

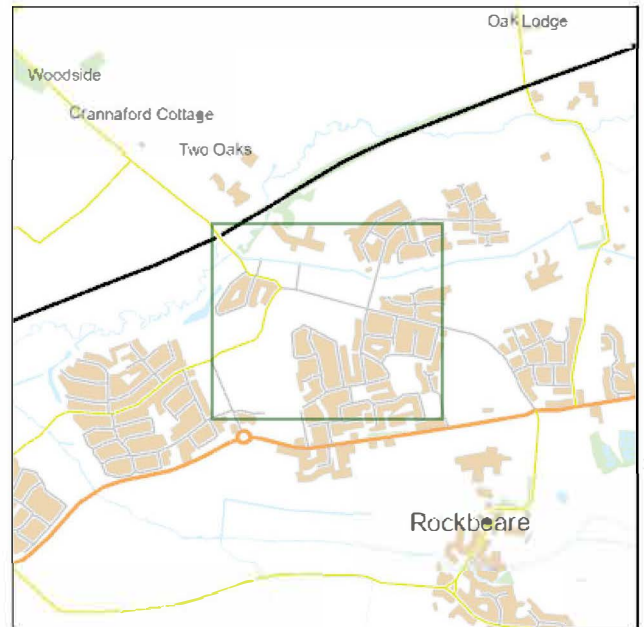
Ward Cranbrook

Reference 23/0511/MFUL

Applicant Halland Land Management Ltd

Location Land To The South Of Tillhouse Road
Cranbrook

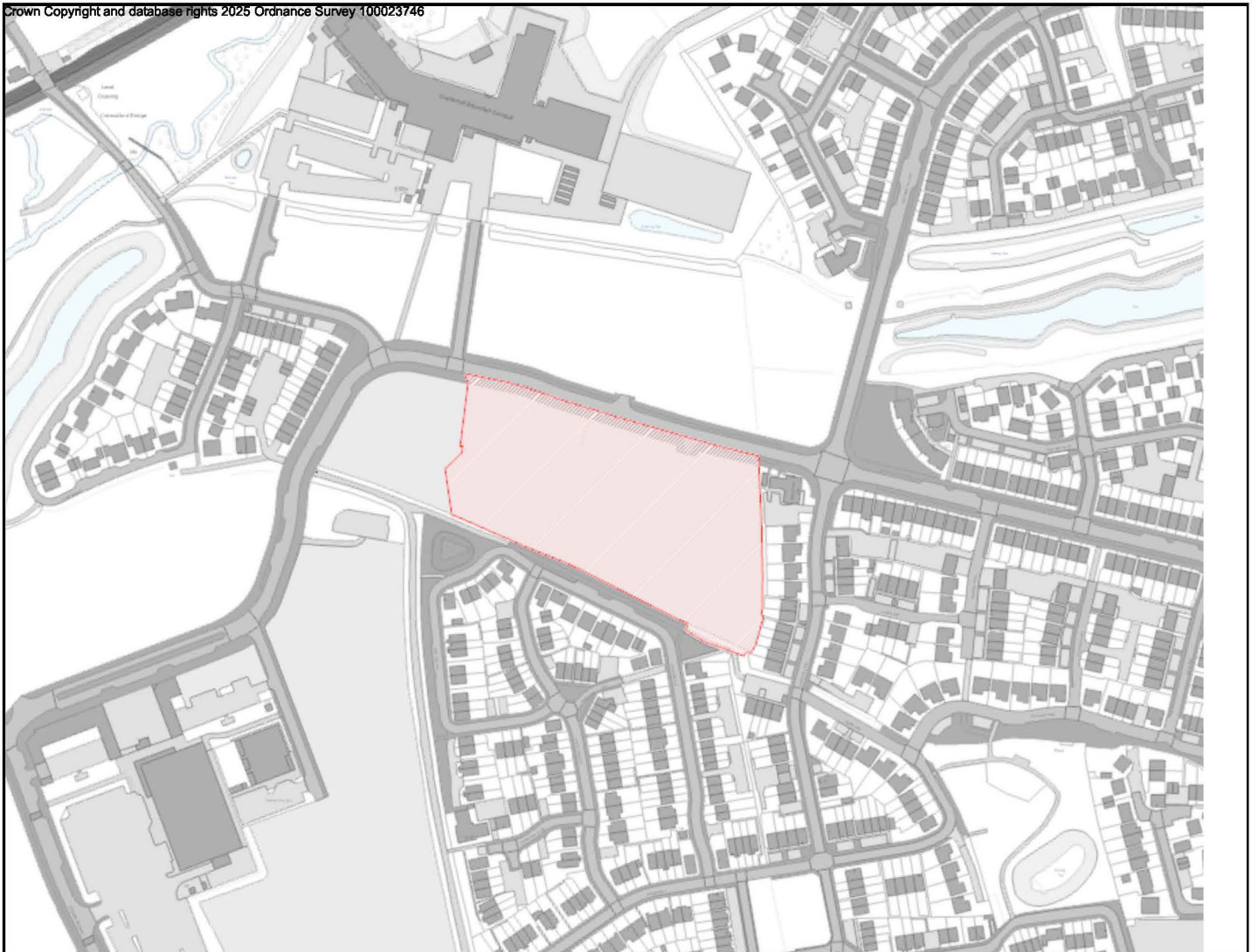
Proposal Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities)



RECOMMENDATION:

- a) **ADOPT** the Appropriate Assessment (as set out in Appendix 1).
- b) **APPROVE** the application subject to a S106 Legal Agreement and Conditions (final wording delegated to the Development Manager).

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		Committee Date: 15.07.2025
Cranbrook (Cranbrook)	23/0511/MFUL	Target Date: 13.07.2023
Applicant:	Hallam Land Management Ltd	
Location:	Land To the South Of Tillhouse Road Cranbrook	
Proposal:	Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities)	

RECOMMENDATION:

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EXECUTIVE SUMMARY

This application is before members as the recommendation to approve would be a departure from Adopted Policies in relation to planning obligations.

The application site is located to the south of Tillhouse Road within the Town Centre of Cranbrook. The site, known as TC7B, comprises of a 1.63ha broadly rectangular parcel of land and bounded by trees and vegetation along the southern and eastern boundaries.

The application seeks full planning permission for the construction of 65 residential dwellings including 4 affordable dwellings, three access points onto Tillhouse Road, pedestrian and cyclist connections to Luccombe Oak, car parking, landscaping and associated infrastructure.

The application site is located within the Built-Up Area and Town Centre of Cranbrook whereby residential development is supported. The site was identified for additional residential development as part of the Memorandum of Understanding (MOU) agreed between the Council and the East Devon New Community Partners (EDNCp) (comprised of Taylor Wimpey Developments Limited, Persimmon Homes Limited and Hallam Land Management Limited) in May 2022 to bring forward the delivery of the town centre. The principle of residential development within the Town Centre is also supported by Policy CB8 and Policy CB22 of the Cranbrook Plan (2022).

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. In this case, the presumption in favour of sustainable development as set out in Paragraph 11d) of the National Planning Policy Framework is triggered as the council is unable to demonstrate that it has a 5-year supply of deliverable housing land.

Among the material considerations relevant to this application is the signed Memorandum of Understanding (MOU) dated 11 May 2022, which set out that the East Devon New Community Partners (EDNCp) shall be free to develop parcels TC3, TC5a, TC5b, TC6, TC7a, TC7b (The

Application Site) and TC8b for residential development and only the following additional contributions shall be paid in respect of the Additional Residential Dwellings:

- **£2,551 per Additional Residential Dwelling towards Habitat Mitigation**
- **£1,742 per Additional Residential Dwelling towards additional primary school places**
- **£1,045 per Additional Residential Dwelling towards sustainable travel**
- **£72 per Additional Residential Dwelling towards car sharing schemes and e-bikes.**

The MOU also set out the principle of amending several S106 planning obligations in relation to the transfer of land within the Town Centre, and the payment of financial contributions of more than £3 million for the Town Council Offices, Children's Centre and Youth Centre in lieu of direct delivery by the EDNCp. These financial contributions would at least in part be payable on the grant of planning permission for an 'additional residential permission'. Additionally, the MOU gave the council the option to purchase land within the Town Centre, an option which was exercised with just under 4 acres of land purchased in November 2022. The precise wording of the revised S106 obligations to capture the thrust of the MoU is still under negotiation and delegated authority is sought to finalise these clauses to the Development Manager.

The proposal would result in 65 residential dwellings in a sustainable location. Whilst the overall layout and design of the scheme could have been more distinctive to reflect the town centre location, the proposal would result in a higher density development compared to the rest of Cranbrook, which is supported. As a consequence, the proposed landscaping scheme is more limited than has been achieved on other schemes within the town however new trees, hedgerows and planting are proposed to help soften the overall scheme.

The proposed dwellings would meet the Nationally Described Space Standards. Each dwelling would include private amenity space, and the site is near the Country Park, open and play spaces. The proposal is not considered to result in harm to neighbouring properties and the proposed dwellings would offer good levels of sunlight and daylight for future residents.

The proposal has been assessed in relation to Drainage and Flood Risk, Highways, Land Contamination, Archaeology and Sustainability and is acceptable. Subject to the provisions of a S106 legal agreement, the scheme would connect to the existing district heating network. The proposal would retain existing trees and hedgerows and would include ecological mitigation measures. The proposal would result in a 5.41% increase in habitat units and a 32.46% increase in hedgerow units.

The development would fail to fully comply with several adopted policies such as Cranbrook Plan DPD Policy CB22 in relation to density, adaptable ground floors and contributions required, Policy CB10 in relation to affordable housing, Policy CB20 in relation to unallocated car parking, and East Devon Local Plan Strategy 43 in relation to Open Space Provision. These policy conflicts weigh negatively within the planning balance of the application however the affordable housing and open space requirements and financial contributions were agreed as part of the MOU to unlock the delivery of the town centre. The conflict in relation to density (lower than required by policy), adaptable ground floors, unallocated car parking albeit minor in harm shall form part of the overall planning balance.

The proposed development would result in several public benefits including the delivery of housing including 4 affordable homes which will support the town centre. The consenting of the 'additional residential development' in the town centre also secures the transfer of land in excess of the current requirement for town centre land transfer and for the town council offices, the offer to transfer will be earlier than is currently required. Indeed, if the two outstanding applications pursuant to the original outline planning application for Cranbrook are approved without a deed of variation, the trigger for the delivery of the town council offices

will not be reached. In addition to the offer for land transfer, the granting of 'additional residential development' ensures that financial contributions toward the construction of the Town Council Offices, Children's Centre, Youth Centre and Library are provided by the EDNCp. These facilities will be of great importance to the long-term success of the town and the health and wellbeing of its residents. The proposal would include economic benefits from construction to operation and benefits to local businesses and services by increasing footfall in the Town Centre.

There is clearly a need to balance development which is not fully in accordance with the adopted Local Plan and Cranbrook Plan but still delivering an acceptable form of development, against the need for housing within the district and material considerations which are relevant in the determination of this application.

In this instance and having regard to all planning matters, given the need to bolster housing supply for the longer term, the sustainable location of the site and the wider benefits for the existing and future residents of Cranbrook and surrounding villages as a result of unlocking the town centre for essential commercial, retail and community uses, officers consider that the material considerations in this case would on balance justify a recommendation for approval. Officers acknowledge that there are conflicts with adopted policies, however these conflicts do not result in a development whereby the harm would significantly and demonstrably outweigh the benefits and officers consider that the proposed development would overall align with the principles of sustainable development.

It is recommended that the appropriate assessment is adopted, and that the application be approved subject to a S106 Legal Agreement and Conditions.

CONSULTATIONS

Local Consultations

Cranbrook - Cllr Kim Bloxham – 27 April 2023

I raise concerns about the lack of highway adoption and other items.

Proposed public open space for adoption by the Town Council appears to be inaccessible unless accessed over private land.

Lessons should be learned from previous parcels in Cranbrook regarding refuse and recycling collection arrangements. I am concerned that these plans will lead to future problems with messy areas.

Limited highway adoption isn't acceptable which I believe creates the issues raised above.

Parking restrictions need to be provided on the MLR as we know from experience that rear parking spaces are mostly unused as most people park their cars at the front of properties. This will lead to problems on the MLR.

I would like to see a more imaginative colour palette being used on exterior finishes.

These are my initial concerns and I reserve the right to change my mind should this application come to the planning committee for consideration.

Kim Bloxham

District Councillor
Cranbrook Ward

Clerk To Cranbrook Town Council – 6 June 2025

The Town Council raises No objection to the principle of development but has concerns about the following;

There should be a clear adoption plan indicating agree public open space adoption by Cranbrook Town Council.

The Town Council would suggest that Bin collection points adjacent to plots 109 and 51 and 52 and 63 be removed as the waste team will be collecting from the opposite side for example, plots 104 - 108 and 92 – 97.

The Committee wishes to point out the shortcomings of bin collection points and the experience in the Town to date where badly used BCPs have become unkempt, dirty and verminous. Should this arise in the parcels under consideration the District Council will need to review its policy of refusing to carry out kerbside collections in roads that are not intended for adoption.

