with electric boilers as they can be more expensive to run and are not classed as renewable energy. Officers have discussed this with both the Housing Enabling Officer and the Registered Provider of which no objections were raised to electric boilers. Plots 5 and 6 achieve a SAP rating of 84/100 and those dwellings with ASHPs achieve 86/100 meaning the overall SAP ratings are similar. Furthermore, an electric system could allow the resident to use a 100% renewable tariff and the registered provider (as these units are the affordable flats) may choose retrofit PVs in the future. The applicant has spoken with their energy assessor, who have advised that the electric boilers proposed are 99% efficient. Therefore, whilst concerns are raised with electric boilers, on balance, they are acceptable having regard to the viability issues that have been demonstrated.

A separate application has been submitted which seeks approval for the variation of the Section 106 in respect of the alteration of the tenure of the affordable housing units and to carry obligations to S73 applications.

Officers note Cranbrook Town Council's objection to the planning application, however it raises some issues which are not pertinent to the removal of condition 16, which this application relates to. The pedestrian link has been completed within the site and the comments made regarding the unlawful removal of part of the hedgerow has been passed onto the Planning Enforcement Officer to deal with accordingly.

CONCLUSION

In conclusion, the removal of condition 16 is considered to be acceptable in this instance. Due to the circumstances of this application, a connection to the district heat network is not viable and the applicant has provided suitable alternatives which accord with Policy CB12. This application should not be seen as setting a precedent for the expansion of the town where Policy CB12 applies or wider development in the West End and the default expectation is for the continued roll-out of district heating.

The application is therefore recommended for approval subject to conditions and S106 deed for variation.

The S106 agreement for 16/1826/MFUL does not allow for the S106 to be carried over to any S73 applications meaning a deed of variation is required. This may be dealt with as a single DOV alongside the determination of application 20/2028/V106.

The previous approval included a number of conditions and approved plans. Some of these plans were amended with an approved non-material amendment application

and other conditions have been discharged. The list of recommended conditions below reflects these changes and the fact that development has begun, in order to ensure they remain relevant, in accordance with the Planning Practice Guidance.

RECOMMENDATION

APPROVE subject to an s106 deed of variation to carry over the provisions of the s106 agreement for 16/1826/MFUL and the following conditions:

1. The development hereby permitted shall be taken to have been begun on 5 August 2020, when this application was registered by the Local Planning Authority.

(Reason - In order to establish a legal commencement date for the development to enable the development to be monitored by the Local Planning Authority.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

Submitted as part of 20/1663/VAR:

1997/16/010: rev V Proposed Site Plan 02.09.22; and

Approved as part of Application 16/1826/MFUL:

1997/16/001 A Location Plan 22.12.17

DSSWF 013317b Landscaping 23.03.18

1997/16/011revD Proposed Combined Plans 19.12.19

1997/16/015revF Proposed Combined Plans 19.12.19

1997/16/012revD Proposed Combined Plans 19.12.19

1997/16/013revE Proposed Combined Plans 19.12.19

1997/16/014revE Proposed Combined Plans 19.12.19

1997/16/016revE Proposed Combined Plans 19.12.19

1997/16/017revB Proposed Combined Plans 01.03.18

(Reason - For the avoidance of doubt.)

3. Materials

Development shall be carried out in strict accordance with the material schedule details as discharged on the 31 January 2019 in relation to condition 3 of planning permission 16/1826/MFUL.

(Reason: To ensure that the materials are sympathetic to the character and appearance of the area in accordance with policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031).

4. CEMP

Development shall be carried out for its duration in strict accordance with The Construction, Environmental Management Plan received by the Local Planning Authority on 14 December 2018 and discharged on 21 December 2018 in relation to the discharge of condition 4 of planning permission 16/1826/MFUL.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policy EN14 (Control of Pollution) and EN18 (Maintenance of Water Quality and Quantity) of the adopted East Devon Local Plan 2013-2031).

