

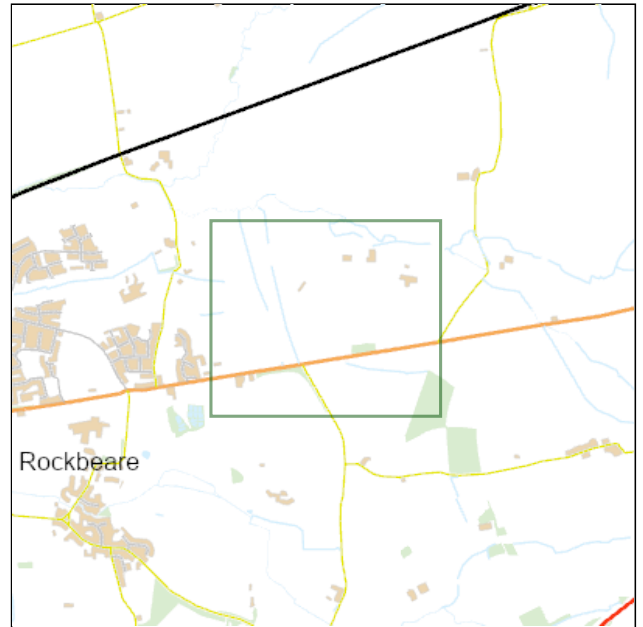
Ward Cranbrook

Reference 14/2945/MOUT

Applicant Cranbrook LVA LLP

Location Farlands London Road Whimble Exeter EX5 2PJ

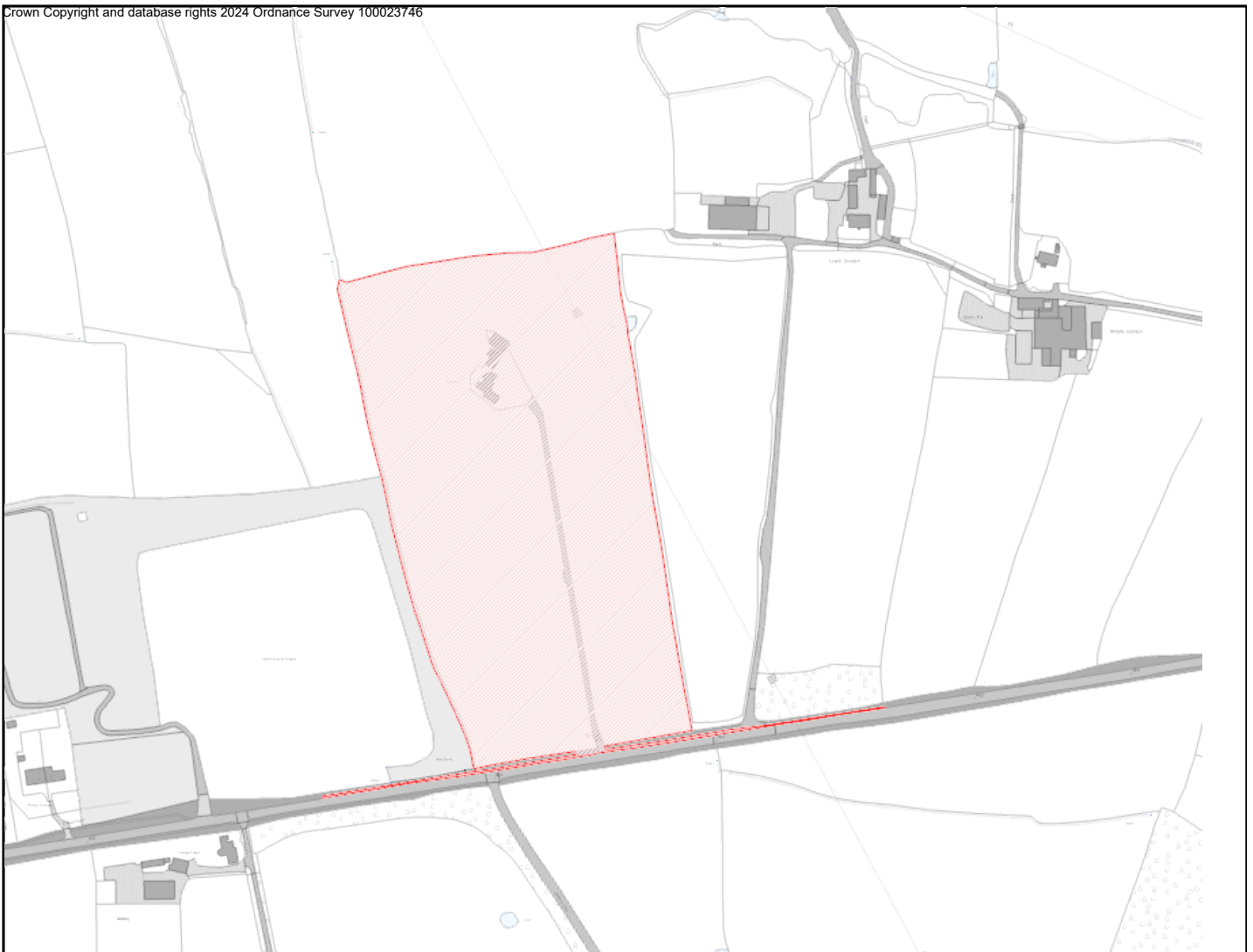
Proposal Development of up to 260 houses, commercial/retail uses, public open space including youth sports pitch, vehicular access and associated infrastructure (outline application with all matters reserved except access and accompanying Environmental Statement)



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

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		Committee Date: 17.12.2024
Whimble And Rockbeare (Rockbeare)	14/2945/MOUT	Target Date: 29.04.2020
Applicant:	Cranbrook LVA LLP	
Location:	Farlands, London Road Whimble	
Proposal:	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)	

RECOMMENDATION:

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

EXECUTIVE SUMMARY

This application is before the Planning Committee as it is a major application where the view of the Town Council and Ward Members conflicts with that of Planning Officers.

The application relates to a largely rectangular field of approximately 7.5ha in size which has a former WWII radio station in the centre and a connecting driveway/track to it from the London Road to the south.

The site is relatively flat and except for the former garden /yard area around the dwelling, is used for agricultural proposes. Overgrown trees and bushes are located in the centre of the area but save for a small number of trees in the perimeter hedgerow there are no other trees of particular note. An important feature for the site however is the presence of retained overhead powerlines which cut diagonally across the northeast corner of the site. The site has a notable field ditch and field drain system running along part of the boundary.

Outline planning permission is sought for the erection of 260 dwellings, and associated infrastructure including the provision of part of the Cobdens Neighbourhood Centre and a junior football pitch. Apart from access, all matters are reserved.

The proposal would involve the formation of a single vehicular access on to London Road but with the expectation to further connect to the rest of the Cobdens expansion area located to the north and east. In addition provision is made for a pedestrian connection to the west in order that the proposed junior football pitch which also forms part of the proposed development can be properly connected to the adjacent Ingram sports hub which is owned and managed by the Town Council.

The site is located within the Cranbrook Plan area and benefits from falling within both the built-up area boundary and the allocation for mixed use development known as Cobdens under Policy CB4. As such the principle for development is in accordance with adopted Policy leaving the technical details, specific topic-based policies and other material considerations as the determining factors.

The key considerations are:

- In terms of landscape and visual impact the site is well located on the lower area within the allocation; is surrounded on two sides by the recently issued planning permission for up to 1435 dwellings and has London Road on its southern edge. While its western boundary with Ingrams is more “exposed”, the presence of the proposed junior football pitch nevertheless helps with the transition. More particularly the site is read as being located within the urban area of the town. It is not considered that there are significant detrimental issues in respect of landscape and visual character.
- A key consideration during the assessment of the application has been the presence of the watercourse along the western boundary and the objection by the Environment Agency in 2023. This was on the basis that while indicative, the proposed masterplan showed that some of the proposed houses were being located on the edge of the narrow flood zone that results from the watercourse and runs along the western boundary. To overcome this, the applicants have prepared a revised masterplan taking the properties out of the flood risk area while still maintaining the proposed 260 units.
- Highway impact and junction design has also been a notable aspect of the proposal and stands as one of the outstanding objections from the Town Council and local Members. This is on the basis of the risks associated with an uncontrolled T junction from the development on to the main London Road and its relationship with an increased number of other junctions locally. However the Local Highway Authority have carefully reviewed the design which includes a segregated footway/cycleway along the site frontage and have not raised any objections (subject to proposed conditions).
- In terms of biodiversity and ecology the proposal which is required to provide 10% BNG under adopted policy (rather than the statutory

framework) also has the potential to impact upon a number of species of wildlife. It has been evidenced that BNG can be achieved through a mixture of on and off site enhancements and with proper protection, impact on specific species can be adequately mitigated.

- The agricultural land is classified as being a mixture of grades 3a and 3b resulting in only about $\frac{1}{4}$ of the site being classified as best and most versatile (ie that which falls within grade 3a). This is a modest amount and not of a level which is considered determinative for the application.
- In terms of impacts on heritage and the historic environment there are no listed buildings or structures whose setting would be affected by the proposed development – while the loss of the WWII station can be mitigated through the installation of interpretation boards.
- With a suitable management plan which could be secured by condition there are no objections in respect of pollution or waste which can also be adequately controlled.
- There are no existing neighbours who are sufficiently close that they would have their residential amenity affected by the proposed development.
- 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. However, there is no school proposed and no policy provision for a school as part of this application (the school land has already been secured elsewhere within Cobdens). Therefore, in the event that this application is approved, restrictions on phasing will be required within the Section 106.
- Phasing is also fundamental to the identified habitat mitigation which in this case is proposed off site – albeit under the control of the applicant on a site in Parsons Lane. Notwithstanding its off-site nature, the SANGS proposed under application references 24/1291/COU and 24/1292/FUL would need to be delivered ahead of the first occupation and suitable controls secured to capture this requirement.
- Contributions would need to be secured towards highway works and public transport provision as well as other Cranbrook Infrastructure – the amount to be in accordance with the equalised approach for items in the IDP.

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.

1. CONSULTATION RESPONSES

Town and Parish Council Responses

Town Council:

Comments received:

24/03/16; 05/12/19; 12/12/2019;_06/06/2023;

06/02/24 - The Town Council resolved that whilst the principle of development of the site was acceptable as it was in accordance with the Cranbrook Plan, the Committee Objected to the application on the following grounds:

1. Access and highway layout

The Committee objects to the proliferation of uncontrolled junctions connecting this part of Cranbrook to the London Road. The only controlled junction proposed to date is Cobdens with in excess of 1400 homes being served with a single traffic light controlled 'T' junction. Additionally in this locality, junctions directly opening on to the London Road include this application (260 homes), Ingrams (150+ homes) and Grange (180+ with a further 600+ at a later stage). These are in addition to the existing access to Ingrams Sports Centre as well as several smaller developments and private access points.