The Committee acknowledges that the Local Planning Authority will not permit driveway and garage access from the main Local Route. Whilst the rear parking arrangements brought forward are not ideal the parking spaces do benefit from observation from the rear of the dwellings. However, unless parking restrictions are brought forward along town centre MLRs residents will routinely park along the MLR in front of their homes.

The Town Council would urge the Local Planning Authority to consider parking restrictions such as a Controlled Parking Zone on all town centre applications along the MLR to avoid highway obstruction. It would be more practical if this were to be implemented ahead of occupation of the site.

The Committee is aware that works are due to commence to deliver the previously consented expansion of Basin 2C, the creation of an additional basin in TC7 and the reintroduction of the open drainage ditch that is between TC7 and the existing parcel at Luccombe Oak. These works are not only crucial to Town Centre development but also are extremely important to prevent flooding to existing properties in Luccombe Oak which currently has no drainage protection from surface water from parcels to the east and north. It is hoped that the works proceed as outlined and are not subject to further delay.

Clerk To Cranbrook Town Council – 19 March 2025

The Town Council raised no objection to the principle of the development. The residential and visitor parking is improved as is the parking along the MLR.

There remain concerns about how the bin collection points (BCPs) will work given the experience in the town with BCPs previously that quickly became unkempt and eventually verminous. The limited highway adoption proposed presents conflicts with the ability to offer kerbside collection and therefore consideration might be given to the provision of larger communal bins rather than multiple individual household bins which consist of recycling boxes, gull sacks, food waste bins, garden waste and residual bins.

Consideration should be given towards bringing forward a Controlled Parking Zone (CPZ) to prevent the difficulties with school drop off and pick up encountered nearby in Stone Barton. Work is

underway to bring forward a CPZ at Stone Barton and if successful this will undoubtedly displace school parking to other nearby parcels.

There is a conflict between the two Detailed landscaping Plans which appear to offer different land to the Town Council. This needs to be resolved. A detailed adoptions plan would be helpful and provide clarity.

There needs to be certainty that the approved expansion of basin 2C, the creation of the new basin in TC7 and the reinstatement of the drainage along Luccombe Oak will take place ahead of housing development.

Clerk To Cranbrook Town Council – 31 July 2024

The Town Council Planning Committee is generally content with the proposed revised plans and withdraws its previous formal objection.

The Committee is content with the proposals surrounding future adoption of public open space by the Town Council.

The Committee acknowledges the constraints on kerbside collection of refuse and recycling placed upon it by the limitations of available adoptable highway and acknowledges that the developer has made the best arrangements that it can. Whilst not formally objecting, the Committee wishes to point out the shortcomings of bin collection points and the experience in the Town to date where badly used BCPs have become unkempt, dirty and verminous. Should this arise in the parcels under consideration the District Council will need to review its policy of refusing to carry out kerbside collections in roads that are not intended for adoption.

The Committee acknowledges that the Local Planning Authority will not permit driveway and garage accesses from the main Local Route. Whilst the rear parking arrangements brought forward are not ideal the parking spaces do benefit from observation from the rear of the dwellings. However unless parking restrictions are brought forward along town centre MLRs residents will routinely park along the MLR in front of their homes. Whilst not a part of this application the LPA is urged to consider the inclusion of parking restrictions along the MLR frontages to avoid highway obstruction. (Yonder Acre Way is an example of where these concerns are evidenced).

Whilst not directly related to these applications the Committee is very concerned about the failure to deliver the previously consented expansion of basin 2C, the creation of an additional basin in TC7 and the reintroduction of the open drainage ditch that is between TC7 and the existing parcel at Luccombe Oak. These works are not only crucial to Town Centre development but also are extremely important to prevent flooding to existing properties in Luccombe Oak which currently has no drainage protection from surface water from parcels to the east and south

Clerk To Cranbrook Town Council – 25 April 2023

The Committee resolved to accept the proposed development, general layout and design but to Object to the following key elements:

1. Public open space that is designated on the Landscape Adoption Plan for adoption by the Town Council is mostly inaccessible unless by access over private land. This needs to be resolved either by a redesign or by transferring the proposed POS to the householders.
2. Refuse and recycling collection arrangements are unacceptable and will undoubtedly lead to the creation of unsightly and unclean bin collection areas as has been the experience in the town to date where similar arrangements were put in place.

3. The limited highway adoption proposals are not acceptable and directly lead to the two issues described at points 1 and 2 above.

4. Rear parking arrangements for properties along the Main Local Route will lead to on-street parking obstructing the MLR unless parking restrictions are put in place.

5. House types provide limited variation in design and colour palette

Summary of Technical Consultations (Full Responses in Appendix 2)

DCC County Highways	No objection - DCC recommends that the LPA implement a condition to ensure highway mitigation on the MLR at access points to promote speed reduction, as there are no material changes in the additional information submitted, and internal matters like crossing points and lighting can be agreed at the detailed design stage.
DCC Historic Environment Officer	No objections and no further mitigation required.
DCC Flood Risk	No objection - A condition should be included to prevent development until Pond 2C is fully confirmed and a condition is required for a detailed design of the surface water drainage system, tree pits, permeable paving, maintenance details, exceedance routes, and construction stage drainage.
DCC Education	No Objection - Requested contributions of £1,742 per Additional Residential Dwelling to be paid towards provision of additional primary school places.
EDDC Housing Enabling	The amended plans now allocated plots 56 – 59 as the affordable units. These are now 3-bedroom, 5 person houses which is an improvement on space standards.
EDDC Landscaping	Concerns about overdevelopment, poor residential amenity, inadequate tree and planting provisions, and insufficient pedestrian access, recommend a redesign to address these issues and ensure compliance with landscape design standards. Recommended conditions should a satisfactory layout be submitted.
EDDC Trees	There are no discernible changes from previous plans, and previous comments still apply regarding the southern boundary and landscape plans, including shading issues and inadequate soil volume.
EDDC Waste and Recycling	Bins can be collected from the rear lanes if they're placed accessibly, the lanes are wide enough for lorries, and the surface is suitable for heavy vehicles.
Environmental Health	No objection.
Contaminated Land Officer	No objection - Recommended a Remediation Strategy Condition.
EDDC District Ecologist	No objection - Private on-plot grassland habitats cannot be included in BNG calculations due to legal constraints, while private gardens, considered low distinctiveness habitats, can contribute to BNG scores without needing legal security, though trees in private gardens are excluded from BNG but may serve other purposes.
Police Architectural Liaison Officer	Concerns with the excessive accessible space to the rear boundaries of plots (49-63 and 109-113).
Exeter & Devon Airport	No safeguarding objections.
Devon & Somerset Fire Rescue Service	No observations.
Natural England	No objection subject to securing appropriate mitigation.
National Highways	No objection as the traffic impact on M5 J29 is deemed acceptable. National Highways initially recommended non-determination to assess traffic impact, but

	later accepted that the current application would not severely impact M5 J29, considering cumulative impacts of wider Cranbrook development.
Network Rail	Network Rail continues to have concerns regarding development around Crannaford level crossing and the significant increase in its usage that developments will generate.
National Grid	No objection - There are no National Grid Electricity Transmission assets affected in this area.
Environment Agency	No objection - We were consulted by the Health and Safety Executive business support team on this application. However, we have no objection to the proposal.

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) (updated February 2025) 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.

The Cranbrook Plan Development Plan Document was adopted in October 2022 and for sites within the Cranbrook Plan Area, supersedes a number of Local Plan Policies in part and/or in full. Strategy 12 of the East Devon Local Plan 2013-2031 has been superseded in full and is no longer relevant to development at Cranbrook.

Cranbrook Plan DPD

CB1 (Cranbrook Health and Wellbeing)
CB6 (Cranbrook Infrastructure Delivery)
CB8 (Cranbrook and Broadclyst Station Built Up Area Boundaries)
CB10 (Cranbrook Affordable Housing)
CB12 (Delivering Zero Carbon)
CB14 (Delivery of Suitable Alternative Natural Green Space)
CB16 (Amenity of Future Occupiers)
CB19 (Plug-In and ultra-low Emission vehicle charging)
CB20 (Parking at Cranbrook)
CB22 (Residential Development in the Town Centre and Neighbourhood Centres)
CB26 (Landscape, Biodiversity and Drainage)

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)
Strategy 3 (Sustainable Development)
Strategy 37 (Community Safety)
Strategy 43 (Open Space Standards)
Strategy 47 (Nature Conservation and Geology)
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)

EN14 (Control of Pollution)
EN16 (Contaminated Land)
EN22 (Surface Run-Off Implications of New Development)
TC2 (Accessibility of New Development)
TC4 (Footpaths, Bridleways and Cycleways)
TC7 (Adequacy of Road Network and Site Access)

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 (Spatial strategy) Draft
Strategic Policy DS01 (Design and local distinctiveness) Draft
Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) Draft
Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft
Strategic Policy AR01 (Flooding) Draft
Strategic Policy CC02 (Moving toward net-zero carbon development) Draft
Strategic Policy SP07 (Delivery of infrastructure) Draft
Policy OL07 (Contaminated land) Draft
Policy OL09 (Control of pollution) Draft
Policy OS02 (Sport, recreation and open space provision in association with development) Draft
Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft
Policy PB08 (Tree, hedges and woodland on development sites) Draft
Policy HE04 (Archaeology and Scheduled Monuments) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)
National Planning Practice Guidance

OFFICER REPORT

SITE LOCATION

The application site is located to the south of Tillhouse Road within the Town Centre of Cranbrook, East Devon. The site, known as TC7B, comprises of a 1.63ha broadly rectangular parcel of land and is currently used for a mixture of uses including as storage, construction compound and parts of the site are unused. The site is bounded by trees and hedgerows along the southern and eastern boundaries. The site is located approximately 45m from the junction between Tillhouse Road, Rush Meadow Road, Yonder Acre Way and Kingfisher Rise and is to the north of Luccombe Oak.

The application site is not located within a Conservation Area and there are no Listed Buildings on or adjacent to the site. There are 5 TPO protected trees around the perimeter of the site.

The site is located to the north east of the central part of the town centre where the shops, supermarket and nursery are located. The wider area includes the additional parcels of town centre land as well as the Cranbrook Education Campus, future open and play spaces and existing residential dwellings.

PLANNING HISTORY

The site has the following relevant planning history:

- 03/P1900 | A new community comprising up to 2,900 residential dwellings; a town centre and a local centre including retail, residential and employment; assembly and leisure uses;

non-residential institutions (including two primary schools and one secondary school); sports and recreation facilities; a country park; a railway station; landscaping; engineering works; associated infrastructure; and car parking for all uses | APPROVAL (29 October 2010)

The following applications are relevant to this application:

- 23/0554/MFUL | Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) | Parcels TC3 And TC8b Land Off Court Royal And Badger Way Cranbrook | PENDING CONSIDERATION
- 22/2354/MFUL | Development of residential dwellings and associated car parking, roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) | Parcels Tc5a, Tc6 & Tc7a Tillhouse Road Cranbrook Town Centre | PENDING CONSIDERATION
- 22/2306/MRES | Application seeking approval of the reserved matters (access, appearance, landscaping, layout and scale) for the construction of 31 dwellings including affordable housing, parking, roads, footpaths, landscaping, open space, associated site infrastructure, and all other associated works (including ground modelling and utilities). This is a subsequent application in respect of outline permission 03/P1900 which was accompanied by an Environmental Statement and seeks the discharge of the relevant conditions of the outline permission (6, 11, 14, 17, 20, 21, 22, 23, 24, 28, 36 and 37). | Land To The North Of Tillhouse Road Cranbrook Town Centre Devon | PENDING CONSIDERATION

BACKGROUND TO CRANBROOK'S TOWN CENTRE

The original application for Cranbrook (ref. 03/P1900) was granted in October 2010 for the new community of Cranbrook comprising up to 2,900 residential dwellings and including a town centre. The location of the town centre was identified within the Development Framework Plan and the Section 106 Legal Agreement (known as the S106 agreement) defined the Town Centre and required the Town Centre Land to be identified and marketed. The S106 agreement also required the construction of 5 High Street Units as well as other community and Town Council facilities within the Town Centre.

Application 13/1752/MFUL was approved in November 2014 for an additional 587 dwellings bringing the total number of dwellings to just under 3500 dwellings. This application resulted in an amendment to the Town Centre Land identified within the Development Framework Plan to reflect the updated town centre boundary, moving it to its currently identified position.

Within the Town Centre, the Cranberry Farm pub opened in early summer 2017 and in late summer 2022, construction started on the Morrisons Supermarket, Children's Nursery, Town Square and Phase 1 of the High Street retail/commercial units with residential apartments above. At present, five high street units are occupied and open with the other units in the process of being let and/or fitted out, 17 residential apartments are now occupied, and the Morrisons Supermarket opened in December 2024. An opening date for the nursery is not yet known, although the building is externally complete.