5. Bird boxes

The 8 number Schwegler swift nesting boxes as shown on drawing number 1997/16/010 Rev V Proposed site plan received by the Local Planning Authority on 8 January 2019 as part of the discharge of condition 6 of planning permission 16/1826/MFUL shall be installed prior to the first occupation of each of the respective host plots.

(Reason - To secure adequate protection and mitigation measures to safeguard the bio-diversity resource of the site, in accordance with Policies D1 (Design and Local Distinctiveness) and EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031 and the National Planning Policy Framework 2018).

6. Bat Boxes

The 7 number Schweglar 1FR bat tubes as shown on drawing number 1997/16/010 Rev V Proposed site plan received by the Local Planning Authority on 8 January 2019 as part of the discharge of condition 7 of planning permission 16/1826/MFUL shall be installed prior to the first occupation of each of the respective host plots.

The temporary bat boxes as also shown on the same drawing number and further detailed in the illustrations received 11 January 2019 and discharged as part of condition 7 of planning permission 16/1826/MFUL shall be installed prior to the first demolition of buildings on the site and retained in place for the full duration of the construction period.

(Reason - To secure adequate protection and mitigation measures to safeguard the biodiversity resource of the site, in accordance with Policies, D1 (Design

and Local Distinctiveness) and EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031 and the National Planning Policy Framework 2018).

7. Drainage

Development shall be carried out in strict accordance with the details as shown on drawing number 0500 Proposed Drainage Layout Rev P3 dated June 2018 and received by EDDC on the 14th December 2018 and discharged as part of condition 8 of planning permission 16/1826/MFUL on 5 April 2019.

(Reason - To ensure that suitable means of surface water drainage are provided for the development and in the interests of amenity and to preserve and enhance the character and appearance of the area to avoid conflict with proposed landscape planting in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) and EN22 (Surface Runoff Implications of New Development) of the adopted East Devon Local Plan).

8. Landscaping

Development shall be carried out in strict accordance with the details as shown on drawing number DSSWF 013317B received by EDDC on the 23rd March 2018 and as discharged on 5 April 2019 in relation to condition 9 of planning permission 16/1826/MFUL.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan and with the guidance contained within the National Planning Policy Framework 2018).

9. Architectural features

Development shall be carried out in strict accordance with the details as shown on the following drawing numbers discharged on 5 April 2019 in relation to condition 10 of planning permission 16/1826/MFUL

- o 1997/19/600 Window Detail received on the 5th March 2019;
- o 1997/19/601 UPVC Double Door Detail received on the 5th March 2019;
- o 1997/19/602 Single Door Detail received on the 5th March 2019;
- o 1997/19/603 UPVC Door with Glazed Panel Detail received on the 5th March 2019;
- o 1997/19/604 Detail Showing Junctions between Materials received on the 5th March 2019;
- o 1997/19/605 Detail Showing Boundary Walls and Retaining Walls Rev C received on the 21st March 2019;
- o 1997/19/606 Detail Showing Fencing and Supporting Structure received on the 5th March 2019;
- o 1997/19/607 Detail Showing Gate and Supporting Structure received on the 5th March 2019;

o Marley Rainwater goods brochure received on the 5th March 2019;

For the avoidance of doubt, the wall and curb detail shown on drawing number 1997/19/605 rev C and which includes the pier details, relates to the boundary walls shown for plots 12,13 and 14. The boundary walls adjacent to and to the front of plots 7, 8, 9, 10, 11, 16, 17, 18 and 19 shall be constructed with the same bond pattern and capping detail as that shown for plots 12 -14 inclusive, but without the brick piers.

(Reason - To secure an acceptable standard of detailing for the buildings to produce a high quality development in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031 and the guidance set out in the National Planning Policy Framework 2018.)

10. Garages

No dwelling shall be occupied until the garage(s) and/or parking spaces agreed to serve that dwelling have been provided in accordance with the approved details. Such garages and parking spaces shall thereafter be retained and be available for the parking of vehicles.

Reason - To ensure required parking facilities are provided and available for use upon occupation of the dwellings and thereafter in accordance with Policy TC9 (Parking Provisions) of the adopted East Devon Local Plan 2013-2031).