Given what is known about the difficulties at Station Road, Broadclyst and the fact that these developments are likely to each deliver more vehicle movements at peak times than Station Road does today - and the fact that the vast majority of rush hour traffic will seek to head west towards Exeter resulting in a majority of right turns across both traffic lanes, these proposals when considered together represent real concerns for motorist frustration, drivers seeking rat runs through residential parcels and collisions. Given that the Planning and Highway authorities are already working on a scheme to divert Station Road traffic through the Bluehayes parcel and connect to London Road via a new roundabout, the thinking in this locality seeks to deliver something substantially worse. The whole scheme around this locality needs to be thought through collectively and at the very least major development connections with London Road should be light controlled or via one or more roundabouts.

In addition, the routing of substantial housing developments on to London Road as proposed has the impact of making London Road an inner by-pass for Cranbrook. This seems completely opposite thinking to the proposed calming of London Road and its transition into a slower less used route.

The proximity of the proposed neighbourhood centre along London Road will result in passing trade stopping along London Road to access the retail units and result in inappropriate and dangerous parking. Couple this with the traffic levels highlighted above.

There is no pedestrian crossing over London Road proposed, yet this application does include a pedestrian crossing over the adjacent cycle way. Pedestrians are expected to cross an uncontrolled highway but have the benefit of a pedestrian crossing to negotiate the few additional metres over the cycle way. This is flawed thinking - there should be safe pedestrian crossing facilities over BOTH the highway and cycle way.

2. Ecological Impact

The application lacks clarity as to how biodiversity net loss will be managed. This coupled with the fact that, at best, there is a 15% net loss, indicates that the proposals for 260 homes within the parcel is overdevelopment.

3. Other Matters

Whilst these matters are reserved, the Committee wishes to raise the following:

' The indicative layout, overall housing numbers, high number of flats with no outside space, streetscene with terraces with substantial proportion of unallocated parking in front of homes and the very low percentage of larger family homes is not supported as this will lead to an unattractive urban landscape and exacerbate the already unbalanced community that is Cranbrook today. The indicative proposals are more akin to town centre development and the Committee did anticipate a more balanced delivery in this locality.

' The Council would seek a commitment to allocated parking provision for all householders including, in each case, access to electric vehicle charging points as well as EV charging available on visitor parking allocation.

' The Council would seek early conversations about the layout of public green areas in order to ensure that they are protected from damage by inconsiderate parking and provide genuine and usable areas of public open space. The indicative areas of grass on corners as shown on the sketch plan are both vulnerable to damage and afford no amenity value.

' The Council seeks clarity on the future management of public open space as the developer is outside the contract between the Town Council and New Community Partners.

' Clarity is sought on the proposed links to Ingrams Sports Centre including both how the access will cross the existing eastern boundary hedge and ditch and also the responsibility for delivering the continuation of pathways within Ingrams to connect to the remainder of the site.

' The proposed youth pitch is located in a wet area of the Farlands site and will, no doubt, be affected by periods of not being playable. Whilst the Ingrams facility being adjacent has considerable need for an all-weather surface, the Council is concerned that such a facility in the proposed location would be isolated from the sports centre and subject to misuse. Therefore, the Council would ask the Planning Authority and Developer to give further consideration to the best use of this part of the site by making the best provision possible for amenity use by local residents and their families. A Multi Use Games Area (MUGA) open to the community would be one suggestion.

' The final proposals should, in some measure, recognise the history of the second world war radio station that was located within Farlands and it is recommended that there is wider engagement as to how this is best achieved.

Ward Members:

Cllrs Kevin Blakey, Kim Bloxham and Sam Hawkins

08/02/24 - The following are comments agreed by Ward Members and relates to access to/from the proposed site, and the ecological impact of the development.

We wish to object to the proposals for the following reasons;

Access; The proposed road junction of the site central road and London Road is unacceptable because it is uncontrolled and will create congestion, particularly for those wishing to turn right and head towards Exeter. We see a good example of the chaotic conditions that occur during peak periods at the junction of Station Road (to Broadclyst) and London Road. Naturally, the volume of traffic will increase as the Cranbrook expansion zones are built out, adding to the difficulty. The junction will be on a long stretch of straight road, sometimes known as the Rockbeare Straight, on London Road, which also has a number of other uncontrolled junctions. For these reasons we wish to see a control mechanism for the junction, preferably in the form of a roundabout. Where these have been employed elsewhere on London Road, they are very effective in slowing vehicle speeds and allowing joining/leaving traffic to filter in/out. If, for reasons of space, only a T junction is feasible, this should be controlled by traffic lights, although we would hope to avoid this because the equipment required is expensive, unreliable, uses electrical power and can create a light nuisance for nearby residents, as well as being ineffective in calming traffic speeds on the main road.

Ecological Impact; The ecology report states that the proposed development will reduce biodiversity on the site by 15%-30% whereas new developments are expected to increase biodiversity by a minimum of 10%. It is therefore self-evident that this is unacceptable.

General Comments re; Reserved Matters; The indicative site design is, in our view, dull and unimaginative. It also seeks to build 260 dwellings, 138 of which are 1 or 2 bed flats and houses, some 53% of the total. Only 51 4- bedroomed houses are proposed and no 5-bedroom or larger houses. This will perpetuate the unbalanced nature of the Cranbrook community which, as we have said before, needs to be addressed. The developable site is 5.54ha so a housing density of 47 dwellings per

hectare is proposed which, in our view, is too dense for this semi-rural location. That number is more likely to be expected in a town centre.

The site will require careful attention to surface water drainage. It is adjacent to flood zones and surrounded by ditches, overdevelopment as proposed could create problems with drainage in ever more frequent heavy rains.

Adjoining Parish Councils:

Clyst Honiton

Comments received:

24/3/2016

24/3/2016 - The Parish Council supports the comments of Cranbrook Town Council and would stress the need to constantly refer to new adopted plan policies.

Re Point f) There needs to be clarity as to whether this is part of Cranbrook's strategic house allocations or is a bolt onto Strategy 2. Needs to be in Master plan.

The Parish Council also has concerns about this site supporting Strategy 11 & reflecting the hierarchy of walking, cycling and public transport infrastructure provision

Rockbeare

Comments received:

22/3/2016; 19/11/2019

19/11/19 - Rockbeare Parish Council has considered the above detailed application and wishes to make the following comments:

The Parish Council strongly resists the increased density from 250 to 260 houses - Cranbrook is already far too dense;

The Parish Council strongly oppose as direct junction with the old A30 (just to the east of Gribble Lane); we were originally promised a roundabout just to the west of Gribble Lane and a conventional junction will offer much less traffic flow

Whimble

Comments received:

30/3/2016; 03/12/2019;

03/12/19 - Whimble Parish Council object to this application. It has concerns with the number of dwellings proposed and the associated parking issues. Access to the site is only onto London Road outside of the 40 mph zone and almost directly opposite a lane leading into Rockbeare. There is no provision for a cycle route other than onto the busy London Road. There needs to alternative access into the rest of the Cranbrook development. Concerns were also raised about the over-ground electricity cables being placed under ground and properties built on potentially contaminated land. Further concerns were raised about drainage and flood risk on

the proposed site. This application should be part of the Cranbrook expansion review hearing that is due to take place in January and not be a separate application before the hearing and decision is made public.

Technical Consultations Responses (summary)

Contaminated Land Officer

Comments Received:
14/11/2019;

14/11/19 - I have considered the application and do not anticipate any contaminated land concerns as any surface contamination will be removed at the oversite stages. In the event that unforeseen contamination is encountered I recommend that the following condition is included in any approval:

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

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

CPRE – The Countryside Charity

Comments received:
29/03/16;

29/03/16 - This site is adjacent to Phase I of Cranbrook and in the area identified for Cranbrook extension. Therefore the principle of development is acceptable.

It would be preferable for this application to come forward once the Masterplan for Cranbrook is complete, so that the development in this area to the east of Cranbrook phase 1 could be planned in a co-ordinated manner. There are some concerns about access to the site and how this would relate to other proposed developments in the area.

DCC Archaeology

Comments received:
21/3/2016; 18/11/2019;

18/11/19 - I refer to the above application and your recent re-consultation. The Historic Environment Team has no further comments to those previously made, as set out below and revised in the light of revisions to the National Planning Policy Framework (2018).

The proposed development lies in an area of archaeological potential and in a landscape that contains evidence of prehistoric and Roman activity, as well as the

site of WWII radio station. The planning application has been submitted with a desk-based assessment undertaken by AC Archaeology and additional archaeological investigations have been undertaken in the surrounding landscape that have characterised the nature of archaeological deposits in this area and the information gained does not indicate any requirement to undertake further archaeological investigations in support of the planning application. However, groundworks for the construction of the proposed development still have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric and later archaeology known to be present in the wider landscape.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would recommend the imposition of a suitable condition.

DCC Highways

Comments received:
17/5/2016; 30/10/2024

30/10/24 - 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, with all matters reserved except for access seeks consent for the above proposals.

As part of the formal response provided by DCC dated 2 February 2021, it was recommended that the application was deferred until such a time, where previous highway comments and concerns were appropriately investigated and resolved. Traffic impact on the local network wasn't considered as an issue at the time, which still applies.

Since then, the application has evolved and where surrounding parcels have obtained favourable decision notices in the interim, which in turn has helped shape the revised proposals that form part of this scheme.

Access

The applicant has proposed a degree of traffic calming features along the sites frontage, that also includes a pedestrian and cycle network as part of policy CB24 requirements in the Cranbrook Plan. With the adjacent Cobdens site now having obtained planning permission, with a signed s106, this proposal would see an extension to the consented traffic calming arrangements along this stretch of London Road, and as such the principle of the previous concerns raised has been addressed.

As development sites are built out, the environment of London Road will be significantly altered that will support and provide much greater walking and cycling opportunities along with materially slower vehicle speeds than that as existing. The revised proposals on London Road compliment and marry into what has now been consented. Should the development come forward in advance of the Cobdens scheme, an interim gate way feature instead of the consented road narrowing feature will need to be provided and a TRO application to relocate and reduce the speed limit.

As part of future reserved matters applications access points will be provided to connect the Farlands and Cobdens parcels. Not only will this promote NMU permeability, but to also provide an alternative option for vehicles to access the wider network onto the MLR extension, which forms part of the Cobdens highway obligations. With this expectancy, the consented adjacent developments and the revised plans submitted, the necessity for a right turn lane at this location is not considered as an absolute requirement in this instance.

DCC Note the proposed crossings and bus stops along London Road as part of this scheme and the neighbouring Gribble Lane West, which is subject to a signed s106. It needs to be ensured, (should consent be granted for this scheme) a coherent approach is taken, and a clear understanding on which party will be delivering the necessary above works. Discussions with DCC will need to be held as the progress of both future parcels evolve.

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.

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, to be secured through a section s106.