The need to deliver the town centre of Cranbrook is of ever-increasing importance to ensure that existing and future residents have access to the facilities, services and jobs needed to support it as the town continues to grow. In late 2018/early 2019 discussions took place with the East Devon New Community partners (EDNCp), Cranbrook Town Council and Devon County Council on how to approach the delivery of the town centre, which led to the EDNCp making it known that they had

interest from a developer to bring forward a scheme for a supermarket, shops and nursery. These discussions progressed but alongside, concerns were raised by the EDNCp around viability and their wish to retain town centre parcels for housing delivery. This led to protracted debate and negotiation which was reported to several council meetings, as detailed in the following paragraphs.

Strategic Planning Committee - 22nd October 2020

At the Strategic Planning Committee meeting of 22nd October 2020, Members considered two options for the delivery of Cranbrook Town Centre. The first was to agree in principle to proposals brought forward by the East Devon New Community Partners (EDNCp) by signing a Memorandum of Understanding (MOU) to give the EDNCp comfort to invest in bringing their proposals through the formal planning process. The alternative was to move forward with the production of a Supplementary Planning Document (SPD) detailing proposals for the town centre based on the requirements of the Local Plan and emerging Cranbrook Plan. The committee resolved that the proposals had been considered and that the council was not minded to enter into a MOU based on the terms tabled at that time but were open to further negotiation. This further negotiation duly took place between October and the subsequent Strategic Planning Committee on 15th December.

Strategic Planning Committee - 15th December 2020

At this meeting, Members considered an updated offer for town centre development from the EDNCp alongside a draft of a Supplementary Planning Document. Members sought to defer a decision for further negotiations to take place and for these to be reported to Cabinet.

Cabinet - 6 January 2021

On 6 January 2021, a report to Cabinet provided an update on progress with negotiations with the EDNCp over the delivery of Cranbrook Town Centre. Cabinet agreed the updated offer from the EDNCp and agreed in principle to the MOU. At that time, the fundamental principles to be set out in the MOU were as follows:

- The EDNCp able to bring forward housing on a number of identified parcels in the town centre, with nil affordable housing on housing numbers over and above the existing outline planning permission. The additional housing to pay a reduced S106 contribution of £5,370 per dwelling.
- District heating connections to all residential properties provided a connection charge of not in excess of £5,000/dwelling.
- Offer to transfer all existing S106 town centre land obligations upon the MoU being signed (earlier than some of the current S106 triggers).
- Agreeing a financial contribution to be paid toward the construction of the Town Council Offices, Children's Centre, Youth Centre and Library in lieu of direct provision by the EDNCp.
- Give EDDC the option to purchase one or more of parcels TC3, TC4d & TC4e at a market residential value.

Cabinet - 5 January 2022

A report to Cabinet on 5 January 2022 set out that negotiations have been under way in respect of the precise wording of the MOU and that the EDNCp have been working toward the submission of applications for planning permission for residential development on parcels TC3, TC4d&e, TC5a&b, TC6, TC7a&b and TC8b totalling circa 341 dwellings.

Signing of MOU

On 11 May 2022, the MOU was signed between East Devon District Council, Devon County Council, Cranbrook Town Council, HDD Cranbrook Limited, Persimmon Homes, Hallam Land Management and Taylor Wimpey and set out that the EDNCp shall be free to develop parcels TC3, TC5a, TC5b, TC6, TC7a, TC7b (the application site) and TC8b for residential development and the following additional contributions shall be paid in respect of the Additional Residential Dwellings to be constructed:

- £2,551 per Additional Residential Dwelling towards Habitat Mitigation
- £1,742 per Additional Residential Dwelling towards the provision of additional primary school places
- £1,045 per Additional Residential Dwelling towards sustainable travel
- £72 per Additional Residential Dwelling towards car sharing schemes and e-bikes.

The MOU also set out under Paragraph 11.1 that 'no further obligations or requirements are envisaged under s106 or otherwise in addition to those obligations and requirement set out in this Memorandum'. This means that the LPA shall not seek to secure any additional contributions or obligations as part of the Town Centre Residential Applications. It is also noted that the MOU was stated not to fetter the discretion of the Local Planning Authority in considering any planning application for the development of the town centre land.

The MOU also includes agreement to a Statement of Design Principles for the Town Centre setting out the principles for each parcel, density requirements and design appearances. This document was intended to discharge the existing S106 obligation for a design code for the town centre.

The tables below compare the relevant land/building and financial S106 obligations at the time the MOU was signed with the provisions agreed in principle in the MOU, or in the case of the DCC facilities, as subsequently legally secured through a deed of variation to the S106 agreement.

In addition to the details as set out in the table overleaf, it is important to note in making provision for the offer to transfer the whole of parcel TC2, the MOU would also result in 0.64ha more land in the town centre to be transferred than the current S106 obligations provide for. In making the offer to transfer TC2, it brings forward the transfer of land for the town council offices/facility. At present the Town Council facilities are a requirement for a building to be constructed and transferred. However, this is only due for delivery and transfer prior to the occupation of 3450 homes. To-date 3,420 dwellings have been built or received reserved matters approval. There is one outstanding reserved matters application (ref. 22/2306/MRES) (part of TC5a&b), that would take the number of dwellings to 3,451 however there is also a live S73 application (ref. 25/0087/VAR) to reduce the number of dwellings from a previous reserved matters approval. If both of these live applications are approved without a variation to the original S106 agreement then only 3,447 dwellings may be built, below the trigger for the delivery of the Town Council facilities.

Summary table of MOU against S106 obligations in place at the time the MOU was finalised					
Use/Item	Area of land required (ha)	Delivery of building	Final trigger	Requirement comprises	Included in MOU
Class A uses (now included in Class E)	5 High street units	500 sq. m	2000 homes	Land and building	To be built by HDD on TC4a
Youth facilities	0.2	480 sq. m	3450 homes	Land and building	NOTE: This text is a summary of the land and financial obligations in the DCC Deed of Variation (DOV) from
Library	0.1	450 sq. m	3450	Land and	

			homes	building	December 2023 rather than what had been included in the MOU.
Children's Centre	0.1	250 sq. m (€432,000 Index linked)	2500 homes	Land and building	<p>TC4b (0.4ha) to be offered for transfer to DCC for €1 within 14 days of the DOV being completed.</p> <p>€3m financial contribution for Youth, Library & Children's Centre or other social and community facilities:</p> <ul style="list-style-type: none"> • €742k (index linked from Q4 2023) to be paid within 14 days of the completion of the DCC DOV • €1.548m (index linked from Q4 2023) 14 days after the commencement of development of an Additional Planning Permission (being a permission or permissions which results in planning permission for more than 200 additional dwellings on the land*) or prior to the occupation of the 3450th dwelling, whichever is the earlier. • The balance of €3m, less the two payments already paid shall be payable upon the commencement of the first Additional Planning Permission <p>*Note – The current live full planning applications that would fall within the definition of Additional Planning Permission total 232 dwellings.</p>
Police and ambulance	0.25 Police + Parking for 2x Ambulances		2500 homes	Serviced land	<p>TC2 to be offered for transfer to the council for €1 within 7 days of the completion of the MOU.</p> <p>TC4c to be offered for transfer for €1 upon the first outline or full planning permission for dwellings on any of Tc3, Tc5a&b, TC6, TC7a&b and TC8b becoming challenge free.</p>
Health and well being	0.7		2500 homes	Serviced land	
Town Council Facility	0.05	237 sq. m	3450 homes	Land and building	<p>Pay Cranbrook Town Council the following sums towards the cost of construction of the Town Council Facility:</p> <ul style="list-style-type: none"> • €250,000 upon the transfer of parcel TC2 • €342,500 within 18 months following the grant of the first outline or full planning

					<p>permission for dwellings on any of Tc3, Tc5a&b, TC6, TC7a&b and TC8b becoming challenge free.</p> <p>Parcels TC2, TC4b and TC4c to be transferred allowing EDDC, DCC and/or CTC (as appropriate) to be free to use the land as it sees fit (provided no bad neighbourly uses)</p> <p>Note – Cranbrook Town Council are concerned that the financial contribution agreed in 2022 is no longer adequate for their needs and discussions are presently ongoing to resolve this issue. Because the Town Council Facility is presently an obligation on the EDNCp to deliver a building, the transfer of TC2 has been held up as this is the land on which the facility is to be sited. The current draft of the DOV deviates from the MOU in that it links the trigger to offer to transfer TC2 to the granting of additional residential permissions in order to protect the EDNCp's ability to deliver upon their existing obligation.</p>
Public Convenience	N/A	Only if not within a commercial building	2000 homes	Land and building or commuted sum of £200k (if not within a commercial building)	<p>To be provided within a public building.</p> <p>No commuted sum or capital contribution for construction.</p>

S106 obligations for additional housing on TC3, TC5a&b, TC6, TC7a&b, TC8b set out in MOU		
Item	EDDC/DCC request (per dwelling unless stated) during MOU negotiation	Finalised in MOU
Hab Regs Mitigation	<p>Payment of £499 per dwelling for non-infrastructure mitigation</p> <p>Payment of £2,052 per dwelling for costs associated with delivery and maintenance of SANGS, including estimated land purchase costs.</p> <p>Total per dwelling: £2,551</p>	<p>No direct SANG provision</p> <p>Financial contribution of £2,551 per dwelling</p>
Formal play	£107,366 in total	Nil – monies used to increase

Allotments	£50,930 in total	contribution toward Town Council Office delivery
Bowling Green Provision (off-site)	£3,441 in total	
Primary Education	£3,449	£1,742 per dwelling for Primary Education £1,045 per dwelling for Sustainable Travel £72 per dwelling for shared cars & e-bikes
Sustainable Transport	£2,219	
Shared Cars & E Bikes	£71.94	
Affordable Housing	15% based on Cranbrook Plan	Nil
Formal Open Space	£423	Nil
Amenity Open Space	£122.30 (note officers indicated that could likely nil rate due to existing provision)	Nil
Natural/semi natural open space	£333.30 (note officers indicated that could likely nil rate due to existing provision)	Nil
Sports pitches	£841.32	Nil
Leisure Centre	£942.45	Nil
Cricket (off-site)	£74.33	Nil
Health & Wellbeing Hub	£2102.97	Nil
Off-site walking & cycling infrastructure	£606.71	Nil
AGP contribution (off-site in Broadclyst)	£67.14	Nil

Following the signing of the MOU three planning applications were submitted for the supermarket, shops with homes above, town square and nursery. In addition, the offer to transfer TC2 to the council was made and the council also exercised its option to purchase land parcels TC4d&e, which was completed in November 2022.

The signing of the MOU also led to the EDNCp working up its proposals for the residential parcels. The three residential applications that are pending consideration as detailed under the planning history section of this report are those that cover the other town centre parcels intended for retention by the EDNCp. This planning application is the first of those parcels to reach a recommendation.

The 'Town Centre (DCC) Provisions' S106 deed of variation

As detailed in the preceding table, in December 2023 Devon County Council entered into a deed of variation to the principal S106 agreement with the EDNCp. The variation dealt with the County Council specific MOU provisions for the children's centre, library and youth provision, seeking to see them addressed in advance of the 'additional residential developments' in the town centre being consented. The Deed of Variation (DOV) secured the offer for land transfer and commuted some of the previous obligations for facility delivery into a financial payment. This was considered beneficial by the county council; however this is only the case should the triggers be reached for the majority of the financial payments, which are linked to permission for additional town centre housing being granted. Essentially, the DOV was completed on the basis that the MOU would be honoured.

Plan of the Town Centre Parcels (note, there have been some minor changes to the boundaries between TC1 and TC2 and TC4b and TC4c since this plan was produced)



The Cranbrook Plan Development Plan Document (The Cranbrook Plan) was adopted in October 2022 and includes policies for the town centre of Cranbrook and indicates where applications/changes to what is already permitted or existing may be positively encouraged and supported to assist delivery of a healthy and sustainable new town. Policy CB21 specifically addresses the development of the town centre and sets out a holistic vision for it: "An enterprising, vibrant, innovative, exciting, and sustainable town centre that develops a strong economic and cultural identity that comes from, brings together and supports the community of Cranbrook."

On 29 October 2024, EDDC's Strategic Planning Committee endorsed the Cranbrook Town Centre Masterplan as an evidence document for use by project teams looking to develop facilities on the town centre land and by the local planning authority as a material consideration of planning applications. The Masterplan sets out that housing in the town centre will increase activity and surveillance and support the creation of a vibrant, busy place. It follows the MOU by recognising that parcels TC3, TC5a&b, TC6, TC7a&b and TC8b will be purely residential in nature. The Masterplan identifies land on TC4e for a health and wellbeing hub to be constructed in a campus together with a leisure centre; this is a land parcel owned by the council already (purchased in 2022 following the signing of the MOU). The decision to site the health and wellbeing hub on TC4e was capable of being made as the MOU states that the transfer of TC2 as a whole, together with TC4b and c will represent the honouring of the EDNCp obligations for town centre facilities and the local

authority is free to use the parcels as they see fit. The current S106 does not include such provisions and therefore should the 0.7ha land required for the health and wellbeing uses be transferred under the existing legal provisions there is potential for the EDNCp to seek to restrict the use of the land for this use. This would be problematic as a project has been established for the health and wellbeing hub, working to locate it on TC4e. Identified uses for TC2 are presently the Town Council facility and Cranbox (planning application pending consideration and to be delivered using devolution grant funding).