11. Northern Footpath Link

No more than 10 number dwellings shall be occupied until the northern footpath link has been delivered to the boundary of the site in accordance with the approved plans. For the avoidance of doubt this includes its complete construction and final surfacing.

(Reason - To allow for an improved future connection to the wider town in the interests of sustainability in accordance with Policy TC4 (Footpaths, Bridleways and Cyleways) of the adopted East Devon Local Plan 2013-2031).

12. Lighting Scheme

Within two calendar months of the date of this decision, details of a lighting scheme shall have been provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused.

(Reason: For the avoidance of light pollution and to minimise disturbance/impact on ecology in accordance with Policy EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031).

13. Road and Servicing

No dwelling shall be occupied until the following works have been carried out: The spine road including the vehicle turning head has been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed.

(Reason: To ensure that adequate access and associated facilities are available for the traffic attracted to the site and to satisfy Policies TC4 (Footpaths, Bridleways and Cycleways) and TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013 - 2031 and with the guidance contained within the National Planning Policy Framework 2018).

14. Temporary Sales Office

No dwelling or garage building hereby permitted shall be used as a temporary sales office, and no land shall be used as temporary parking for prospective purchasers/tenants, unless and until a plan identifying the buildings and land to be so used, and details of any temporary surfacing of land for parking purposes, has been submitted to and approved in writing by the Local Planning Authority. This temporary use shall operate only as agreed under this condition, and shall cease to be so used for each sub-phase on or before the date of the sale or rental of the last dwelling on the site, and the relevant building shall thereafter revert to its function for which reserved matters approval is hereby granted i.e. as a dwelling house or as an ancillary curtilage structure to a dwelling house.

(Reason: To clarify the scope and terms of any temporary uses of buildings and land within the site and to ensure that such activities are designed and laid out in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031).

15. Air Source Heat Pumps

The Air Source Heat Pumps where proposed shall be installed prior to the first occupation of each respective dwelling and thereafter such heat pump technology shall be retained for the lifetime of the development, with the exception of where a dwelling proposes to connect to the district heating network in the locality.

Reason: To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions, and in the interests of residential amenity, in accordance with policy CB12 of the Cranbrook Plan DPD and strategy 38 of the East Devon Local Plan 2013-2031.

16. Permitted development rights removal

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modifications) no development shall be carried out on the street frontage on the identified plots

that would otherwise be permitted by the following Parts and Classes of Schedule 2 of the above Order Part 1 (Development within the curtilage of a dwellinghouse) Class F; Part 2 (Minor operations) Class A for the following plots: 1,2,3,4,12,13,14

(Reason -To retain an appropriate, high quality appearance for the development in accordance with policies D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031 and in accordance with the guidance set out in the National Planning Policy Framework 2018).

17. Visibility Splays

Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram C where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 90.0 metres in both directions in so far as the application site is affected.

(Reason: To provide adequate visibility from and of emerging vehicles in accordance with Policy TC7 9adequacy of Road network and site Access) of the adopted East Devon Local Plan 2013-2031).

18. SAP Ratings

All dwellings approved with an Air Source Heat Pump (Plots 1-4 and 7-19) must comply with the Predicted Energy Assessments prepared by AES showing a SAP score of 86 out of 100.

All dwellings approved with an Electric Boiler (Plots 5 and 6) must comply with the Predicted Energy Assessments prepared by AES showing a SAP score of 84 out of 100.

Evidence of this, relevant to each plot, shall be provided to the Local Planning Authority and agreed in writing prior to occupation of each dwelling

Reason: To ensure the development is sustainable in accordance with Policy CB12.

NOTE FOR APPLICANT

Informative:

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

The approved plans and details under application 16/1826/MFUL and referenced in the conditions included with this planning permission can be viewed on the East Devon Council Website: <https://planning.eastdevon.gov.uk/online-applications/search.do?action=simple&searchType=Application>

List of Background Papers

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

Statement on Human Rights and Equalities Issues

Human Rights Act:

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

Equalities Act:

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