Summary

Considering the obligations set out in the relevant policy documents for the applicant to fulfil, and with the above in mind, should a favourable decision notice be decided, the Highway Authority would recommend that the following are also to be secured (as well as the requirements under the heading 'Transport Assessment and S106 Contributions' as above) through a S106 agreement and planning conditions.

- The timing of the delivery of all access points (including their internal connections), any associated alterations to the public highway, any crossing points, NMU access points and full and appropriate NMU access thereto on London Road are to be secured through a S106 and agreed in writing with the Highway Authority.
- To produce an appropriate Travel Plan. Its detail to be agreed S106 stage.
- To submit and secure a TRO for the required posted speed limit and any other signage on London Road, the extents and locations, to be agreed in writing with the Highway Authority. The TRO(s) 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.

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

- Details of lines, levels, layouts and any necessary visibility splays, as generally shown on the following drawings, to also include full and appropriate pedestrian and cycle access to be agreed
- Details of highway surface water management to be agreed
- Construction management plan to be agreed

DCC Lead Local Flood Authority

Comments received:
21/04/16; 20/11/2024

20/11/24 - Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, subject to conditions.

DCC Strategic Planning

Comments received:
17/5/2016; 02/02/2021

02/02/2021 – summary of comments (excluding highways and flood risk as these are separately listed)

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 Department for Education and County Council's position is that new education facilities required to serve a new development should be funded by that development through fair and proportionate contributions. The manner in which the County Council undertakes school place planning is set out in our Education Infrastructure Plan3 and the Education Section 106 Infrastructure Approach (February 2020).

While the Cranbrook Plan is yet to be adopted, this response identifies requirements as if this is a standalone application. If the Cranbrook Plan is adopted in advance of the determination of this planning application, we would need to have the opportunity to update our response to accord with the development plan.

Primary education and early years

A recent assessment of education capacity for Cranbrook, which includes nearby primary schools at Rockbeare and Whimble, identifies that there is currently little available capacity at the existing primary schools when taking into account approved but unimplemented development. As such there is the need for the early delivery of new primary school provision (age 2 – 11) within the Cranbrook expansion areas.

Devon County Council has identified that the proposed 260 dwellings would generate an additional 65 primary pupils. DCC as Local Education Authority will not object to this application subject to the imposition of a Grampian style condition that would prevent any dwelling being occupied before a serviced primary school site to serve the Cranbrook expansion areas is transferred to DCC. The Council recommends such a condition is required as without it there are insufficient school places available for the children who would live in the proposed new development.

In addition to certainty of the early delivery of a new primary school site being given, the Education Authority would require proportionate financial contributions towards it. The primary and early years contributions based on the DCC Education Infrastructure Plan and the Education Section 106 Infrastructure Approach (February 2020) are provided.

Secondary education

Devon County Council has agreed with EDDC to request a £2,598,992 (indexed to Q2, 2019) S106 contribution towards secondary education provision for Cranbrook's expansion areas. The Education Authority requires this proposed development to make a proportionate contribution towards this cost. This application of 260 dwellings is equivalent to 6.2% of the total proposed 4,170 expansion area dwellings (based on the emerging Cranbrook Plan) and therefore would be required to make S106 contributions of **£161,138** (6.2% of £2,598,992) with indexation to the point of payment.

Any further housing growth beyond 7,670 dwellings would require further secondary education infrastructure S106 contributions in accordance with Devon County Council's Education Infrastructure S106 Approach (February 2020). The cost of

secondary (extension) pupil places is £22,513 per place. 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 March 2019.

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).

Special Education Needs

The Education Authority would require S106 contributions for Special Education Needs provision based on Devon County Council's Education Infrastructure Section 106 Approach (February 2020)

Childrens Services

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

Youth Services

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

Library Services

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

Extra Care Housing

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

Waste and Minerals

It is noted the application is not supported by a Waste Audit Statement and it is recommended that a condition is attached to any consent to require the submission of a statement at reserved matters stage to demonstrate all opportunities for waste minimisation, reuse and recycling have taken place at both the construction and operational phases.

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

Health and Wellbeing

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.

Environment Agency

Comments received:
31/3/2016; 29/11/2019; 12/6/2023; 21/02/2024

21/02/24 - Environment Agency position

Following review of the submitted 'Sketch Layout' 14093_SK01.03 Rev P2 dated 07.12.23, we can withdraw our previous objection subject to the inclusion of conditions on any decision notice. The suggested wording for these conditions and the reason for this position is provided .

Environmental Health

Comments received:
14/3/2016; 14/11/2019; 16/6/2023

15/06/23 - I have considered the updated plans, particularly the addendum Environmental Statement. There is a letter from Clarke Saunders, noise consultants dated 16th October which concludes that there is no material change in noise concerns. However, an updated noise report will be required at reserved matters stage to ensure that current and predicted traffic flows on the road are taken into account when designing mitigation.

CEMP condition recommended.

Exeter Airport - Airfield Operations and Safeguarding

Comments received:
9/3/2016; 25/11/19;

25/11/19 -

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

Green Infrastructure Project Manager (EDDC)

Comments received:
24/04/16

24/04/16 – General comments:

The analysis of the wider Green Infrastructure (GI) network is poorly expressed. The Design & Access statement makes no reference to the Growth Point GI strategy or the Clyst Valley Regional Park. The existing Percy Wakely Woodland Trust site 360m south-east of the application site has also not been identified, nor the former parkland immediately south of the site and west of Gribble Lane. Known as The Grange, this site was however listed in the ecological assessment and is a proposed County Wildlife Site.

The importance of London Road as a fast sustainable commuter link to Exeter, but there is no commitment to a shared off-road pedestrian/cycle way beyond the boundaries of the development. However, the importance of providing high quality off-road pedestrian/cycle links to Cranbrook east and west of the site is recognised.

The boundary hedges and mature native trees, the former occupied by dormice, are correctly identified as a constraint and an opportunity. A commitment to reinforcing these assets through native tree, shrub and wildflower planting is welcomed, as is the commitment to ensure that SuDS provide biodiversity and amenity benefits.

Parameters Plan - Landscape Strategy Ref 14093_L01_06.04 identifies trees to protect, a good quantity of new street trees, retention and enhancement of hedges, buffers to ditches, but insufficient integral bird/bat boxes. The plan is described as 'preliminary'. Clarification of whether this is to be regarded as 'illustrative' only should be sought.

(full text in the appendices)

Housing Enabling Officer (EDDC)

Comments received:
9/3/2016; 22/11/19

22/11/19 - This application covers part of the eastern expansion area known as Cobdens expansion area which is allocated in the draft Cranbrook Development Plan Document under policy CB4 for mixed use development. The site is also allocated under the Local Plan as the Cranbrook expansion area (W144C) under strategy 9 & 12.

Under Strategy 34 of the local plan a target of 25% affordable housing is sought (65 units) with a tenure mix of 70% rented and 30% shared ownership or other affordable home ownership route. The affordable units should be dispersed throughout the development and tenure blind so as indistinguishable from open market housing. They should be transferred to and managed by a preferred registered provider.

Policy CB11, Cranbrook Affordable Housing of the draft Cranbrook Development Plan states that affordable housing will be required on residential developments within the built up area boundary of Cranbrook at a rate of not less than 15% of total dwelling numbers (39 units). Once the Cranbrook plan is adopted this policy will

supersede Strategy 34 of the East Devon Local Plan. The tenure mix is as above with a 70/30% split.

The Cranbrook DPD is in draft form and has been submitted for independent examination to assess the soundness of the plan. Therefore it will be up to the planning officer to decide how much weight the plan will carry in determining this application and whether this site should provide 15% or 25% affordable housing.

The applicant has not provided any information on the amount or type of affordable housing to be provided. The indicative accommodation schedule shows a high number of flats and some of those are flats over retail units. These flats above retail would not be popular with affordable housing providers. Cranbrook has a large proportion of flats and these often end up as the affordable units which can sometimes prove problematic to manage. We would like to see a mix of house types for the affordable units and not all flats.

National Highways

Comments received:
23/03/16, 16/5/2023

16/05/23 - Thank you for consulting National Highways on proposed revisions to the above application. Following consultation in April 2015 we offered no objections to application 14/2945/MOUT in May 2015.

The amendments comprise an updated Ecological Impact Assessment, Flood Risk Assessment and revised access arrangements relating to the local highway network. We are satisfied these revisions will not result in an adverse impact on the safe operation of the strategic road network and as such continue to offer no objections to application 14/2945/MOUT, as amended.

National Planning Casework Units

Comments received:
15/3/2016:

15/03/16 - We acknowledge receipt of your notification regarding the above Environmental Statement.
We have no further comments to make.

National Trust

Comments received:
22/3/2016;

22/03/16 -

The Trust has a set of Planning Principles, and when proposing development on its own land to meet justified needs the Trust will use a sustainable construction approach i.e:

- o minimising resource use and generation of waste,

- o being energy efficient,
- o minimising or preventing all types of pollution and risk of flooding,
- o safeguarding important wildlife, landscape and historic interests,
- o respecting local/regional distinctiveness,
- o where practical supporting local sources for goods and services, and
- o encouraging community involvement and access.

The Trust would like to see the new settlement of Cranbrook develop such a genuinely sustainable construction approach.

Heritage Impact Assessment

Killerton includes a grade II* Registered Park and Garden. The summary of significance of Killerton Park is set out in paragraph 1.2 of the 'Killerton Setting Study' (Land Use Consultants; April 2013).

The Killerton Setting study locates the site principally within a sub-area of the Lowland Plains landscape character type, character area 6c, which forms the middle to distant setting to the southern part of Killerton Park, featuring in key views from Killerton Garden. The study recognises this area to only be of low significance to the Park and currently subject to the greatest degree of change of all the areas covered by the study.

It is accepted that harm to the significance of Killerton Park is likely to be less than substantial in NPPF terms, nonetheless, Local Plan Policy EN8 (Significance of Heritage Assets and Their Setting) clearly applies. In line with that policy a proportionate assessment of the impact on the setting of Killerton Park in line with steps 2 - 5 of Historic England guidance The Setting of Heritage Assets (Historic Environment Good Practice Advice in Planning: Note 3; March 2015, is required.

It should be noted that the Historic England guidance makes clear that visual considerations are only one aspect of setting, and National Planning Practice Guidance states that:

"When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change."

The Trust hopes that these comments will be taken into consideration.

Natural England

Comments received:

29/4/2016; 19/12/2019 ; 31/5/2023

31/05/23 - SUMMARY OF NATURAL ENGLAND'S ADVICE

DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION FOR RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. As competent authority, and before deciding to give permission for the project which is likely to have a significant effect on a European Protected Site, you must carry out a HRA and adhere to its conclusions.

For all future applications within the zone of influence identified by your authority, please only consult Natural England once the HRA has been produced.

FURTHER INFORMATION REGARDING RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

Natural England considers that this advice may be used for all applications that fall within the parameters detailed below.