THE APPLICATION

The application seeks full planning permission for the construction of 65 residential dwellings including 4 affordable dwellings, three access points onto Tillhouse Road, car parking, landscaping and associated infrastructure.

The proposal would include a mix of 2 and 3 storey dwellings including 16 x 2-bedroom dwellings, 48 x 3-bedroom dwellings and 1 x 4-bedroom dwelling. The proposal would include a mix of terrace, semi-detached and detached dwellings. The dwellings would be finished in red or buff brick with a mix of brick banding and brick detailing and would include grey or brown roof tiles. The proposal would include private rear gardens, 119 car parking spaces and bin and bike storage. The proposal also includes two pedestrian and cycle connections to Luccombe Oak to the south.

The application has been revised during the planning process resulting in an increase in dwelling numbers as well as amendments to storey heights, the site layout, elevational treatments, landscaping and materials proposed.

NEIGHBOUR CONSULTATION

The application has received 7 letters of objection. These are summarised below:

- o Impact on traffic and road closures
- o Impact on highway safety
- o Impact on pollution and noise
- o Increased landscaping required to benefit wildlife
- o Area originally for the Town Hall/Community
- o Area should be used as open space or local authority housing
- o Overcrowding in the town centre
- o Lack of facilities in the town
- o Lack of affordable housing despite the demand for affordable housing
- o Impact of construction traffic on the school
- o Lack of car parking in development
- o No visitor spaces provided
- o Expectations of town centre development

The application has received 1 letter of support. This is summarised below:

- o Site is unsightly wasteland
- o Look forward to welcoming new residents
- o The town centre will need a reliable and growing customer base
- o Building on vacant plots will help achieve customer base
- o Cranbrook's population needs to grow and be supportive of businesses

ASSESSMENT

A) THE PRINCIPLE OF DEVELOPMENT

At this time, the Local Planning Authority (LPA) is unable to demonstrate a 5 Year Land Supply meaning that paragraph 11(d) of the NPPF (2024) is engaged and currently applicable to planning decision making within East Devon. For applications relating to housing development, this means that the presumption in favour of sustainable development applies, and permission should be granted for sustainable development unless:

- i. the application of policies in this Framework [NPPF] that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework [NPPF] taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Strategy 1 (Spatial Strategy for Development in East Devon) of the adopted Local Plan (2016) sets out the planned provision (including existing commitments) will be made in East Devon for: 1. A minimum of 17,100 new homes in the 2013 to 2031 period; and 2. Development on around 150 hectares of land for employment purposes.

Strategy 3 (Sustainable Development) of the adopted Local Plan (2016) states that sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that the following issues and their inter-relationships are taken fully into account when considering development: conserving and enhancing the environment; prudent natural resource use; promoting social wellbeing; encouraging sustainable economic development; and taking a long term view of our actions.

Policy CB1 (Health and Wellbeing at Cranbrook) of the Cranbrook Plan (2022) sets out that the Council will require all developers and applicants to demonstrate how proposals meet the objectives of this policy to embed positive health and wellbeing outcomes in the planning process.

Policy CB8 (Cranbrook and Broadclyst Station Built-up Area Boundaries) of the Cranbrook Plan (2022) sets out that the Cranbrook and Broadclyst Station Built-up Area Boundaries are defined on the Cranbrook policies map. Within the built-up area boundaries, development will be permitted if:

1. It would be compatible with the character of the site and its surroundings;
2. It would not lead to unacceptable pressure on infrastructure or services;
3. It would not adversely affect the risk of flooding on or off-site;
4. It would not damage, and where practical, it will support promotion of wildlife, landscape, townscape or significant heritage assets;
5. It would not involve the loss of land of local amenity importance or of recreational value;
6. It would not impair highway safety or traffic flows;
7. It would not prejudice the development potential of an adjacent site.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that residential development will be expected within the town centre and neighbourhood developments in Cranbrook and planning applications for development in such centres will be required to demonstrate:

1. That they deliver residential development and achieve the highest appropriate density, which will be not less than 55-60 dwellings per hectare;
2. Residential development that shall be so designed and located as to ensure that it does not prejudice the vitality and viability of the respective centre;

3. Good levels of amenity for each unit of residential accommodation incorporating naturally lit rooms with views out to the streets, and access to shared and private outdoor space;
4. Proposals which are of high quality design for the character of the area and designed to ensure that future residents are not adversely affected by other uses and activities.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that where it can be demonstrated that land in the town centre area is not required for, commercial or community uses, some high density residential accommodation may be permitted at ground floor level provided that such uses demonstrate adaptability of the ground floor of dwellings to allow conversion to units that could be used for business activities in the future if required. The policy also sets out that new proposals for residential development in the Town Centre will be required to make contributions to on and/or off-site infrastructure in and around the town to mitigate for the likely additional pressure that would result from the increased occupation associated with the development.

Strategic Policy SP01 (Spatial strategy) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that new development will be directed towards the most sustainable locations in East Devon, by: A. Focusing new development at the West End of the district, including a further new community, on-going development of Cranbrook and other major strategic developments close to Exeter. This emerging policy carries limited weight at the time of determination.

The application site is located within the Built-Up Area and Town Centre of Cranbrook whereby residential development is supported and expected within the emerging town centre. The application site is not allocated within the adopted Local Plan or Cranbrook Plan for residential uses; however, the site (known as TC7B) was identified for residential development as part of the MOU agreed between the council and EDNCp to bring forward the delivery of the town centre. The time limit for the submission of reserved matters applications under the outline application for Cranbrook lapsed in October 2022 and, in any case, the proposal would result in additional housing over and above the permitted housing numbers necessitating the need for a stand-alone full planning application. The principle of residential development within the Town Centre is also supported by Policy CB8 and Policy CB22 subject to the development meeting the identified criteria.

The proposal would be compatible with the character of the site and area and the impact on infrastructure, flood risk, ecology, heritage assets and highways will be assessed later in this report however the proposal is considered to comply with the identified criteria in Policy CB8.

In relation to Policy CB22, the development would result in 65 additional dwellings at a density of 44.22 dwellings per hectare. This would be a conflict with Policy CB22 as the density is below the required 55-60 dwellings per hectare as set out in Policy CB22 (1). However, this is higher than the average density of the town and this is the most appropriate density when balancing land constraints, existing vegetation, car parking, proposed house types design and amenity together with having regard to the location, with lower density housing to the south and east and further lower density housing fronting Tillhouse Road to the west. The conflict with Policy CB22 (1) would be minor and conflict with adopted policies will be addressed as part of the overall planning balance.

In relation to Policy CB22 (2), the site was identified as part of the MOU for residential development which was agreed by the council and whilst it would have been preferable for a larger town centre, the proposal would increase housing numbers and residents within the town centre and therefore would not prejudice the vitality and viability of the emerging town centre. In relation to Policy CB22 (3) and (4), this report will discuss amenity, outlook, access to amenity space and the design of the development in more detail however the proposal would accord with the requirements of the policy.

Following on, Policy CB22 also sets out that residential accommodation may be permitted at ground floor level but any proposals for such uses demonstrate adaptability of the ground floor of dwellings to allow conversion. The proposed dwellings as part of this application would all fail to include adaptable uses at ground floor. As part of the application process, it was considered that the proposed dwellings as part of this scheme would not need to demonstrate that the ground floor can be adaptable or convertible as adaptable ground floors would be more suitable within other parcels of the Town Centre which are closer and better related to the existing town centre uses. The design principals document that is appended to the MOU and was produced to discharge an existing S106 requirement for a town centre Design Code identifies parcels for adaptable ground floor uses and does not include Parcel TC7b (The Site). The conflict with this policy would also be minor and will be addressed as part of the overall planning balance.

Policy CB22 sets out that new proposals for residential development in the Town Centre will be required to make contributions to mitigate for the likely additional pressure that would result from the increased occupation associated with the development. The Cranbrook Plan (2022) seeks to provide around 4,170 new dwellings within the identified expansion areas to meet the growing population and to assist the delivery of a healthy and sustainable new town. Whilst residential development is expected within the town centre, the proposed development would be excess housing within Cranbrook as the town centre is not part of an overt residential allocation. It is acknowledged that excess housing can put pressure on some of the planned services and infrastructure especially the local and strategic road network which must be weighed up in the planning balance.

Policy CB6 of the Cranbrook Plan sets out that residential development on non-allocated sites within the Cranbrook Plan Area which seek to deliver excess housing numbers shall make proportionate contributions to on and/or off-site infrastructure in and around the town to mitigate for the increased occupation associated with the development.

The expected contributions set out in the MOU are as follows:

- Affordable Housing to meet expectations of the existing s106 (including making up a shortfall from the high street shops residential provision)
- Connection To the District Heat Network subject to connection charge costs
- £2,551 Per Dwelling for Appropriate Habitat Mitigation
- £1,742 Per Dwelling for Primary School Places
- £1,045 Per Dwelling for Sustainable Travel
- £72 Per Dwelling for Car Sharing/E-Bikes

The proposed contributions based on the above would fall short of the contributions required by the Cranbrook Plan and adopted Local Plan especially in relation to Affordable Housing Provision (15% at Cranbrook) and Open Space Provision as well as meeting the excess housing infrastructure requirements of Policy CB6. Officers acknowledge that the contributions would fail to comply with adopted policies, and this was the subject of significant debate both with the council's Strategic Planning Committee and Cabinet during 2020 to 2022. Cabinet ultimately resolved that the benefits of the MOU when taken as a whole outweighed the harm arising from this and the other parcels becoming purely residential and making only limited infrastructure contributions. Of course, neither the Strategic Planning Committee nor the Cabinet were discharging the council's obligations as Local Planning Authority in the respect of determining planning applications.

The application site being located within the Town Centre of Cranbrook, located on a bus route with bus frequencies throughout the day of c.1 every 15 minutes in each direction and within walking and cycling distance of a wide range of services, is given weight as the proposal would align with the overarching principles of delivering sustainable development. The proposal therefore has support from Strategy 3 of the adopted Local Plan and the NPPF which supports sustainable development. Furthermore, the adopted Local Plan seeks to direct housing delivery towards the West End and

major towns of East Devon meaning that the proposal whilst not allocated for development would have support from Strategy 1 and 2 of the East Devon Local Plan (2016). The site is also supported by emerging Strategic Policy SP01 which seeks direct new development towards the most sustainable locations including Cranbrook.

A material consideration in the determination of this application is the current inability of the council to demonstrate a 5-year land supply for housing. There is therefore a presumption in favour of sustainable development and the need to boost the supply of housing is given significant weight in the balance. The site is in a sustainable location and the proposal has policy support from Policy CB8 and Policy CB22 in land use terms.

In summary, the proposed development in principle would comply with Policy CB22 which supports residential development in the town centre however the proposed development would fail to meet several of the criteria of Policy CB22 such as density, adaptable ground floors and the infrastructure contributions required. The proposed density and lack of adaptable ground floors would be a minor conflict, and the contributions required were agreed as part of the MOU to help progress the delivery of the town centre. The proposed development would be in a sustainable location and would provide much needed residential accommodation in a suitable location.

B) AFFORDABLE HOUSING PROVISION

Policy CB10 (Cranbrook Affordable Housing) of the Cranbrook Plan (2022) sets out that affordable housing will be required on residential developments within the built-up area boundaries of Cranbrook at a rate of not less than 15% of total dwelling numbers. Affordable housing must be visually indistinguishable from open market housing and must be 'pepper-potted' or dispersed throughout residential developments.

Following lengthy negotiations and viability concerns raised by the EDNCp, the MOU set out that the requirement for Affordable Housing within the additional residential land applications would be removed and that the three application(s) for additional residential dwellings would make up the shortfall of the affordable housing requirement permitted by the reserved matters application in Parcel TC4a (Ref. 21/2020/MRES) which granted permission for 26 dwellings and southern high street shops. This application had a DOV with it that allowed it to be developed without a S106 affordable housing obligation as this then enabled LiveWest to use grant funding to deliver the housing as a 100% affordable housing scheme. To-date 17 homes have been built and occupied on a rent-to-buy tenure. It was also agreed between EDDC and the EDNCp that the affordable housing dwellings required by 21/2020/MRES and 22/2306/MRES (the latter is still pending consideration) would be distributed across the different town centre applications parcels such as this one.

The overall affordable housing requirement under the outline application for this part of Cranbrook was 28.675% meaning that for application 21/2020/MRES, 8 dwellings were required. Furthermore, the reserved matters application 22/2306/MRES for 31 dwellings requires 9 dwellings. This results in a total requirement of 17 affordable housing dwellings to be distributed across parcels TC3, TC5a, TC5b, TC6, TC7a, TC7b and TC8b.

This application includes 4 of the 17 affordable dwellings located in the centre of the site fronting Tillhouse Road. The proposal would include 4 x 3-bedroom 5 person dwellings, and all would include a car parking space and suitably sized private rear gardens. In terms of design and materials the house types proposed would match open market equivalent dwellings, they would be appropriately located within the layout of the development and would be well integrated with other dwellings.

The application has been reviewed by the council's Housing Enabling Officer who originally requested that the dwellings proposed were increased 3-bedroom 5 person houses and raised concerns with the proposed tandem car parking spaces. During the application process, the type

and location of affordable dwellings have been amended from a mixture of 2- and 3-bedroom dwellings to only 3-bedroom 5 person dwellings. The Housing Enabling Officer stated that the amended plans now allocated plots 56 – 59 as the affordable units which are now 3-bedroom, 5 person houses which is an improvement on space standards. The Housing Enabling Officer also requested that the tenure of the 4 affordable dwellings within the scheme was to be proposed as Affordable Rent to meet housing needs.

The tenure mix of the affordable housing within the Town Centre would be reviewed via a S106 legal agreement. The applicants have also confirmed that the affordable housing will meet part M4(2) of the Building Regulations.

Whilst the proposed level of affordable housing is not in accordance with the Cranbrook Plan DPD, the level of affordable housing would be in accordance with the agreed MOU to bring forward the town centre at Cranbrook. Furthermore, the proposals would comply with Policy CB10 in relation to design and location of dwellings.

C) DESIGN, SCALE AND LAYOUT

Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) (2024) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Development should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and development that is not well designed should be refused.

Strategy 48 (Local Distinctiveness in the Built Environment) of the adopted Local Plan (2016) states that local distinctiveness and the importance of local design standards in the development process will be of critical importance to ensure that East Devon's towns and villages retain their intrinsic physical built qualities. Use of local materials and local forms and styles will be essential to this distinctiveness.

Policy D1 (Design and Local Distinctiveness) of the adopted Local Plan (2016) states that in order to ensure that new development, including the refurbishment of existing buildings to include renewable energy, is of a high-quality design and locally distinctive, a formal Design and Access Statement should accompany applications setting out the design principles to be adopted should accompany proposals for new development.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that planning applications for development in such centres will be required to demonstrate:

- o That they deliver residential development and achieve the highest appropriate density, which will be not less than 55-60 dwellings per hectare;
- o Residential development that shall be so designed and located as to ensure that it does not prejudice the vitality and viability of the respective centre;
- o Proposals which are of high quality design for the character of the area and designed to ensure that future residents are not adversely affected by other uses and activities.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that where it can be demonstrated that land in the town centre area is not required for, commercial or community uses, some high density residential accommodation may be permitted at ground floor level provided that in a similar way to those in mixed use areas, any proposals for such uses demonstrate adaptability of the ground floor of dwellings to allow conversion to units that could be used for business activities in the future if required.

Strategic Policy DS01 (Design and local distinctiveness) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that new development, including the refurbishment of existing buildings should be of a high-quality design and locally distinctive. The layout and design of building curtilages, roads, parking, paving, open space, site furniture footpaths and boundary treatments should make a positive contribution to the street scene / public realm and the integration of the development with its surroundings and setting. This emerging policy carries limited weight at the time of determination.

LAYOUT AND DENSITY

The proposed development would include 65 residential dwellings to the south of Tillhouse Road, Cranbrook. The proposal would include three access points from Tillhouse Road and would include a central 'loop road' connecting to two of the access points together. The third access point would be within the northwest corner of the site and serves this application site as well as Parcel TC7a. The proposal would include two shared surface roads located to the rear of dwellings fronting Tillhouse Road which are mews style streets and includes car parking, two storey dwellings and tree planting/soft landscaping. The layout also includes two private drives along the southern boundary serving Plots 98, 99, 100 and 101 to the south west and Plots 74, 75, 76 and 77 to the south east. The proposal would also include two pedestrian and cycle connections on the southern boundary to Luccombe Oak.

The central loop road would vary in width between 5 and 5.5m and along the western and eastern sections would include 2m wide pavements on either side. The southern section of the loop road from Plots 85 to 90 would be a shared surface at 5m in width. The proposed shared surface roads to the rear of dwellings fronting Tillhouse Road would be between 5m and 6m in width.

The proposed dwellings from Plots 109 to 113 and Plots 49 to 63 would front Tillhouse Road in terraces of 4 dwellings with private gardens and car parking to the rear of the dwellings. Plot 64 also fronts Tillhouse Road and would be attached to Plot 65 which fronts an internal road. The proposed dwellings within the site would generally front the highway or shared surface and/or be dual aspect with car parking either located to the front of the dwelling or alongside the dwelling. The building line along Tillhouse Road seeks to create a strong higher density street scene which draws people into the town centre. The building lines elsewhere within the parcel are slightly more relaxed but generally front the streets.

The proposal does not include any specific public amenity space, and this is partly due to the higher site density. The existing vegetation along the southern and eastern boundaries would be retained with a knee-rail proposed along the southern boundary although it is noted that vegetation on the eastern boundary would be to the rear of Plots 64 to 73 with a wire mesh/chain link fence proposed to protect the existing hedgerow and TPO tree.

The overall layout is generally suburban in style but with a row of taller, terrace properties on Tillhouse Road. The design approach in the southern portion of the site reflects the layout of surrounding parcels rather than that of a town centre where the overall scale, form and design is traditionally higher and tighter. This results in the density of the site being 44.22 dwellings per hectare. Whilst this is below the 55 to 60 dwelling per hectare requirement of Policy CB22, it is noted that this is higher than towns average density having regard to the sites layout, amenity and car parking. As part of the application, an additional dwelling was included and the storey heights of dwellings increased along Tillhouse Road from 2/2.5 storeys to 3 storeys to increase height and density. The Cranbrook Town Centre Masterplan (2024) supports higher densities within the town centre as well as terraced dwellings which are included as part of this application.

It is also to be noted that as a result of the in-principle agreement to releasing parcels TC5a&b, TC6 and TC7a&b for wholly residential development, the commercial and community heart of the town centre is contracted such that it is focussed on the parcels immediately surrounding the existing

shops, supermarket and nursery. The rationale for this had already been set when in 2014 permission was granted for 587 homes, including a suburban parcel that lies adjacent to Tillhouse Road to the west of the application site. The location of this existing residential parcel, which has a terrace of two-storey dwellings on its Tillhouse Road frontage, with three-storey dwellings either side of this terrace, serves to change the character as one leaves the central town centre area.

SCALE

In terms of scale, adjacent dwellings along Tillhouse Road and Yonder Acre Way are a mix of 2, 2.5 and 3 storeys and would help to create a transition into the Town Centre. The proposed dwellings on Tillhouse Road at three storeys in height would be a more consistent height and help to define the Town Centre where higher buildings are traditionally found.

Within the parcel itself, the remaining dwellings would be two storeys in height which is acceptable and is consistent with surrounding dwellings to the south and east.

DESIGN OF DWELLINGS AND MATERIALS

The proposal would include 7 different house types with a mix of terrace, semi-detached and detached dwellings. The design of the parcel was intended to have a distinct character to ensure that when entering the town centre along Tillhouse Road, the character and design was reflected its town centre location and that there was differentiation between the more urban town centre and residential parcels. The design of the dwellings proposed is intended to be reflected on dwellings fronting the northern side of Tillhouse Road as well, which are the subject of separate applications that are still pending consideration.

The proposed dwellings fronting Tillhouse Road would be three storeys in height and finished in red or buff brick with grey roof tiles. These dwellings would include projecting blue brick bands, front canopies and end of terrace properties would include a gable front. During the application process, significant amounts of feedback has been provided to the applicants relating to the design of these dwellings including the design of eaves, materials, detailing, window proportions and alignment. The revised designs include projecting eaves and projecting brick detailing, and a red and buff brick are now proposed to address officer comments.

Some amendments to the scheme have been made in response to Officer's concerns that the frontage along Tillhouse Road would be 'flat-fronted' and that little relief was proposed. These changes include projecting brick banding; canopies above front doors and front gables to add some interest. In addition, stepping down in height provides variations to the roof line. It is recommended to attach a condition relating to further details for the canopies and windows and doors to ensure they are acceptable. In relation to the windows, the depth of windows will be reviewed via sectional drawings to ensure that some relief can be included on the front elevations.

The overall design of dwellings along Tillhouse Road is considered to be acceptable.

In terms of the dwellings within the parcel, these are proposed to be a mix of red and buff brick with grey or brown tiles. The proposals have been revised to include blue brick detailing and brick projecting bricks to align the dwellings with those fronting Tillhouse Road to create a more distinctive character for this parcel. The designs are considered to be acceptable.

It is recommended that material samples of the proposed materials and roof tiles should be secured via a condition to ensure they are acceptable.

BOUNDARY TREATMENTS

In relation to boundary treatments, the majority of rear and side boundaries within the public realm and at key areas of the development are screen walls. The boundaries within rear gardens and between dwellings is predominately timber fencing. Details of the screen walls have been provided and would be 1.8m in height and include intermediate piers and a tile creasing course. Whilst it would have been preferable to include brick/screen walls in all areas visible from the public realm, this has not been proposed. Where timber fencing is visible within the public realm such as to the rear of car parking spaces within plots, it is considered necessary that the fencing is painted or stained dark grey to improve the overall design. This could be secured via condition.

Alongside Tillhouse Road and the front elevations of Plots 109, 51, 52, 63 and 64/65, the proposal includes estate railings which aligns with other phases of Cranbrook immediately to the east and helps to define public and private spaces along this section of Tillhouse Road.

Several other properties, including those on key corners and along shared roads would include estate fencing and/or boundary hedgerows to help delineate private and public spaces.

The proposal would also include a knee-rail proposed along the southern boundary and private drives to protect the existing vegetation from informal car parking.

Overall, the boundary treatments are considered to be acceptable.

HARD SURFACING

In terms of hard surfacing materials, the eastern and western sections of the central loop road and the section of highway adjacent to Plots 109 and 104 would be black asphalt which would be appropriate here as higher traffic areas of the development. The proposed shared surface routes to the rear of dwellings fronting Tillhouse Road as well as the southern section of the centre loop road would be quartz coloured asphalt to vary surface materials and reduce the level of black asphalt. The proposal also includes rumble strips along the southern section of the loop road when transitioning between black and coloured asphalt. The proposed private drives and car parking spaces would be coloured block paving (impermeable) which would also help to reduce the level of black surfacing. The proposal would include paving slabs for private paths. The details of the hard surface materials proposed (Coloured Asphalt, Block Paving, Rumble Strips, Paving Slabs) would be secured via a condition to ensure the proposals are acceptable.

CAR PARKING

The proposed layout of the development includes 119 car parking spaces. Of these spaces 22 (18.5%) are unallocated and 97 are allocated to dwellings. The unallocated spaces can be used by residents or visitors and provide flexibility in parking numbers. The spaces also allow for deviation in the vehicle numbers per dwelling and ensure that parking levels are appropriate for the development.

The car parking for plots fronting the central loop road would be a mixture of tandem car parking adjacent to the dwelling or off-road parking in front of the dwelling. The off-road or on-plot car parking spaces are in groups with a tree and/or landscaping proposed in between groups. The car parking along the private drives are tandem spaces alongside the dwellings.

The car parking for plots fronting Tillhouse Road are to the rear in two relatively long sections of car parking comprising of an area of 16 car parking spaces and area of 24 car parking spaces. These are each broken up into blocks of 4 spaces each, with trees and planting beds separating. This arrangement would generally be sought with overall lower numbers of parking spaces per area as it risks creating a car dominated layout. The principle of properties on the main local route (including Tillhouse Road) through Cranbrook having a continuous frontage and not having parking directly off the road is a long-held principle in the overarching Strategic Design Guide for the town. Much of the

parking for these frontage properties, particularly in the earlier phases of the town, has been in poorly lit and poorly overlooked rear parking courts and these themselves have received legitimate criticism from the police and residents alike. It has therefore sought to move away enclosed from rear parking courts, and this is reflected in the Cranbrook Plan parking policy. In this case, the provision of parking as part of a street, overlooked by homes is considered an overall betterment to the alternative of multiple smaller, less overlooked and privately managed parking courts. A total of 12 dwellings are proposed to front onto or overlook the two streets with the parking for Tillhouse Road properties, thereby providing some interest and natural surveillance. The construction of a shared space or Mews Style Street as proposed could allow for the area to be offered up for adoption to the Highway Authority to avoid ownership issues and maintenance costs and to allow waste lorries to enter and collect waste from these dwellings.

Overall, parking provision is considered to be acceptable.

COMPLIANCE WITH TOWN CENTRE DESIGN PRINCIPLES

The MOU included a Statement of Design Principles for the Town Centre intended to discharge the S106 requirement for a town centre design code. The document included guidance on the road layout, density, building heights, frontages, car parking and materials. The road layout and design of 'Connector Streets' is considered to comply with the Design Principles. The density and building heights are acceptable and continuous frontage along Tillhouse Road is proposed and supported. The proposal includes dual frontage dwellings on corners and car parking to the rear of Tillhouse Road is proposed.

The materials and design of dwellings is broadly reflective of the text within the document, and overall, the proposal represents a consistent design approach which is supported by the Statement of Design Principles.

WIDER IMPACT

The proposal in terms of its impact on the surrounding area would be acceptable. The site would be visible within the local area however this site is within Cranbrook in an area where development is overtly supported by planning policy. The proposal would be visible in the surrounding area and glimpses of the development could be viewed from the Killerton Estate, Ashclyst Forest and other viewpoints. However, the proposal would be read in context with surrounding development at Cranbrook and it is not considered to harm the character and appearance of the landscape.