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as

- Exe Estuary Special Area of Conservation (SPA)
- East Devon Pebblebed Heaths Special Area of Conservation (SAC)
- East Devon Heaths Special Protection Area (SPA)

It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will (in our view) be sufficiently certain and effective in preventing adverse impacts on the integrity of those European Site(s) within the ZOI from the recreational impacts associated with such development.

However, following the People Over Wind ruling by the European Court of Justice, mitigation may not be taken into account at screening stage when considering 'likely significant effects', but can be considered at appropriate assessment. In the light of this, these measures) should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.

Providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority, and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment, Natural England is likely to be satisfied that your appropriate assessments will be able to ascertain with sufficient certainty that there will be no

adverse effect on the integrity of the European Site from recreational pressure in view of the site's conservation objectives. In this scenario, Natural England is unlikely to have further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

Police Architectural Liaison Officer

Comments received:
6/5/2016; 28/11/2019

28/11/19 - see report with images received 28/11/2019 under "associated documents" tab

South West Water

Comments received:
8/3/2016; 14/11/2019

14/11/19 - South West Water has no objection.

Sport England

Comments received:
19/06/20

19/06/20 - Thank you for consulting Sport England on the above 2014 outline application.

The proposal is to construct housing and new playing fields at Cranbrook as part of a settlement extension of phase 1. This application site sits adjacent at the Eastern End of phase 1 and adjacent Ingrams Playing Fields.

Given that the current phase 1 of Cranbrook is still below the quantum of playing field land to be delivered, this remains disappointing. A solution would be to increase this site adjacent Ingrams site to make it a larger playing pitch multi sports hub for the community.

(full text in appendix)

Tree Officer (EDDC)

Comments received:
29/3/2016

29/03/16 - I have reviewed the submitted plans and documents, with particular reference to the Arb Report and the Planning Statement (PS I have no major arboricultural concerns over the principle of the proposed development, although this is dependent on a suitable layout that increases buffer zones for retained hedgerows and trees.

Please note the following:

1. 4.5 of the PS states the development is to be set back from the western boundary. The indicative layout shows only a relatively narrow strip between the boundary and the existing hedgeline. It is unclear what purpose this strip of land is to serve as this width is insufficient for any practical use for recreation and will create maintenance issues in the future. This buffer zone to be of purpose and value should be at least 10m in depth.
2. It should be noted whilst the Dormouse survey found nest sites in the Southern and Eastern hedgerows (6.29), previous surveys for the adjacent site had identified the Western hedgerow to be important. Further strengthening of this boundary as noted above will not only provide enhanced habitat value but also will strengthen the screen and increase separation from the adjacent sports pitches.

Planning conditions are recommended.

Wales and West Utilities

Comments received:
8/3/2016;

08/03/16 - According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Other Representations

No comments received.

2. PLANNING HISTORY

Reference	Description	Decision	Date
74/C0408	Dwelling, garage and stable Block at Raflands	Approved	03/09/1974
75/C1684	Erect High (11KV) Voltage over-head line	Approved	01/05/1975

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	LDO Approved with condition	07/09/2020
23/1102/LDO	Revised boundary for the Adopted Local Development Order (LDO) for District Heating Networks under application number 20/0530/LDO	LDO Approved with condition	24/05/2024
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: (Land at Cobdens, East of Cranbrook) 22/0406/MOUT	Outline planning application for up to 1,435 new residential dwellings, a neighbourhood centre with a maximum of 750 sqm gross ground floor space (use classes E and sui generis (Hot food takeaways and pubs/bars)), a three form entry Primary School (use class F1) with associated nursery provision (use class E) and community room (Use class F2), a 50 place Special Educational Needs School	Approved	24.04.2024

	(Use Class F1), public open space, allotments, Suitable Alternative Natural Green Space, drainage basins, landscaping, place of worship (Use class F1), parsonage, cemetery, 10 serviced pitches for gypsies and travellers, demolition of 4no. barns, and associated infrastructure with all matters reserved except for principal vehicular access off London Road to the south, connection to Phase 1 to the west, and vehicular access to the serviced pitches for gypsies and travellers off London Road to the south east		
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3. **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 2023] 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)
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 (adjacent)

Government Planning Documents

4. Site Description

- 4.1.1 This application relates to a rectangular field that is located to the north of the B3174, now known as London Road and sits between the Ingrams sports hub (a sports facility that has been delivered to serve Phase 1 of Cranbrook), and land at Lower Cobdens Farm which itself forms part of the consented development proposal for up to 1435 dwellings and associated infrastructure under reference 14/2945/MOUT.
- 4.1.2 The site is essentially a single field with hedgerows of varying quality forming the boundary and within these exist a small number of trees – particularly located in the north west and north east corners of the site. Ditches lie adjacent to the hedges – notably along the western boundary but also parts of the east where there are connections with an offsite pond that lies just within the Cobdens development land - located to the north east of the site. Also affecting the north east are high voltage overhead cables that obliquely dissect this part of the site.
- 4.1.3 In the centre of the site and accessed by the single point of access located on the site's southern boundary is a former WWII station which now comprises an extended residential bungalow. The property is in a relatively poor state of repair and is surrounded by overgrown shrubs and bushes which collectively form what is in effect an island in the middle of the site. The driveway which links the point of access and the bungalow is straight and bounded by post and wire fencing.

5. Proposal

- 5.1.1 As an outline planning application, permission is sought for the erection of up to 260 dwellings, and associated infrastructure. Apart from access, all matters are reserved.
- 5.1.2 The proposal would include the creation of at least two vehicular accesses into the adjacent Cobdens development site (one to the north and one to the east). Both of these are indicative at this stage. In addition to the provision of these accesses, the scheme also makes provision for a pedestrian access (including bridge structure) to the Ingrams sports hub located to the west of the site. This link is associated with the provision of a junior football pitch that the scheme proposes and which would augment the facilities already found at Ingrams.
- 5.1.3 Areas of informal open space and surface water attenuation are also proposed within the development and although indicative are shown to be in the north east corner under and adjacent to the route of the overhead line.
- 5.1.4 The plans and supporting information have been amended on a few occasions during the consideration of this application - most recently in January 2024.

- 5.1.5 It is also important to note that the application received a screening opinion that set out that the development was EIA development and should be accompanied by an Environmental Statement (ES). Although the application was first submitted in 2014, the ES was submitted in 2016 and then formally updated in 2019 when the description of development changed to bring it in line with the emerging Cranbrook Plan. Reference will be made to ES in various sections of the report and where this occurs the ES is considered as a whole – the 2016 submission remaining valid unless specifically amended by the 2019 update.

6. Analysis

- 6.1.1 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. Landscape and Visual Impact
6. Flood Risk and drainage
7. Highways and Access
8. Biodiversity, Ecology and habitat mitigation
9. Agricultural Land
10. Heritage and archaeology
11. Pollution and waste
12. Neighbour amenity
13. Phasing
14. Section 106 contributions
15. Other matters including lighting and airport safeguarding

6.2 The policy context and principle of development

- 6.2.1 The East Devon Local Plan 2013-2031 (EDLP) sets out the strategic policy for development across East Devon. Through Strategy 1 and over the plan period as a whole, it recognises the planned provision (including existing commitments) for the District of a minimum of 17,100 new homes and approximately 150 hectares of land for employment purposes. Chapter 7 of the Local Plan provides the strategic policy framework for the West End of East Devon and Strategy 9 sets out a policy framework for a number of schemes at East Devon's West End, including the major new East Devon market town of Cranbrook.
- 6.2.2 The Cranbrook Plan DPD was adopted on 19 October 2022 and now forms part of the development plan for the District – superseding Strategy 12 in the Local Plan. In the context of the current application, it is an important starting point for proposal's assessment.
- 6.2.3 The Cranbrook Plan identifies the whole of the current site as being within the Cranbrook Plan Area and forming a relatively modest but important part of

what is known as the Cobdens allocation. The allocation and specific requirements for this part of the town's expansion are set out in the Policy CB4. The majority of the allocation has already been brought forward and approved under application reference 22/0406/MOUT and this application now forms the majority of the remaining part of the allocation – only a small development site accessed off Southbrook Lane remains without an application on it.

6.3 Housing (total quantum)

- 6.3.1 This application proposes the construction of up to 260 dwellings and is in line (exactly) with the quantum budgeted for on this site through the DPD. As such the housing quantum is in accordance with adopted policy and being on an allocated site represents, in headline terms at least, sustainable development which should be supported unless material considerations and technical details are weighed in the contrary.

6.4 Affordable Housing and Custom and Self Build

- 6.4.1 Beyond the basics of housing numbers it is important to note that the scheme proposes a policy CB10 compliant 15% affordable housing.
- 6.4.2 As a starting point it is expected that this would be split 70% rented and 30% affordable home ownership, which represents a policy compliant position that helps to meet the needs of the local community and means that the scheme would deliver up to 39 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. For other expansion areas this has been achieved by amending the overall mix such that the affordable home ownership products are increased to between 35-40%, the affordable rental units are reduced to between 50-60% and the balance (that is 5-10%) is brought forward as social rent. A similar approach is recommended for this proposal and will form part of the final detailed negotiation in the event of a resolution to approve.
- 6.4.3 Also based on consented proposals within the expansion area, the mix of units sought would be based on the evidence in the emerging Local Plan, which currently considers that 12% would be delivered as 1 bedroom units, 37% as 2 bedroom, 40% as 3 bedroom and 11% as 4 bedroom plus. Such a split would meet the identified need.
- 6.4.4 The applicant would 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 which 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 a Registered Provider. 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 when considering the planning balance.

- 6.4.5 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.
- 6.4.6 Unlike other large scale strategic expansion area applications considered to date, 4% of the 260 proposed, provides a total of 10 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.

6.5 Building Standards and Nationally Designated Space Standards

- 6.5.1 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 in the event of approval.

6.6 Landscape and Visual Impact

- 6.6.1 In terms of landscape and visual impact which need to be considered against policies D1 and D2 of the Local Plan and CB15 and 26 of the Cranbrook Plan, the assessment is underpinned by work that was prepared for the 2016 Environmental Statement (ES). It was reviewed by the developer's consultant team in 2019 following a modest change to the proposal and the original findings noted as remaining relevant.
- 6.6.2 There is currently nothing to suggest that this approach is now out of date, recognising that while the policy position has changed the underlying landscape, topography and associated visibility of the site remains the same, and that additional development has been consented around the site (and in the case of Ingrams, brought forward and delivered). This position has been further validated by site visits undertaken during the application and is made despite recognising that the supporting photographs presented in the ES do not meet the current standards expected for an LVIA.

- 6.6.3 In more detail it is recognised that the site benefits from a generally level plateau with only a slight fall to the north and northwest. As such views tend to be made across the site from the London Road, meaning that development would foreshorten the distance to which receptors could appreciate the wider views. However these are already relatively limited and with development permitted to the north and east, the context in which they are seen will be urban or semi urban in any event. In addition, where glimpsed views are attainable from the higher land to the north these are looking down and onto the site. Again, it is considered that these views are both limited and of a relatively modest parcel of land within what will become an important part of the enlarged town. As such both main areas from where the development will be particularly legible are not considered to present significant harm.
- 6.6.4 This finding is supported by the LVIA which accompanied the application and was included within the Environmental Statement. Despite the shortcomings of the photographs used within the document, it found that “The landscape appraisal has shown that there will only be a very localised impact on the landscape character of the site and immediately adjoining area, but that this will be rendered insignificant after 15 years by new tree planting and Green Infrastructure”. While a degree of caution is applied to this finding noting both its age, subsequent updates to the scheme and the quality of the supporting photographs, it is not considered that these are so significant to render the outcome as incorrect.

6.7 Flood risk and drainage

- 6.7.1 In terms of flood risk the site initially sat almost entirely outside of any flood zones. However when the Environment Agency most recently updated their mapping, it resulted in enlarged flood zone areas in some locations. For the current site it meant that the stream/ditch feature that runs along the western boundary was assigned areas for both zones 2 and 3. These zones result in a narrow band parallel with the hedgerow the whole length of the western boundary. Although in outline, the scheme then received an objection from the Environment Agency as they considered that it did not prove that the proposed development could be accommodated on land outside of the Flood Zones 2 and 3. In response a revised FRA and illustrative masterplan were submitted and a revised consultation response received from the Agency. This removed the objection and instead resulted recommended conditions. Based on the additional information submitted and the updated position of the Environment Agency, it is considered that in respect of fluvial flood risk the proposal accords with Policy EN21 (River and Coastal Flooding) of the Local Plan and guidance in the NPPF.
- 6.7.2 In addition the relationship between development and water is not solely related to fluvial flood risk and in this instance as for other expansion areas around Cranbrook, particular care has been given to the management of surface water arising both during the construction and operational phases of the development. In this instance the surface water management strategy was updated at the same time as the revised FRA and recognised the greater allowance that needed to be made for climate change – that is 45%

compared to the 30% and more recently 40% both of which have been applicable at different times during the consideration of the application.

- 6.7.3 This Strategy has included the provision of a detailed technical assessment identifying the applicable green field runoff rate, the allowance that is needed for climate change (i.e 45%) and how and where the water can be stored to achieve the necessary attenuation. In this instance the strategy uses a predominance of basins and a relatively small amount of cellular storage. This approach largely accords with the drainage hierarchy but can be further improved by taking a similar approach to that of other expansion areas. To achieve this, it is considered a reasonable and appropriate approach to require that the detailed scheme, which would be required by condition in any event, shall evidence how surface water is managed and conveyed through at least 2 above ground SUDS features before discharged to an attenuation basin. This adds further attenuation benefit but also can help to improve the water quality – both in accordance with Policy 26 and EN22.
- 6.7.4 Foul drainage is the remaining component of drainage that needs to be addressed within this section and it is important to note that SWW have not raised any objection to the proposal. However this position must be seen in the context of other recent Cranbrook applications which have received resolutions to approve.
- 6.7.5 Within Officer reports for those applications, 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.
- 6.7.6 To help manage foul flows from the various sites that form the Cranbrook expansion and in recognising the downstream effects that are experienced within the Clyst area, it has been considered precautionary to impose relevant conditions on the various schemes that have come forward. These have sought to ensure that surface water and foul drainage derived from the particular site 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.
- 6.7.7 Overall, and provided a number of controls are put in place through the imposition of conditions, 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.

6.8 Highways and Access

- 6.8.1 In terms of access the site proposes a single principle access onto the B3174 London Road. While the current access is centrally located within the site frontage, the proposal moves this towards the west so that it dissects the site, with the housing and neighbourhood centre located to the east and the proposed junior football pitch to the west.
- 6.8.2 As part of the main junction works which are set out in detail within this proposal, the scheme makes provision for a segregated footway cycleway that runs alongside the main road. This then has a number of points of inflexion where it bends around aspects such as a proposed bus stop and pedestrian crossing. It is also designed so that the cycle crossing of the main spur into the site is set back behind the junction to allow a car from the London Road to turn into the site.
- 6.8.3 There are a number of aspects that need to be considered under this section particularly noting the objection from the Town Council and Ward Members and their concern that the access arrangement will lead to queuing and risk highway safety. However to start with consideration will be given to land ownership. It is noted that since the application was first submitted the access arrangements have evolved and in particular moved westwards. This resulted in the red site line for the application becoming out of kilter with the detailed access plans. To address this the location plan has recently been updated.
- 6.8.4 The small amount of additional land that has been incorporated into the revised red line addresses in full the junction, footway/cycleway and visibility splays as now proposed. While the revised red line plan itself has not been consulted upon, this “additional” land is entirely under the control of Devon County Council and is registered as highway land. Noting that full consultation was undertaken for the detailed access arrangements and that the Local Highway Authority would be party to both the Section 106 agreement and are the adopting Authority, it is not considered that this now resolved discrepancy and the approach taken to tidy it up, is prejudicial to any party..
- 6.8.5 In terms of the merits of the proposal, it is noted that an objection from the Town Council and Ward Members exists in respect of the main junction – with particular concern that the queuing and access challenges that are seen around the Station Road junction in the town (located at its western end) would be repeated by the arrangement as proposed by this application. In addition there is also concern that with the proliferation of the junctions in the vicinity of the site, there is a risk of congestion queuing and vehicle conflict.
- 6.8.6 It is fully acknowledged that this part of the London Road will see a number of accesses being formed – currently there are two associated with the Ingrams housing and sport hub, both located to the west of the site and already built, at least a further three to the east between the application site and Cobdens Lane (serving the Persimmon parcels) and a number of proposed junctions on the southern side of London Road serving the currently proposed scheme by Baker Estates and the Stuarts Land - the latter having a resolution to approve subject to Section 106 agreement.

- 6.8.7 However it is already the case that this section of London Road will see a significant shift in character. Currently it is a fast straight road where excess speed is often witnessed. To ensure a safe and attractive community it is essential that the character of this road changes and rather than being a road through the expansion areas, it becomes, as envisaged and described in Policy CB24 (London Road improvements), a road in Cranbrook where people and place are given a high priority.
- 6.8.8 To achieve this the consented Persimmon scheme under reference 22/0406/MOUT already makes provision for a signalised junction and significant traffic calming. In addition, the Local Highway Authority have also commenced design work to look at more holistic changes and additional funders and funding opportunities are being explored to undertake the next stage of work. In the medium-term funding will be secured from the expansion areas to help bring this DCC lead project to fruition. Taken together, it is therefore considered a matter of “when” rather than “if” the character of the area changes.
- 6.8.9 In addition to physical changes to the road outlined above, its character will also change by the mere presence of development along this section. This together with accesses and therefore a greater range of vehicular movement associated with them will all help to affect driver behaviour.
- 6.8.10 The currently proposed access arrangement for this site has been through a Road Safety Audit (RSA 1) and brought in line with the findings of that report. Based on the verified RSA 1 and from their own experience and knowledge the Local Highway Authority have not made any objections to the currently proposed access arrangement. It is considered to be safe and would function appropriately for the scale of development proposed. In addition it brings with it additional sustainability benefits through the delivery of segregated footway cycleway. As such it is not considered that there are any grounds on which to resist the proposal where this relates to the junction and access.
- 6.8.11 While considering access arrangement it is also important to recognise that this site is not being developed in isolation and the applicants have helpfully shown up to 2 indicative vehicular access points to the eastern boundary. These would connect into the Persimmon parcels to the east and which already benefits from outline planning permission. In addition, a further vehicular access point to the north is also shown. These are important for connectivity and resilience, are in line with adopted Policy CB4 and can be secured through a legal agreement in the event that the scheme gains a resolution to approve.
- 6.8.12 Further it has already been set out that to the west lies the Ingrams sports hub and that the scheme proposes the addition of a junior football pitch to augment the provision on offer. While this does not need to be connected by a road it is essential that connection in the form of a pedestrian link path and bridge/culvert is delivered to ensure that the pitch can be effectively used as part of the adjacent Ingrams hub. Again this link is shown on the indicative

plans and can be secured in any future legal agreement. It too is considered is a CB4 policy compliant provision and weighs in favour of the application.

6.9 Ecology and Biodiversity

6.9.1 The ecological assessment relevant to this site spans the 10 years or so over which it has been under consideration. It was initially supported by an extended phase 1 survey and species specific assessments (dormouse and bat roost and activity) in 2014 and an updated Ecological Impact Assessment dated December 2022 and based on surveys in 2017, 2019 and 2021. To ensure that the findings remain relevant and up to date, a review of the assessments and site was undertaken in 2024 by qualified ecologists who have confirmed that the site has not materially changed and the ecological status set out in the earlier reports remains relevant.

6.9.2 The following consideration of ecological and biodiversity issues relevant to the application are therefore based on this suite of documents and survey work which are considered relevant and sufficiently robust to make an informed decision on, in respect of the planning balance.

6.9.3 On a species specific basis it was concluded that the site sustains:

- House sparrows, starlings and swallows nesting in the bungalow and garage
- The occasional use of the garage by nesting or perching barn owls
- Dormice in the boundary hedgerows
- A common pipistrelle day roost of low conservation significance in the bungalow
- A common pipistrelle day roost of low conservation significance in the garage
- A brown long-eared day roost of low conservation significance in the bungalow
- A brown long-eared day roost and feeding perch of low conservation significance in the garage.

6.9.4 On this basis it is recognised that the development of site would lead to the loss of many of the above features. While none are considered to be of particularly high conservation significance, they do nonetheless involve the interference with protected species and the loss of habitat and or roost potential. Mitigation has been proposed in the form of additional hedgerow and other soft landscaping as well as planting, the addition/provision of bat tubes and bat shed, a Barn own roost and bird boxes. On adjoining sites further mitigation in respect of lighting has also been proposed. In accordance with policy and to ensure a consistent approach it is considered that this too should be addressed here. Such mitigation would mean 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.

- 6.9.5 Notwithstanding the mitigation identified and in recognising the potential impact on bats and 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.
- 6.9.6 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.
- 6.9.7 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
- 6.9.8 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 260 dwellings and neighbourhood centre as part of a comprehensive expansion plan for Cranbrook.
- 6.9.9 In considering whether there is a satisfactory alternative it is noted that the development is of high significance to the District's 5 year housing land supply and would provide much needed homes for people in a strategically important location.
- 6.9.10 To mitigate for the loss of the dormouse habitat, additional (new) habitat is being created around the site, while for bats (and birds) there is a proposal to install boxes tubes and a shed on/in suitable locations around the site. The full suite of mitigation would be brought together in a Landscape Biodiversity and Drainage Strategy which would secure delivery of the mitigation.
- 6.9.11 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 in respect of this application).