Overall, the proposal is considered to be acceptable. Conditions are recommended for imposition in the event that the application is approved and subject to these, the scheme is in accordance with adopted Policy D1 and Policy CB22 as well as the NPPF and emerging Strategic Policy DS01.

D) AMENITY OF NEIGHBOURING PROPERTIES/USERS

Section 12 (Achieving Well-Designed Places) of the NPPF (2024) outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for existing users.

Policy D1 (Design and Local Distinctiveness) of the adopted Local Plan (2016) states that proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties.

Strategic Policy DS01 (Design and local distinctiveness) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that new developments will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties. This emerging policy carries limited weight at the time of determination.

The application proposes residential dwellings within the town centre at Cranbrook and the proposed development as noted above is acceptable in land use terms and would be compatible with neighbouring and nearby uses.

The proposed development would be located between 20.8m and 30m from existing dwellings on Westland Way and Luccombe Oak. There is also an existing row of trees and landscaping along the southern boundary of the site. All the dwellings along the southern edge would be two storey dwellings which would match dwellings on Westland Way and Luccombe Oak. The proposed location, orientation, separation distance and overall scale of the development is not considered to result in significant harm to these existing neighbouring properties in terms of overbearing or overshadowing impacts.

In relation to existing properties to the east, Plots 64 to 74 along the eastern edge of the development would be located between 17m and 22m from Osprey House (a three-storey apartment block, and properties in Kingfisher Rise. Plots 64 and 65 would be three storey dwellings with the remaining dwellings along the eastern edge being two storeys. The proposed back-to-back distances from Plots 64 to 73 would be between 21m and 23m with a line of trees and hedgerows located between the dwellings. The distance is slightly shorter at 19m between Plots 64/65 and Osprey House but the only windows on the western elevation of the apartment block serve the internal hallways.

The distance between Plot 74 and Nos. 14, 16 and 18 Kingfisher Rise would be around 17m however this would be from the side elevation of Plot 74, the side facing window serves the bathroom and there is existing trees and landscaping between the existing neighbours and proposed development.

The proposed location, orientation, separation distance and overall scale of the development is not considered to result in significant harm to these existing neighbouring properties in terms of overbearing or overshadowing impacts. The proposed outlook from the proposed dwellings along the southern edge of the site would be screened by boundary trees and hedging and therefore would not result in any harmful increases in overlooking or loss of privacy.

In terms of Environmental Health, the proposal was supported by a Noise Assessment and CEMP and the application was reviewed by the District Council's Environmental Health Team who raised no concerns.

The proposal is therefore considered to comply with adopted Policies D1 and EN14 as well as emerging Policies DS01 and OL09 and is acceptable subject to conditions.

E) AMENITY OF FUTURE OCCUPIERS/USERS

Section 12 (Achieving Well-Designed Places) of the NPPF (2024) outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for future users.

Strategy 37 (Community Safety) of the adopted Local Plan (2016) states that through the East and Mid Devon Community Safety Partnership the Council will work to reduce crime and the fear of crime in the District. The Council will encourage new development that has been designed to minimise potential for criminal activity and incorporates the principles of 'Secured by Design' and will support development proposals aimed specifically at improving community safety.

Policy D1 (Design and Local Distinctiveness) of the adopted Local Plan (2016) states that proposals will only be permitted where they do not adversely affect the amenity of occupants of proposed future residential properties, with respect to access to open space, storage space for bins and

bicycles and prams and other uses; these considerations can be especially important in respect of proposals for conversions into flats.

Policy CB16 (Amenity of future Occupiers) of the Cranbrook Plan (2022) sets out that development will only be permitted where:

1. New dwellings provide accommodation that meets with the Nationally Described Space Standards. The layout of new dwellings should be designed to meet the needs of occupants by ensuring circulation routes are legible and storage is provided on all floors of accommodation;
2. It provides for a high standard of amenity, satisfactory living and working conditions, adequate protection from noise and pollution and adequate levels of light and outlook for future occupiers, including having taken account of solar gain;
3. It makes provision for external private or communal amenity space which is appropriate and integral to the dwelling/s it serves having regard to the size of the property and its orientation;
4. Such standards as above can be achieved and maintained without preventing or unreasonably restricting the continued operation of established authorised uses and activities on adjacent sites.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that planning applications for development in such centres will be required to demonstrate:

- o Good levels of amenity for each unit of residential accommodation incorporating naturally lit rooms with views out to the streets, and access to shared and private outdoor space;
- o Proposals which are of high quality design for the character of the area and designed to ensure that future residents are not adversely affected by other uses and activities.

Strategic Policy DS01 (Design and local distinctiveness) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that new developments will only be permitted where they do not adversely affect the future amenity of occupants of proposed residential properties, with respect to access to open space; protection from noise and pollution; provision of adequate internal light; storage space for bins, bicycles, prams, and other uses; and meet nationally and locally described space standards. This emerging policy carries limited weight at the time of determination.

The proposed development must comply with Nationally Described Space Standards in relation to internal space and storage. The table below sets out the proposed house types, internal floor area and whether the proposal complies with the standards. The floor plans for each dwelling type indicate the bedroom sizes and storage. In this case, all dwellings would comply with the standards and therefore would comply with Policy CB16 (1) and emerging Strategic Policy DS01.

House Type	GIA (m2)	Occupancy	Storeys	NDSS size (m2)	NDSS Compliance?
Beaford	73.5	2B3P	2	70	Y
Eynsford	90.3	3B4P	2	84	Y
Aynesdale	99.6	3B5P	2	93	Y
Altbury	118.5	3B5P	3	99	Y
Cardale	99.6	3B5P	2	93	Y
Plumdale	116.3	4B6P	2	106	Y
Elterdale	127.5	3B5P	3	99	Y

In relation to layouts, light, outlook, the proposed dwellings are considered to have a suitable internal layout with windows on numerous elevations to provide sunlight and daylight throughout the day. The outlook of dwellings would face towards the street and/or private amenity space with

dwelling along the southern and eastern boundary having views to the existing trees and landscaping. The front elevations of Plots 74, 75 and 76 would be around 4.5m from existing trees which could shade the front rooms of these properties however for Plots 74 and 75 only Bedroom 2 is on the front elevation as there is a W/C on the ground floor. For Plot 76, the Living Room and Bedroom 1 would face the front however the overall dwelling would achieve suitable light levels.

The proposed development especially Plots 102 and 103 would be located approximately 43m from the Skate Park on Tillhouse Road (ref. 23/0540/FUL) of which concerns were raised relating to the impact on existing and proposed residents. The skate park is screened along the northern and eastern boundaries by landscaping and additional planting was secured as part of the application. The proposal was approved and constructed with noise and disturbance concerns acknowledged but the overall harm failed to outweigh the health and wellbeing benefits. The increase in background noises within the Town Centre would also reduce the impact of the skate park.

In relation to private amenity space, every dwelling would benefit from private amenity space of varying sizes and orientations. The majority are adequate, however, several of the plots would have rather small gardens. The size of rear gardens for Plots 110, 111, 49, 50, 62, 63 would be around 29m² to 30m² which is smaller than normally sought, especially as a number of these plots are three storey dwellings. This would result in some conflict with Policy CB16 (3) which seeks to ensure private amenity spaces are appropriate to the dwelling and the size of the property. However, minimum garden sizes have not been adopted by the council and these dwellings would all include private amenity spaces which is a requirement of Policy CB22. Of these plots, the private amenity spaces would not be highly overlooked by neighbouring properties and many of them are south facing ensuring sunlight/daylight to them.

In relation to the separation distances, the majority of back-to-back distances and side to back distances would be acceptable. The separation distance between Plot 100 with Plot 107 would be approximately 17.6m which is below the standard rule of thumb minimum distance however the rear elevations would be slightly off set from each other and tree planting has been proposed in the rear gardens of Plot 107 to mitigate this further.

In terms of safety, it is noted that the Designing Out Crime Officer has raised concerns with the plots fronting Tillhouse Road having publicly accessible rear garden gates, although they recognise that these are overlooked by several proposed dwellings. As set out earlier in this report the necessity for rear parking stems from the principle of properties on the main local route (including Tillhouse Road) through Cranbrook having a continuous frontage and not having parking directly off the road. The provision of parking as part of a street, overlooked by homes is considered an overall betterment. In addition to having housing fronting the parking, boundary treatments have been amended to brick/screen walls and the overall design and character has been improved through street trees, boundary railings and surface materials. The scheme has been designed so that the road can be offered up for adoption by the Highway Authority to avoid ownership issues and maintenance costs and to allow waste and recycling lorries to pass through. The unallocated car parking spaces would include identification to establish ownership and reduce conflict which would be secured via a condition. In addition, along the south of the development a knee rail has been included to reduce conflict and front gardens along Tillhouse Road have boundary features which are Secured by Design Measures.

Where parking is proposed at the rear, access to the houses is likely to often be via the back garden. As such it is necessary for the garden gates to be lockable from both sides and this will be secured by condition, in accordance with the Designing Out Crime officer's comments.

Overall, in terms of the amenity of future occupiers, the proposed dwellings would meet Nationally Described Spaces Standards and would have access to private amenity spaces. It is acknowledged that the size of gardens does vary and concerns have been raised from the Designing Out Crime Officer regarding the shared space to the rear of dwellings on Tillhouse Road. Having regard to all

the above, the development would provide appropriate levels of amenity for future occupiers and meet the requirements of Policy CB16 and Policy CB22 of the Cranbrook Plan.

F) OPEN SPACE PROVISION

Strategy 43 (Open Space Standards) of the adopted Local Plan (2016) states that developments proposing net new dwellings will be expected to provide for open space on-site where there is a demonstrable need for such open space in the vicinity. Developments will be expected to provide open space on-site through a Section 106 Agreement in line with the following thresholds:

- o 9 dwellings or less will not be required to provide any specific open space typologies onsite, however developers may choose to make such provision.
- o 10 - 49 dwellings will be required to provide amenity open space on-site.
- o 50 - 199 dwellings will be required to provide amenity open space, and children's and youth play space on-site.
- o 200+ dwellings will be required to provide for all open space typologies on-site.

Policy OS02 (Sport, recreation and open space provision in association with development) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that between 21 and 100 homes should provide on-site Local Areas of Play (LAPs) and amenity green space. This emerging policy carries limited weight at the time of determination.

The application seeks approval for 65 residential dwellings which requires the application in accordance with Strategy 43 to include approximately 534 sq. m amenity open space, and approximately 152 sq. m of children's and youth play space on-site. In accordance with emerging Policy OS02, the development should include a LAP and 880 sq. m of amenity open space.

As part of the MOU, it was agreed that the applications would not include additional open space in accordance with Strategy 43 and that the applications would not be required to provide financial contributions to address the shortfall of on-site open space as a result of the development. This is set against the backdrop of the Cranbrook Country Park, which at just under 30ha in size, provides for significant over-provision of some open space typologies. In addition to the Country Park, there are other areas of formal and informal open space throughout the town, including the ecology park, play areas for children, the nearby skatepark and a pump track. These facilities are within a 5 to 10-minute walk of the application site and a LEAP is due for provision outside the Cranbrook Education Campus, which is on the opposite side of Tillhouse Road.

As part of the application, no formal open space or play space is therefore proposed. There are areas of amenity planting and landscaping however these areas would not be areas of significant open space. The maintenance and management arrangements for areas of open space/vegetation was included as part of a Landscape Management Plan submitted with the application and further details of adoption will be secured via a condition.

G) TRANSPORT, ACCESS, MOVEMENT AND WASTE

Policy TC2 (Accessibility of New Development) of the adopted Local Plan (2016) states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

Policy TC4 (Footpaths, Bridleways and Cycleways) of the adopted Local Plan (2016) states that development proposals will be required to include measures to provide, improve and extend facilities for pedestrians and cyclists commensurate with the scale of the proposal.

Policy TC7 (Adequacy of Road Network and Site Access) of the adopted Local Plan (2016) states that planning permission for new development will not be granted if the proposed access, or the

traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy CB19 (Plug-In and ultra-low Emission vehicle charging) of the Cranbrook Plan (2022) sets out that to help reduce the carbon levels associated with transportation, it is important that the role of plug in and ultra-low emission vehicle charging is further expanded. To achieve this within the Cranbrook plan, focus is given to the development of an Electric Vehicle (EV) charging network.

Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan (2022) sets out that new residential developments at Cranbrook will be required to provide parking provision to an average of not less than 1.7 car parking spaces per dwelling (rounded up to the nearest whole number in individual applications). Within the overall requirement of 1.7 parking spaces per dwelling, not less than 30% of parking spaces in a residential development parcel shall be provided in parking bays adjacent to adoptable streets as unallocated parking.

Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan (2022) sets out bicycle parking must be provided in all future developments at Cranbrook and all new residential dwellings at Cranbrook will need to include safe, secure and undercover space specifically designed, or readily useable, for bicycle storage at a ratio of 1 bicycle storage space per bedroom.

Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that walking, wheeling, cycling and public transport should be the natural first choice for short local journeys, or as part of a longer journey. This emerging policy carries limited weight at the time of determination.

PUBLIC AND ACTIVE TRANSPORT

The proposed dwellings are provided with external cycle stores in accordance with Policy CB20 however details of the cycle stores including the ratio of cycle storage per bedroom would need to be secured via a condition.

Furthermore, the development would contribute via a legal agreement £1,045 Per Dwelling for Sustainable Travel and £72 Per Dwelling for Car Sharing/E-Bikes to ensure opportunities for active travel are encouraged in accordance with Policy CB18.

CAR PARKING

The proposed development would include an average of 1.8 car parking spaces per dwelling which aligns with Policy CB20. The proposed layout of the development includes 119 car parking spaces. Of these spaces 22 are unallocated and 97 are allocated to dwelling. This results in 18% of spaces being unallocated visitor spaces against the policy requirement of 30% to be unallocated. This conflict would weigh negatively in the planning balance however due to the overall site layout and location of car parking it would be challenging to increase the level of unallocated spaces to 30%. For them to remain unallocated spaces, they are best located in blocks of 4. At present many of the spaces are in pairs which is not ideal therefore it is necessary to attach a condition requiring a revised layout of the unallocated spaces to enable them to be offered for adoption in the future. In any case there are unallocated car parking spaces along Tillhouse Road. In terms of EV, every dwelling would include an EV charging point to be secured as part of Building Regulations compliance.

The car parking spaces are of a suitable size and where these are located adjacent to walls or adjacent to other car parking space, a buffer area is provided to allow for movement between parked cars.

The overall layout of the car parking has previously been discussed in this report, and it is not further discussed here.

ROAD LAYOUT AND IMPACT ON ROAD NETWORK

In relation to road widths, the central loop road would vary in width between 5 and 5.5m and along the western and eastern sections would include 2m wide pavements on either side. The southern section of the loop road from Plots 83 to 91 would be a shared surface at 5m in width. The proposed shared surface routes to the rear of dwellings fronting Tillhouse Road would be between 5m and 6m in width. These widths are considered suitable, provide adequate space for large vehicles (e.g. refuse lorries) and no objections have been raised by Devon County Council (DCC) Highways.

The proposed development would include three access points from Tillhouse Road. These access points align with access points within the approved application 21/2509/MRES which permitted uplift works to the main local route through the town centre. As part of this applications, no concerns were raised in relation to the number of access points however application 21/2509/MRES approved the junction radii, visibility splays, pedestrian crossings, and parking bays along this stretch of Tillhouse Road.

In relation to the visibility splays, DCC Highways stated that the visibility splays from all three of the proposed access points would be restricted when vehicles are in the sightline of parties emerging from the site and this would be true should vehicles be parked within the approved bays along Tillhouse Road. DCC Highways have requested that mitigation is provided along Tillhouse Road to aid speed reduction along the site's frontage around these access points which could include the use of an alternative surface material on the highway. As part of this application these details have not been submitted however a condition requesting details of highway mitigation along Tillhouse Road to be agreed in consultation with DCC Highways can be secured. In addition to this condition, further conditions are also requested by DCC Highways in respect of the provision of cycle parking and the consolidation of roads and footways.

In relation to the impact on the road network, the submitted Transport Assessment sets out that as a result of additional residential dwellings within the town centre, the baseline traffic impact scenario will result in the order of an additional 20 vehicle movements through the M5 J29 at peak times and the 'Vision' traffic impact scenario (taking account of planned modal shift) will result in an impact in the order of an additional 15 vehicle movements through the M5 J29 at peak times.

DCC Highways concluded that the development is unlikely to have an impact on the local highway network that can be considered as severe.

National Highways initially raised concerns that the proposed uplift in development across the Cranbrook Plan expansion zones in addition to the further dwellings in the town centre proposed by current applications (23/0554/MFUL, 23/0511/MFUL, and 23/2354/MFUL) could result in some 500 dwellings in excess of the quantum previously assessed and accepted through the production of the Cranbrook Plan.

To address the concerns raised by National Highways, a Transport Assessment Addendum (TAA) has been submitted to address the concerns regarding the impact of the housing on the Strategic Road Network (SRN). This follows a Vision and Validate and demonstrates that the impact of the sites on the SRN, when all factors are considered, is likely to be minimal and included in the background traffic growth assumptions included in previous capacity assessments.

After reviewing this additional information, National Highways have concluded that have no objections to the application. Emerging findings from modelling work carried out by National Highways provide sufficient comfort to suggest that a small increase over the currently accepted

limit of 7,750 dwellings can be accommodated without unacceptable safety impact or severe residual cumulative impacts for the Strategic Road Network.

National Highways have also recognised that further works are planned and required at Cranbrook including bus improvements and pedestrian and cycling infrastructure. The emerging town centre would also increase the level of services and therefore would reduce the number of trips outside of Cranbrook for leisure, shopping and employment.

It is acknowledged that the Town Council have stated that consideration should be given towards bringing forward a Controlled Parking Zone (CPZ) and that progressing a scheme during, or post adoption is challenging. Whilst it is the view of DCC Highways that it would be sensible to review requirements for a CPZ following the adoption of roads and following the completion of the MLR uplift works, it would be in the best interests to secure a scheme for the CPZ via a condition as part of this application to facilitate the bringing forward of a CPZ.

Therefore, the proposed development would not result in harm to the local or strategic road network and complies with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted Local Plan (2016).

RAIL NETWORK

Network Rail have raised concerns regarding development around the Crannaford Level Crossing and impact on the crossing. While highway and rail safety must be an absolute priority, there is no evidence that trips from the development would make a material difference in the number of vehicle and pedestrian movements over the crossing as services and facilities would be within Cranbrook itself or to the south of the railway line. As such while the concern from Network Rail is acknowledged, amendments or improvements to the crossing is not something that should be sought or attempted to be secured through this application and Network Rail should be directed to Devon County Council who can consider the request through due process.

CONSTRUCTION IMPACTS

In terms of construction impacts, a Construction and Environment Management Plan has been submitted as part of the application and no concerns have been raised by the County Highway Authority or National Highways regarding the CEMP.

WASTE

Each dwelling would be provided with a refuse storage area and two bin collection points have been provided on private drives to ease collection. Both Cllr Bloxham and the Town Council have raised concerns in relation to the refuse strategy and bin collection points which resulted in the removal of communal bin storage areas in favour of individual collection points. The application has been reviewed by EDDC Waste and Recycling who raised no concerns with the proposals and stated that bins can be collected from the news streets.

SUMMARY

In relation to transport, access, movement and parking, the development is acceptable and would not result in significant harm to public or highway safety. The site would be accessible by public and active transport and subject to conditions the proposal would accord with adopted policies.

H) TREES, GREEN INFRASTRUCTURE AND LANDSCAPING

Policy D2 (Landscape Requirement) of the adopted Local Plan (2016) states that landscape schemes should meet all of the following criteria:

- a) Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)
- b) Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
- c) Measures to ensure safe and convenient public access for all should be incorporated.
- d) Measures to ensure routine maintenance and long term management should be included.
- e) Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.
- f) The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

Policy D3 (Trees and Development Sites) of the adopted Local Plan (2016) states that permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development.

Policy CB26 (Landscape, Biodiversity and Drainage) of the Cranbrook Plan (2022) states that development will only be permitted where it is in accordance with an up to date Landscape, Biodiversity and Drainage Strategy (LBDS), and illustrated LBDS Framework plan, which has been agreed in writing by the Local Planning Authority.

Policy PB08 (Tree, hedges and woodland on development sites) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that where trees are present on a development site, proposals will need to be designed, and schemes implemented, in a manner that retain good quality and healthy woodland, trees and hedgerows. This emerging policy carries limited weight at the time of determination.

The application was accompanied by landscaping plans which show the retention of the majority of existing trees and hedgerows along the southern and eastern boundaries. A small section of hedgerow would be removed to facilitate pedestrian and cycling access points to Luccombe Oak to the south. The proposed development would include on-plot landscaping and hedgerows within front gardens and in-between car parking spaces as well as new tree planting and small areas of amenity grass. In relation to hard landscaping the proposed would include a mixture of black asphalt, coloured asphalt and block paving to provide variation within the development. In relation to TPO protected trees, these are to be retained as part of the development. Protective fencing would be installed around the TPO trees and retained vegetation, and no construction is proposed within the RPAs of TPO trees T14, T15 and T36. A limited amount of construction is proposed in the RPA of T16 (TPO) to facilitate the pedestrian link to Luccombe Oak as well within the RPA of T108 and shall be hand dig only with ground protective measures in place.

The application has received comments from the council's Tree and Landscape Officers and revisions to the plans submitted as a result to address concerns raised.

The proposed development is located within the town centre where higher densities are encouraged and in acknowledging comments from the Tree Officer, whilst it would have been preferable to include additional space for tree planting and landscaping, this may have resulted in a reduction in

residential dwellings and therefore a reduction in density and development as noted above is outside of RPAs.

The Landscape Architect initially reviewed the application and had concerns that there was an inadequate provision of trees and planting. The Landscape Architect has also made comments in relation to the layout, boundary materials, surface materials, soft landscaping plans and soil volumes during the application.

In response, revised plans have been submitted with amendments to the layout, plant specifications and hard materials and the Landscape Architect has provided further comments on tree designs and details, the soft landscaping specification, the design of car parking courts and boundaries and location of front and rear pathways. The applicant subsequently submitted revised plans which included additional tree planting, amendments to the soft landscaping specification and several minor layout tweaks and as a result and the Landscape Architect's follow up comments relate only to proposed conditions.

It is acknowledged that the overall provision of soft landscaping scheme is minimal but amendments to materials, boundary treatments, tree planting, plant specifications, surface materials and the site layout help to soften the overall development. This is also partly a consequence of the higher density layout.

In relation to Policy CB26, a standalone Landscape, Biodiversity and Drainage strategy has not been provided as part of this application however the application includes information in relation to the policy criteria across several documents which satisfies the overall policy requirements.

Overall, the scheme would retain existing trees and hedgerows, and the planting scheme proposed, with street tree planting and landscaped areas visible in the public realm is acceptable, subject to conditions to secure delivery and supplemental details. The scheme is commensurate with the location and the landscaping of surrounding developed parcels of land. As such, the application accords with Policy D2 and Policy D3 of the adopted Local Plan.

I) SUSTAINABILITY AND CLIMATE CHANGE

Policy CB12 (Delivering Zero Carbon) of the Cranbrook Plan (2022) states that all development at Cranbrook will be designed, constructed and perform to the highest practicable and viable whole life sustainability standards possible. Detailed development proposals will be required to submit for approval a Carbon Plan that sets out how the development will deliver carbon savings contributing towards the overall plan vision to "deliver a truly zero carbon new town" in line with the Energy Hierarchy. Unless specified by policy elsewhere, all developments which propose the construction of new homes or non-residential floorspace must demonstrate that they:

1. Minimise the need to travel and where necessary enable travel by low carbon means:
2. Minimise energy demand and carbon emissions:
3. Maximise the proportion of energy from renewable or low carbon sources:
4. Ensure in-use performance of buildings is as close as possible to designed intent.

Strategic Policy CC02 (Net-zero carbon development) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that all developments will be required to demonstrate at the application stage that the relevant standards will be achieved and that minimising the carbon footprint of the proposed development has informed the design and layout of the development. This emerging policy carries limited weight at the time of determination.

The application was supported by a Sustainability and Energy Statement which sets out how the development would comply with Policy CB12.

In relation to Policy CB12 (1), the site would be located within the town centre of Cranbrook with public and active travel opportunities. The site would include links to adjacent parcels and the level of car parking amended to ensure sustainable modes of travel are more attractive. In relation to Policy CB12 (2), the development would apply the energy hierarchy and would result in a reduction in energy demand through low energy lighting, appliances, and fabric first measures. Around two thirds of the proposed dwellings would include a south facing orientation to maximise solar gain. In relation to Policy CB12 (3), the proposal would connect to the District Heat Network which is a lower carbon form of heating and hot water. To comply with building regulations, dwellings would also include PV panels. In relation Policy CB12 (4), compliance with the Sustainability and Energy Statement and the measures outlined within it would ensure that the development is built in accordance with this Policy.

In relation to bin and bike storage, the proposal would include space for both with further details of bike storage to be conditioned. EV charging is included and would be required under Building Regulations and contributions towards Sustainable Travel and Car Sharing/E-Bikes would be secured via a legal agreement.

In relation to sustainability and climate change, the proposed development is considered to comply with Policy CB12.

J) LAND CONTAMINATION

Policy EN16 (Contaminated Land) of the adopted Local Plan (2016) states that where it is anticipated that contamination may be present on or near to a development site, a contaminated land assessment will be required. The assessment must be agreed with the Council and must: a) Identify and characterise the contamination; b) Identify the risks; and c) Identify remediation and/or mitigation measures. Where identified as necessary, the agreed measures must be taken to remediate the site prior to or during the development. Development on or in close proximity to active or former waste sites will only be permitted where it can be demonstrated that there will be no harm to future occupiers of the site from leachate or landfill gas or other waste arisings.