6.9.12 Having regard to the above assessment, it is considered that the three tests can be met, and that Natural England would be able to grant an EPS licence.

6.9.13 Biodiversity Net Gain (BNG)

6.9.14 In terms of BNG the application pre-dates the introduction of statutory BNG. However Policy CB26 of the Cranbrook Plan requires applications to achieve a 10% BNG in any event and to address this the applicants have prepared a BNG assessment (using the Statutory metric).

6.9.15 The submitted assessment recognises that for habitat a 10% target can be achieved while for hedgerow the scheme currently falls short. To overcome this deficit the applicants are proposing to deliver excess BNG on their off-site SANGS land - a matter that will be discussed later in the report. In essence the site aims to keep much of its existing on-site biodiversity and enhance where possible. This is an appropriate response and can be secured through the Section 106 process.

6.9.16 SANGS (Suitable Alternative Natural Greenspace)

6.9.17 SANGS as mentioned in the previous paragraph is a fundamental component of habitat mitigation required for housing developments which are within 10km of the Exe Estuary or Pebblebed Heaths. The purpose of SANGs land is to provide alternative locations for activities such as dog walking which then reduces pressure on existing, more sensitive sites. The need for this land is picked up in more detail within the Appropriate Assessment that accompanies the application but of note here is the fact that unlike many of the expansion areas application it is proposed to be delivered off site. Importantly the applicants have already made an application for the SANGS land which is under application reference 24/1291/COU and 24/1292/FUL. These applications proposed that SANGS is delivered on land accessed off Parsons Lane and located between Cranbrook and Rockbeare. Importantly the fields are contiguous with the SANGS for the Treasbeare expansion, and which has already been consented. Both the 2024 applications which in effect support this application have already received a resolution to approve under delegated powers and can be bound by a Section 106 in the event of a similar resolution for this proposal.

6.10 **Agricultural Land**

6.10.1 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.

6.10.2 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 should be protected, and only 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.

6.10.3 In this instance the Grade 3a land, which amounts to around 1.8ha and is less than 25% of the site area could not be farmed differently from the adjacent 3b. In addition given the limited scale of the loss and the fact that the land has already been considered suitable for development through the allocation process it is not considered that the minor conflict with Policy EN13 would be sufficient to weigh against the proposal in this instance.

6.11 Heritage and historic environment

6.11.1 Within a 1km radius of the site there is only a single listed building – that of Little Cobden which is grade II listed. This property sits on the eastern side of the Cobdens Lane and is towards the extremity of the area of search. Given the separation distance, intervening landscaping and recently issued planning permission for the development under reference 22/0406/MOUT it is not considered that this proposal causes any harm to this asset.

6.11.2 In terms of other heritage assets the Historic Environment Record notes a single asset on the site - the World War II radio station located on the site of the current buildings at Farlands while the majority of other records relate to medieval and post-medieval structures, a large number of which are known only from historic mapping.

6.11.3 Much of the evidence associated with the WWII radio station is lost amongst and around the residential bungalow that remains on site and which was extended following a 1974 consent. However from a historical and heritage perspective it is important to understand where and how sites have evolved. In recording the significance of this particular asset and in giving weight to Strategy 49 and Policy EN8 of the Local Plan, it is considered appropriate to require that in the event of approval, an interpretation board is positioned on site to explain the asset which would be finally lost as a result of this development. This can be secured by condition.

6.11.4 Local history is also found on the highway verge where an unlisted milestone is buried within the undergrowth and would be lost if the footway cycle way is delivered. To prevent the complete loss of this feature and to ensure that proper regard is given to it recognising Policies CB15 and D1, it is considered appropriate to impose a condition that requires a scheme for its

relocation to be agreed before work commences. This approach is considered commensurate with the potential impact and would allow the stone to be set back further into the site frontage while still retained as a local landmark.

- 6.11.5 The archaeological record indicates that the site was adjacent to the old Roman Road (now the London Road) which was constructed as a causeway. Based on evidence on within tithe maps, it seems as if much of the land the subject of this application was potentially used for quarrying – possibly to gather material to repair the road. If this is the case then much of the Roman (and any prehistoric) archaeological record is likely to have been lost. However, given the significance and proximity of the site to the road, it is prudent to secure an intrusive archaeological investigation ahead of development commencing. Like many other areas of Cranbrook this can be managed through a Written Scheme of Investigation secured by condition. Such an approach accords with guidance in the NPPF and Strategy 49 of the Local Plan.
- 6.11.6 Consideration has also been given to the setting of Killerton House and the associated registered parks and garden. In this instance the separation distance and intervening built form and landscaping, results in an assessment that the development does not cause harm to the asset even when giving its conservation great weight. This is due to the relatively limited scale of development (notwithstanding the potential cumulative effects of the expansion area) and the context in which views and receptors would appreciate the historical asset and the currently proposed development.

6.12 Pollution and Waste

- 6.12.1 The nature of the proposal is such that issues around pollution and waste 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 which requires that a Construction and Environment Management Plan (CEMP) is secured by condition and agreed prior to the commencement of the development. The CEMP would need to include and address such matters as air quality, dust, water quality, lighting, noise and vibration, pollution prevention and control, and monitoring arrangements.
- 6.12.2 Furthermore the Environmental Health Officer has recommended that construction hours should be limited to 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. Although these are slightly more restrictive than proposed within the Environmental Statement (ES) they are typical hours and considered appropriate for the site. With appropriate conditions 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.

- 6.12.3 Once developed, issues relating to noise are most likely to arise for occupants of the houses nearest to London Road – something that is noted within the applicant's own ES. They recognise that while the majority of the site is suitable for residential development there was an identified risk that properties on the southern boundary and therefore close to the London Road could experience noise levels of 69dB LAeq 16h (ground floor) and 59dB LAeq first floor. This is substantially above guidelines and therefore could represent a risk to health and in particular sleep. To address this the applicants advice is that on plot noise mitigation is provided and in accordance with the consultation response from Environmental Health this can be secured by condition.
- 6.12.4 Since the ES was written it is noted that the detailed access and indicative on site layout has changed with the result that the amount of development on the frontage has been reduced to accommodate the provision of the sports field. This coupled with the setting back of the development to accommodate both the footway cycleway and neighbourhood centre further helps to reduce impact. Nonetheless a suitable noise mitigation scheme is still required and can be secured by condition. In imposing such a condition it is considered that the scheme would comply with the relevant sections of Policy EN14 and D1 of the Local Plan.

6.13 Contaminated Land

- 6.13.1 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 the application is approved, a condition is imposed to ensure if contamination is discovered during the development works cease and a remediation is agreed.

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

6.14 Neighbour amenity

- 6.14.1 It is very often the case that development can affect neighbour amenity through such things as overlooking or dominance. For this application there are no near neighbours at the current time who would be directly affected in such a way. It is noted that the nearest neighbours would in time be those on the Persimmon Cobdens development, but that currently scheme only has outline permission.
- 6.14.2 It therefore leaves the greatest impact on existing residents (those located along the London Road) to be that resulting from noise and disruption during the construction phase of development. To address this, the imposition of a Construction Management Plan has already been discussed.

6.15 Phasing

- 6.15.1 Whilst the proposal to which the application relates is relatively modest compared to other applications in the Cranbrook expansion area, it is important to ensure that suitable phasing is secured through conditions.
- 6.15.2 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 Cobdens expansion area.
- 6.15.3 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 on this part of the allocated expansion area. Instead, school provision is proposed elsewhere in the Cobdens area and in either Treasbeare or Bluehayes. Despite the lack of control over school delivery by proposals within this part of Cobdens, 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.
- 6.15.4 SANGS provision is also an element of Policy CB7 which is relevant in this case. Particularly so as the SANGS land provided to support the application site is entirely off site. Applications 22/1291/COU and 24/1292/FUL have 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, is acceptable. As a result, and in the event that the current application is approved, it is imperative that restrictions are in place to ensure that the SANGS is delivered and available for use before the first occupation.

6.16 Climate change

- 6.16.1 Climate change is not specifically addressed within the ES (unlike that in other neighbouring sites – in particular Gribble Lane which proposed development of a similar order of magnitude). However the findings in that ES were generic noting that the baseline was 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 recognised 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.

- 6.16.2 For the operational phase of the ES for Gribble Lane, mitigation was proposed which included the securing of an appropriate design and layout of the development; the 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 would adopt renewable technology; that there was good management of green amenity/ecological features; and that habitat and species protection were provided.
- 6.16.3 Taken together these were not considered to address climate change relative to that development in any detail. The mitigation proposed was not specific and as a whole there were significant concerns as to the level of information that had been provided. However that scheme only proposed up to 180 dwellings and in this regard the current scheme which proposes up to 260 is similarly at the lower end of the scale of likely significant effects that could result. In conclusion the generic findings set out for that application were considered adequate and proportionate so that there was no benefit to further delaying the scheme. Conditions were therefore imposed which required details of the actual measures that would be deployed when developed out to be agreed with the Local Authority. A similar approach and justification is considered reasonable here given the scale of the scheme.

6.17 Lighting

- 6.17.1 Lighting plays a key role in making places attractive and safe but it can also cause a nuisance for existing residents and if not treated carefully can have a detrimental effect on local wildlife – particularly bats.
- 6.17.2 Both the ES and this assessment have considered lighting in relevant chapters/sections comprising the landscape and visual and that addressing ecology. These have considered the potential effect on a range of receptors including existing residential properties and key ecological receptors.
- 6.17.3 The scheme is which is predominantly residential, although also includes some commercial development within the neighbourhood centre, is likely to allow for a conventional lighting scheme to be modelled for assessment although this has not been included within the ES.
- 6.17.4 For a scheme of this scale therefore, and notwithstanding the findings of the ES, it is considered that a lighting plan should be secured as part of the reserved matters application. 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.

6.18 Airport safeguarding/wildlife hazard management

- 6.18.1 Exeter Airport is an important business for the south west and therefore it is necessary to ensure that new development does not adversely impact its ability to operate successfully and safely. 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 that requires consideration.
- 6.18.2 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 Bird strike, 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.
- 6.18.3 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. No consultation response update has been received since 2019 but it is noted that based on other Cranbrook development sites, SUDS features in particular can pose a significant risk. As the risk primarily arises from water and the attractiveness or otherwise of the site for birds, careful monitoring to ensure that water does not persist beyond assumed levels is often required. This can take the form of engineered drainage solutions or alternatively the deployment of bird exclusion systems.
- 6.18.4 As an outline application where both a detailed technical drainage scheme and landscaping scheme are still required and as both are controlled by condition, it is considered reasonable to capture the requirements for a wildlife hazard management plan, by condition. This reflects the approach that has been taken with other expansion area applications and allows such a plan to in part play the coordinating role between both drainage and landscaping. Both disciplines can support each other in seeking to deliver an attractive place in line with CB15 but also one that doesn't threaten the safety of airport operations in accordance with Policy TC12..

6.19 Health

- 6.19.1 As an overriding theme within the Cranbrook Plan, health and healthy outcomes is fundamental and runs through both its objectives and policies.
- 6.19.2 To address the health needs of the community and the additional burden that the expansion area development would place on services and facilities, the Cranbrook IDP identifies that a total contribution of circa £7m (index linked from 1Q2020) can collectively be secured. In accordance with the equalised

approach for contributions discussed in more detail below, relevant contributions can be secured from this development.

- 6.19.3 As such it is considered that the scheme would directly contribute to the delivery of the Health and Wellbeing hub in the town centre and in doing so address the likely demands on health that it would otherwise generate. It is considered that this approach is line with Policy CB6 and the wider health related policies (in particular CB1) in the plan. Although 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 it is considered that the Hub would have a sufficient range of services to ensure that it adequately meets the projected needs of its residents.

6.20 Sustainability

- 6.20.1 Fundamentally the application site is allocated for development in the Cranbrook Plan. This, indicates that, in principle the site is considered to be sustainable. More specifically it recognises that much of the necessary infrastructure is in place or will be delivered within a reasonable timeframe. It also provides a recognition that the site already benefits from having reasonable access to facilities such as shops, schools, medical facilities and open space. In particular there is 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 railway station on the West of England line, which links it with Exeter and London Waterloo.
- 6.20.2 Given these factors, it is considered that the development site is sustainable. Especially so as, in due course, with other development due to come forward that includes additional schooling provision and neighbourhood centre uses, the accessibility of services from the site will improve.
- 6.20.3 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.
- 6.20.4 In support of the application the scheme would deliver important housing affordable housing, and part of the Cobdens neighbourhood centre which taken together both during the build and subsequent use would help strengthen the local economy.
- 6.20.5 In addition, the scheme takes place on relatively flat agricultural land that would be surrounded by the rest of the consented Cobdens development. As such it is considered that with careful landscaping the scheme would result in little harm on the wider landscape and only limited harm arising from the loss of the existing roadside hedgerow (to facilitate the access footway and cycleway). While the loss of a relatively small amount of best and most versatile agricultural land is also a negative, improvements in biodiversity help to limit the degree to which environmental factors weigh against the proposal.

6.20.6 Before a final conclusion is drawn on this issue, the other obligations that would need to be secured from the scheme should be reviewed.

6.21 Infrastructure obligations and section 106 requirements

6.21.1 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.

6.21.2 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.

6.21.3 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

6.21.4 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.

6.21.5 In the case of this part of the Cobdens 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 17.4% by housing number).

6.21.6 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 proportionate quantum of informal open space.

6.21.7 It is therefore considered that this 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, formal open space and play space which would need to be delivered by a third party elsewhere within the expansion area.

6.21.8 The only Category 3 items which this development would need to deliver relates to a junior football pitch and a contribution to London Road improvements (a cost over and above the main junction cycleway and access arrangements which it needs to deliver in any event). The submitted parameter plan and indicative masterplan both recognise the need to deliver the pitch which would augment provision at the Ingrams hub. The pitch, which would require ball stop netting along its London Road edge, together with the pedestrian link between it and the existing hub as well as the contribution towards London Road Improvements can all be secured by agreement in the event of a resolution to approve.

6.21.9 Despite the requirement for the pitch provision and London Road improvement, there remains relatively low on-site infrastructure costs (Category 3) such that the equalised category 4 contribution for the allocated housing is by comparison relatively high. Based on 1Q 2020 figures, the allocated Category 4 contribution (derived from 260 dwellings) equates to £3.47m (or £13,360 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.

6.21.10 As discussed earlier, the scheme seeks to deliver the exact number of dwelling anticipated by policy such that unlike some of the other expansion area application there is no need in this instance for contributions from excess housing.

6.21.11 In summary and in addition to the on site affordable housing provision at 15%, 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 – off site)
- Formal open space (off site contribution)
- Play provision (off site contribution)
- 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
- Junior football pitch and connection to the Ingrams hub

Category 4 infrastructure (off site contributions)

- £3,473,709 (1Q2020) from allocation housing

6.22 Assessment against Policy CB1 and conclusion

6.22.1 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.

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

- The proposal, has the potential to provide for a legible development although the masterplan as currently drawn has weaknesses – particularly in respect of the need for a place based approach and the requirement to bring forward tree lined streets. It nevertheless is indicative and can be refined and improved through the required design code and reserved matters applications. Importantly the parameter plans show two of the three important vehicular links into the rest of the Cobdens – the third can be secured by condition. In terms of character it is considered that the setting of the residential area would be enhanced by the retention of the boundary trees which would help to provide a softer edge to the development. Further the proposed football pitch would also provide some relief to the frontage along the London Road. As cycle/pedestrian paths into the site are also proposed, these would help to allow easy access to the wider Cranbrook area, and in particular ensure good connection between the site and Ingrams to the west and rest of Cobdens to the east.
- As mentioned earlier in this report, the site forms part of Cranbrook, where it is considered that there is sufficient infrastructure for people to reside. Whilst the application site is currently on the edge of the town, development close to the site is both ongoing and recently permitted. This will serve to provide further accessibility to services, such as schools, shops and public transport. Additionally, and as also mentioned above, none of the houses in this development would 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 and layout are not currently known. However the aim would be to ensure delivery of a mix of house types at the reserved matters stage
- In terms of the overall design of the site, there would be adequate open space for recreation coupled with the delivery of the junior football pitch. While the delivery of SANGS off site would provide a less direct benefit to that of some of the other schemes within the expansion area, it still plays a meaningful role in delivering an enhanced recreational area for the residents of the application site and the wider town. More importantly it delivers important habitat mitigation in a location which can properly act as an interceptor site for the designated habitats at the Exe Estuary and the Pebblebed Heaths. The provision of cycle/pedestrian paths linking into other facilities in Cranbrook would help enhance integration with the rest of the community.
- The level of housing proposed on the site is considered to be appropriate, given the its constraints (flooding/drainage, retained overhead line and sports pitch provision), and the parameters plan allows sufficient space for these components to ensure that a viable and pleasant community could ultimately be created.

6.22.3 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 key strategic Policies CB1, CB4 and CB6 (as well as well other policies noted in the report) means that the application can be recommended for approval.

7.0 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. 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. If relevant 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.
- i. Reinstatement or relocation of any highway features which are to be provided by other developers local to this site and which would be otherwise lost as a result of highway works associated with this application.
- j. Pedestrian access to the adjacent Ingrams sports hub in accordance with the parameters plan and in accordance with a design to be agreed
- k. Monitoring fees
- 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 (off site delivery in accordance with application 24/1291/COU and 24/1292/FUL))
- Play provision – (off site contribution)
- Formal open space – (off site contribution)
- Amenity Open space – minimum of 0.21ha required on site
- Allotments – (off site contribution)
- 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)

- Junior football pitch in accordance with FA standards (to include ball stop netting along the London Road)
- Financial contribution towards the Upgrading of London Road £158,333 (index linked from Q1 2020)

Category 4 infrastructure (off site contributions)

- £3,473,709 (1Q2020) from allocated housing

8.0 Statement on Human Rights and Equalities Issues

8.1 Human Rights Act:

8.2 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

8.3 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.

9.0 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:

- Site Location Plan 14093 LHC 00 00 DR UD L01.08
- Framework Parameter Plan LHC 00 00 DR UD 0101
- Preliminary Highway Layout PHL/01 Rev: F
- Preliminary Highway Layout – Temporary Layout prior To Adjacent Site Being Built Out PHL/02 Rev: B

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 strategy shall be submitted to and agreed in writing with the Local planning Authority. This shall include details for the general phasing of development.

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.

Reason: To bring clarity to the phased delivery of the development and ensure that important infrastructure components are 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), 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. In addressing plans and documents it is expected that the Code will evidence how a placed based approach can be delivered in the site; how legibility and accessibility will be provided for, and how tree lined streets will be accommodated.

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 pre-commencement 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 and detail of how landscape permeability for wildlife will be provided and maintained.
- Details that demonstrate how the eastern pond is 'fed', together with any features / structures / landscaping work that are necessary to prevent any overtopping of the pond into the proposed basin
- Details to confirm the presence (if any) of flows of water that enter the site from the south (e.g. from beneath London Road).

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

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

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.

Development shall take place in accordance with the approved plan which shall be adhered to for the lifetime of the development.

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, shall be a tree survey and report.

This shall include an Arboricultural Impact Assessment (AIA), a Tree Protection Plan (TPP) and Arboricultural Method Statements (AMS) for the protection of all retained trees, hedges and shrubs on or adjacent to the site. The survey and report shall be approved in writing by the Planning Authority.

It is expected that the layout and design of the development shall be informed by and take account of the constraints identified in the survey and report.

For the avoidance of doubt the tree survey and report shall adhere to the principles embodied in BS 5837:2012 (or the latest guidance if this is updated) and shall indicate exactly how and when the trees will be protected during the development process.

Provision shall also be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures.

On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

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:

- a) landscape and ecological protection, mitigation, compensation and enhancement measures for the existing habitats within the Site and new planting and habitat creation within the Development will be implemented, managed and monitored in the long term;
- b) adaptive measures will be implemented in cases where monitoring has demonstrated that the objectives are not being met;
- c) a condition survey of existing habitat to be retained as a baseline for future monitoring including trees and hedgerows (and address these in the same terms as other habitats identified); and
- d) provides evidence of conformity with the Biodiversity Net Gain requirements set out in Schedule 10 and any amendments as agreed in writing with the District Council

having regard to the following specific details:

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

- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
 - Existing trees, woodland and hedgerows.
 - New trees, woodland areas, hedges and amenity planting areas
 - Grass and wildflower areas
 - Biodiversity features - hibernaculae, bat/ bird boxes etc.
 - Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas
 - Arrangements for Inspection and monitoring of the site and maintenance practices.
 - Arrangements for periodic review of the plan
 - Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

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 0256 Rev H (dated 21 December 2023).

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. The surface water management scheme shall be retained and maintained as such for the lifetime of the development.

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 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.

17) WWII Radio station

Accompanying any reserved matters application within which the site of the former WWII Radio station is located, details of a scheme for the station

interpretation for the wider public interest shall be submitted and agreed. The scheme shall include a timetable for its implementation.

Development must take place in accordance with the agreed details.

Reason - to safeguard the heritage value that is ascribed to this asset in the interest of the character of the character of the area, in accordance with Strategy 49 (The historic Environment) and Policy EN8 (Significance of heritage assets and their setting) of the adopted East Devon Local Plan 2013 - 2031.

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

18) Implementation programme of archaeological work

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

The development shall be carried out at all times in strict 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 141 of the National Planning Policy Framework (2012), that an appropriate record is made of archaeological evidence that may be affected by the development Contaminated Land

19) Relocation of milestone

No development shall take place until a method statement for the securing and relocation of the milestone which is located on the site frontage and which would otherwise be affected by the delivery of the footway cycleway has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out at all times in strict accordance with the approved statement, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure, in accordance with Strategy 49 (The historic Environment) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan, and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate safeguarding is put in place for a piece of important heritage. This condition is required as a pre commencement condition as result of its

location on the site frontage and the risk of early damage if not addressed from the outset.

20) Land contamination

Unless otherwise agreed by the Local Planning Authority, development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 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.

21) 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.

22) 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:

- *Preliminary Highway Layout PHL/01 Rev: F*
- *Preliminary Highway Layout – Temporary Layout prior To Adjacent Site Being Built Out PHL/02 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 prior to the occupation of any dwelling hereby approved.

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.

23) 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, prior to occupation or use of the building to which they relate, 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.

24) 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.

25) 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 – These details are required before the commencement of development to ensure that adequate mitigation and controls are in place to manage construction traffic from the start of the development. More generally the condition helps 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

26) Post Investigation assessment (Archaeology)

The development shall not be occupied until any post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation required by Condition 17. 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.

27) 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.

28) 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

29) 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 otherwise agreed in writing by the Local Planning Authority . 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 2013- 2031.

30) 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.

31) 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.

32) Protecting flood zone integrity

There shall be no raising of ground levels within the published areas of flood zone 3 and flood zone 2 during the construction period, and for the lifetime of the development.

Reason: To retain the storage and conveyance function of the floodplain corridor that exists along the western fringes of the site in accordance with national guidance and in particular the NPPF

Informatives

Note

Flood risk and site levels:

To assist with the interpretation and effectiveness of condition 31, it is anticipated permitted development rights will be withdrawn where properties abut or domestic gardens intrude into the flood zone area. This will be stipulated as a condition on the reserved matters decision when the precise layout is available.

Highways:

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.

Archaeological matters:

A suitable programme of work is likely to take the form of:

- Historic building recording of the WWII structure, and

- a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits.

The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

The Historic Environment Team at Devon County Council 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/>.

Appendix 1 – Appropriate Assessment

The Conservation of Habitats and Species Regulations 2017, Section (63)		
Appropriate Assessment		
Application reference no. and address:	14/2945/MOUT Farlands, London Road, Rockbeare	
Brief description of proposal: (Bullet point list of key proposals)	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)	
European site name(s) and status:	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>List of interest features:</p> <p><u>East Devon Heaths SPA:</u></p> <p>Source: http://publications.naturalengland.org.uk/publication/6063170288353280</p> <p>A302 Sylvia undata; Dartford warbler (Breeding) 128 pairs (6.8% of GB Population when surveyed in 1994)</p> <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: http://publications.naturalengland.org.uk/publication/6222265876217856</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>

The wet element occupies the lower-lying areas and includes good examples of cross-leaved (*Erica tetralix* – *Sphagnum compactum*) wet heath.

The dry heaths are characterised by the presence of heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent *Agrostis curtisii*, purple moor-grass *Molinia caerulea*, cross-leaved heath *E. tetralix* and tormentil *Potentilla erecta*. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts of the UK.

Populations of southern damselfly *Coenagrion mercuriale* occur in wet flushes within the site.

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

H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath
H4030. European dry heaths

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

S1044. *Coenagrion mercuriale*; Southern damselfly

Exe Estuary SPA (UK 9010081A)

Source: <http://publications.naturalengland.org.uk/publication/3055153>

Qualifying Features:

A007 *Podiceps auritus*; Slavonian grebe (Non-breeding)
A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)
A130 *Haematopus ostralegus*; Eurasian oystercatcher (Non-breeding)
A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)
A141 *Pluvialis squatarola*; Grey plover (Non-breeding)
A149 *Calidris alpina alpina*; Dunlin (Non-breeding)
A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)
Waterbird assemblage

Exe Estuary Ramsar (UK 11025)

Source: <https://rsis Ramsar.org/RISapp/files/RISrep/GB542RIS.pdf>

Principal Features (updated 1999)

The estuary includes shallow offshore waters, extensive mud and sand flats, and limited areas of saltmarsh. The site boundary also embraces part of Exeter Canal; Exminster Marshes – a complex of marshes and damp pasture towards the head of the estuary; and Dawlish Warren - an extensive recurved sand-dune system which has developed across the mouth of the estuary.

Average peak counts of wintering water birds regularly exceed 20,000 individuals (23,268*), including internationally important numbers* of *Branta bernicla bernicla* (2,343). Species wintering in nationally important numbers* include *Podiceps auritus*, *Haematopus ostralegus*, *Recurvirostra avosetta* (311), *Pluvialis squatarola*, *Calidris alpina* and *Limosa limosa* (594).

Because of its relatively mild climate and sheltered location, the site assumes even greater importance as a refuge during spells of severe weather. Nationally important numbers of *Charadrius hiaticula* and *Tringa nebularia* occur on passage. Parts of the site are managed as nature reserves by the Royal Society for the Protection of Birds and by the local authority. (1a,3a,3b,3c)

Assessment of Potential Impacts

Introduction

The proposal represents an integral part of the Cranbrook expansion forming part of one of the four key expansion areas; in this case, Cobdens. 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/	Dawlish Warren	East Devon Local Nature Park	
Disturbance to breeding birds			x	Risks from reduced breeding success and avoidance of otherwise suitable habitat.
Disturbance to wintering water birds	x			Risks from avoidance of otherwise suitable areas, reduced feeding rate, stress and increased energetic costs.
Increased fire risk		x	x	Fire risk linked to recreation through discarded cigarettes, BBQs etc.
Trampling and wear		x	x	Heavy footfall can result in vegetation wear, soil compaction & erosion.
Interaction with predators	?		x	Species such as Crows and Magpies may be drawn to areas with greater human activity or occur at higher densities; redistribution of birds may result in greater vulnerability to predation.
Nutrient enrichment from dog fouling		x	x	Risks from dog fouling resulting in increased soil nutrient levels and changes in vegetation.
Fly tipping/litter		?	x	Short-term impacts to interest features likely to be minimal but risks of long-term contamination, particularly from introduced species from garden waste is a risk. Also risks of staff time drawn from other essential duties.

Contamination of water bodies from dogs	x	x	x	Dogs swimming in ponds and other waterbodies brings potential risks from increased turbidity
Disruption of management		x	x	Disruption such as dog attacks to livestock; gates left open, theft of equipment/material all issues to be expected at more urban sites or those with more recreation
Public opposition/objecti on to management	x	x	x	Management interventions such as tree or scrub removal, water level management etc. can be sensitive and opposed by local residents, leading to issues achieving the necessary management
Damage to infrastructure, vandalism etc.	x	x	x	Direct damage can occur through graffiti and deliberate vandalism which tend to be issues at more urban sites
Predation by pet cats			x	Increased housing may lead to increases in local cat population; pet cats can range widely and predate a variety of bird and mammal species. Unlikely as a risk for Exe Estuary?

Extracted from: <https://eastdevon.gov.uk/media/2760803/habitat-regulations-assessment.pdf>

(Hoskin Liley, Panter and Wilson (2019) Habitats Regulations Assessment of the Cranbrook Plan 2013 – 2031)

Are there other proposals in the area which may give rise to 'in combination' effects?
(List other proposals which have been considered)

Proposed development

The current application proposes the construction of up to 260 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. 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 including:

- 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 is currently at examination having been submitted to the Inspectorate in March 2024. This Plan proposes to deliver approximately 14,400 houses in the plan period 2020 - 2040.

The Exeter Plan seeks to deliver to 14,100 homes over the 20 year period to 2040. This Plan completed a Regulation 18 consultation in January 2024.

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 however, 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/2019-03/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 two means of providing mitigation:

- the direct delivery of SANGS (2c);
- the provision of a financial contribution towards the Onsite Access Management (3) of the designated environments.

SANGS.

Unlike many of the development parcels that form the Cranbrook Plan Area, it has been demonstrated that delivery of on-site SANGS for this particular proposal is not practicable – it would utilize too high a proportion of important development land but also deliver a SANGS of a size where it could not meaningfully fulfil its role.

The applicants have therefore secured land off Parsons Lane Rockbeare and have been made applications under reference 24/1291/COU and 24/1292/FUL for the change of use and delivery of an associated car park to formalise the proposed use. These applications have a formal resolution to approved, demonstrating the suitability of the land as SANGS.

In total the SANGS proposed under the COU application amounts to a total of 9.5ha of which around 4.9ha is required to meet the needs of this current application. It is proposed that the required 4.9ha is brought forward ahead of the first occupations of this site while the residual 4.6ha is held in abeyance and used for future projects. As described more particularly within the report for the SANGS application, the land the subject of that application is smaller than would normally be needed to deliver a full SANGS and doesn't deliver the full 2.3km walk in a meaningful and attractive way. However it is contiguous with SANGS that is being brought forward as part of the previously consented Treasbeare expansion. With a shared boundary it is possible to secure connection between the two areas of land therefore use them as a single block. This makes for an attractive SANGS and one that is considered capable of fulfilling its requirements in full in accordance with the criteria set out in Policy CB15 of the Cranbrook Plan.

The following master plan extract from 24/1291/COU helps to show the juxtaposition of the SANGS proposed for this application and that for Treasbeare as well as potential layouts – these can be by condition to ensure suitable walking routes around and through the SANGS.



While not immediately adjacent to the housing land that it would support the SANGS as shown above is nevertheless considered to be in a suitable location to properly act as an interceptor for the proposed development as well as the wider Cranbrook expansion. The SANGS 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 public access that will also be made available on the adjoining land.

The long term maintenance of the SANGS will be secured through either engagement with a managing partner or direct through Local Authority control. While this is yet to be finalised the principle of management is recognised and can be secured through relevant planning agreements.

The approach taken with SANGS delivery addresses the SEDEMS Management Options - option 2c - Provision of suitable alternative natural greenspace sites ('SANGs').

On a separate but related consideration, the provision of Biodiversity Net Gain (BNG) is a Cranbrook Plan Policy requirement. This can be secured through a legal agreement in the event that the residential development receives planning permission. It has been demonstrated that there is adequate potential on the site to provide at least the minimum 10% BNG requirement for the site itself as well as the modest shortfall that is identified on the housing land. This is all premised on the approach that where BNG is delivered on SANGS land, this can 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, would 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

Conclusion: Is the proposal likely to have an adverse effect on the integrity of any Habitats site?	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.	
Natural England's Response	No comments at the current time	
Do we need to consider alternative solutions	No	
Are there imperative reasons of Overriding Public Interest (IROPI)	No	
Final Assessment and Recommendation	East Devon District Council concludes that there would be NO adverse effect on the integrity of the Exe Estuary SPA/Ramsar site and the East Devon Pebblebed Heaths SPA and SAC provided the mitigation measures are secured as above.	
Local Authority Officer	J Brown	Date: 22 November 2024