Policy OL07 (Contaminated land) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that where it is anticipated that contamination may be present on or near to a development site, planning applications should be supported by a proportionate contaminated land assessment. The assessment must: A. Identify and characterise the contamination; B. Identify the risks; and C. Identify remediation and/or mitigation measures if required. Where identified as necessary, agreed measures must be taken to remediate the site prior to or during development. Ongoing monitoring may also be required. This emerging policy carries limited weight at the time of determination.

The proposed development is sensitive to contamination and following a request from the council's Land Contamination Officer a Geotechnical and Geoenvironmental Interpretive Report has been submitted. Subject to a condition relating to a Remediation Strategy the proposal would meet with the relevant policies discussed above.

K) DRAINAGE AND FLOOD RISK

Policy EN22 (Surface Run-Off Implications of New Development) of the adopted Local Plan (2016) states that planning permission for new development will require that: 1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion. 2. Appropriate remedial measures are included as an integral part of the development, and there are clear arrangements in place for ongoing maintenance over the lifetime of the development. 3. Where remedial measures are required away from the application site, the developer is in a position to secure the implementation of such measures. 4. A Drainage Impact Assessment will be required for all new development with potentially significant surface run

off implications. 5. Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate.

Policy CB26 (Landscape, Biodiversity and Drainage) of the Cranbrook Plan (2022) states that development will only be permitted where it is in accordance with an up to date Landscape, Biodiversity and Drainage Strategy (LBDS), and illustrated LBDS Framework plan, which has been agreed in writing by the Local Planning Authority. In addition, the LBDS will need to be periodically reviewed so that it remains in line with new legislation, guidance and best practice with a formal review at least every 5 years.

Strategic Policy AR01 (Flooding) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that all development should minimise the impact and mitigate the likely effects of climate change on existing and future occupants, together with the wider community and environment, through the delivery of developments and communities which are resistant and resilient to future floods. This emerging policy carries limited weight at the time of determination.

The application is supported by a Flood Risk Assessment and Drainage Strategy as well as several supplementary technical notes. The site is currently a mix of undeveloped land, storage and compound and includes a small ditch on the southern boundary used to convey water from existing residential development in Cranbrook to existing surface water basins. The entire site is within in Flood Zone 1 however it is noted that a thin linear portion of the site along the southern boundary was located within Flood Zone 2 however this was removed from the flood zone following updates to flood zone maps in March 2025. The Flood Maps do indicate that the section along the southern boundary is at risk of flooding from surface water however there is no development proposed along this section. The Environment Agency (EA) were consulted on the application and raised no concerns to the proposed development.

In relation to surface water run-off, an additional allowance of 45% is required within East Devon. For this application, a 50% allowance has been used which is supported.

Surface water from the southern portion of the site would be conveyed by a below ground drainage network to a point of discharge into a new attenuation basin to the west of the site approved under application 22/2307/MRES which has an approximate volume of 155m³. Surface water on the northern portion would be conveyed and connected to existing surface water drains under Tillhouse Road. The proposal would not include any above ground drainage infrastructure.

DCC Flood Risk do not object to the proposed development and recommend conditions should an approval be forthcoming.

Therefore, the application would be acceptable in relation to flood risk and drainage meaning that the proposal would comply with Policy EN22 of the adopted Local Plan.

L) ARCHAEOLOGY

Strategy 49 (The Historic Environment) of the adopted Local Plan (2016) states that the physical and cultural heritage of the district, including archaeological assets and historic landscape character, will be conserved and enhanced and the contribution that historic places make to the economic and social well-being of the population will be recognised, evaluated and promoted. We will work with our partners and local communities to produce or update conservation area appraisals and conservation area management plans.

Policy EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) of the adopted Local Plan (2016) states that when considering development proposals which affect sites that are considered to potentially have remains of archaeological importance, the District Council

will not grant planning permission until an appropriate desk based assessment and, where necessary, a field assessment has been undertaken.

Policy HE04 (Archaeology and Scheduled Monuments) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that development must protect the site and setting of Scheduled Monuments, designated or undesignated archaeological remains, including ancient routeways and milestones. Applicants will be expected to undertake an assessment of appropriate detail to determine whether the development site is likely to contain archaeological remains. Proposals must show how the development proposals have had regard to any such remains. This emerging policy carries limited weight at the time of determination.

This site in terms of archaeology was reviewed as part of the allocation of Cranbrook originally as well as the outline planning permission. Various reports on archaeological survey, evaluation, and excavation in and around the proposal area have been published and are publicly available. As part of this application, no archaeological assessment and evaluation was submitted however previous assessment have indicated a low level of archaeological potential at this site. DCC Archaeology has reviewed the application and did not recommend any further archaeological evaluation or mitigation work. Therefore, the proposal is acceptable in terms of archaeology.

M) NATURE CONSERVATION AND BIODIVERSITY

Strategy 47 (Nature Conservation and Geology) of the adopted Local Plan (2016) states that all development proposals will need to:

1. Conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats.
2. Maximise opportunities for restoration, enhancement and connection of natural habitats.
3. Incorporate beneficial biodiversity conservation features.

Development proposals that would cause a direct or indirect adverse effect upon internationally and nationally designated sites will not be permitted unless:

- a) They cannot be located on alternative sites that would cause less or no harm.
- b) The public benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats.
- c) Prevention, mitigation and compensation measures are provided.
- d) In respect of Internationally designated sites, the integrity of the site will be maintained.

All residential development schemes within a straight line 10 kilometres distance of any part of the SAC and/or SAC designated areas of the Exe Estuary or Pebblebed Heaths will be required to provide mitigation.

Policy EN5 (Wildlife Habitats and Features) of the adopted Local Plan (2016) states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process. Where development is permitted on such sites mitigation will be required to reduce the negative impacts and where this is not possible adequate compensatory habitat enhancement or creation schemes will be required and/or measures required to be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent.

Policy CB14 (Habitat Mitigation and Delivery of Suitable Alternative Natural Green Space (SANGS)) of the Cranbrook Plan (2022) states that residential development shall only be brought forward where they can demonstrate that suitable mitigation is being made available to ensure that there is no likely significant effect on the Pebblebed Heaths and Exe Estuary. These environments are

designated as Sites of Special Scientific interest, (SSSI); Special Area of Conservation (SAC); Special Protection Area (SPA); and in the case of the Exe Estuary, RAMSAR. Only where it is wholly impractical to meet the definitions, should off-site delivery or an off-site financial contribution be required.

Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that international followed by nationally designated wildlife sites are of greatest importance and must be given upper most protection. This emerging policy carries limited weight at the time of determination.

Policy PB07 (Ecological enhancement and biodiversity in the built environment) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that in addition to features required as part of biodiversity net gain, mitigation or compensation, all proposals are required to incorporate features of biodiversity value tailored to the specific proposals, relevant local receptors and in accordance with best practice to maximise potential benefits. This emerging policy carries limited weight at the time of determination.

The application is supported by an Ecology Assessment and Briefing Note which set out that the site was a mixture of grassland, bare ground and vegetation. Since the submission of the application, the site has been partially used for storage and a construction compound. There are no statutory designated sites within or adjacent to the site however the site is located within the zone of influence for the East Devon Pebblebed Heaths SAC and SPA together with the Exe Estuary SPA and Ramsar sites. There are no non-statutory designated sites of nature conservation interest within or adjacent to the site. The nearest non-statutory designated site is Hellings Park Fen County Wildlife Site (CWS), which is located approximately 1.6km west of the site. The nearest Other Site of Wildlife Interest (OSWI) is Exeter Airport OSWI, which lies approximately 1.61km south of the site.

Surveys for this site were undertaken in 2011, 2012, 2015, 2016, 2017, 2018, 2019, 2021 and 2022. Additional walkovers were undertaken in 2024 as part of BNG calculations. The findings are summarised by species below:

- Badgers - The grassland and hedgerow habitats within the site offer some suitable foraging opportunities for Badgers, while the hedgerows offer some suitable shelter opportunities for this species.
- Bats - The site has generally moderate usage by bats with Soprano Pipistrelle being the most commonly recorded species. There is also slightly lesser usage by Common Pipistrelle and Noctule. Bat activity was present throughout the site and generally associated with boundary features and is considered that the site provides some foraging and navigational resources for bats. The planting and retention of native hedgerows and trees as part of the development proposals would provide new and continued foraging and navigational opportunities for bats. The development also proposed 5 new Bat Boxes north of the existing vegetation.
- Birds - It is considered that the hedgerows and trees within the site offer some suitable foraging opportunities for House Sparrow and Cuckoo and some limited suitable nesting opportunities for House Sparrow. It is also considered that the hedgerows and trees offer some limited suitable foraging opportunities for Barn Owl. The grasslands are considered to provide suitable foraging habitat for House Sparrow and Barn Owl and suitable foraging and nesting opportunities for Skylark. Any clearance must be undertaken outside the bird nesting season. The planting of any new, native trees and shrubs would provide new nesting and

foraging opportunities for a range of bird species. The proposal also includes 65 new Bird Boxes across the development site.

- Dormice - Dormice have been recorded in the wider area and two Dormouse nests have been found to the north of the site. Given these results, it is considered that two hedgerows within the site would lie within the Dormouse 'core habitat' range, and the removal of any sections will require a Natural England Mitigation Licence and detailed mitigation would be contained within the method statement of such a licence application. Any new hedgerows will be managed specifically for the benefit of Dormice.
- Otters - No evidence of Otter was recorded within the site or wider area.
- Great Crested Newts - It is not considered that Great Crested Newts are present within the site.
- Reptiles - It is considered that the rough grassland within the site offers suitable habitat for reptiles. A watching brief is to be implemented together with a capture/rescue and relocation exercise as required
- Mammals - No evidence of any other mammals was recorded within the site; however, it is considered that the grassland and hedgerows offer some suitable opportunities for a range of small mammals.
- Invertebrates - Due to the habitats present it is likely an assemblage of common invertebrate species would be present within the site. The creation of any new areas of species rich grassland, and the planting of any new native trees within the site, will provide suitable opportunities for a range of invertebrates.

Overall, several mitigation and enhancement measures are proposed:

- Bee Bricks on southeastern facing walls.
- 13cm x 13cm Hedgehog Holes between garden boundaries, open space and areas of vegetation.
- 5 Bat Boxes north of the existing vegetation.
- 65 Bird Boxes on north, west, east and southern elevations.
- Grassland areas to be a native seed mix to be secured through the landscaping scheme.
- New tree and hedgerow planting across the site and appropriate management.
- Grass cuttings and brash shall be left in piles beneath the vegetation.
- Watching brief is to be implemented.

These mitigation measures shall be secured via a condition.

The application has been reviewed by the council's Ecologist who recommends conditions in relation to a revised Landscape and Ecological Management Plan (LEMP) to include a number of missing elements typically found within a LEMP and compliance with Ecological Mitigation Measures.

It is recognised that for Dormice, the proposed works would require a European Protected Species Licence from Natural England. In these circumstances the Local Planning Authority (LPA) 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 (EPS) may be affected. 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.

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

In this case it is considered that there is public interest as the proposal would bolster housing and affordable housing, unlock development in the town centre and there are social, economic and environmental benefits of the development.

In considering whether there is a satisfactory alternative, it is noted that the section of the hedgerow providing the dormice habitat is required to be removed to facilitate an access point to existing residential development within Cranbrook. Other locations in the hedge could be used to provide access, but these would also require the removal of hedgerows. In any case the level of hedgerow removal is relatively minor in comparison to the length of the existing hedge and there are public benefits in connecting the development to existing dwellings.

To mitigate for the loss of habitats, additional habitat is being created across the site to provide new and enhanced foraging opportunities. The full suite of mitigation measures to would be secured as part of the licence.

With appropriate conditions to secure details of the mitigation, it is considered that the ecological status of the protected species can be maintained in a favourable condition and having regard to the above assessment, Officers consider that the three tests would be met, and that Natural England are likely to grant an EPS licence.

HABITAT MITIGATION

The site is located within 10km of the East Devon Pebblebed Heaths SAC and SPA together with the Exe Estuary SPA and Ramsar sites. During the operational phase, the development is likely to increase recreational pressures on these European sites which will likely have both direct and indirect significant effects when considered alone or in combination. This therefore requires the authority to undertake an Appropriate Assessment (AA) in accordance with the Conservation of Habitats and Species Regulations 2017. This has been undertaken which also concludes that the proposed development, as it is within 10km, is likely to have significant effects on the interest features of these European sites. The joint approach for mitigation by the relevant local authorities relies on a mechanism by which developers can make contributions to mitigation measures delivered by the South East Devon Habitat Regulations Partnership. The mitigation measures are set out in the Cranbrook Plan IDP and MOU which includes the following:

- Payment of £499 per dwelling for non-infrastructure mitigation
- Payment of £2,052 per dwelling for costs associated with delivery and maintenance of SANGS, including estimated land purchase costs.

Under this application, no direct SANG provision is provided.

Natural England were consulted on the AA and have advised that on the basis of the appropriate financial contributions being secured to the South-East Devon European Sites Mitigation Strategy, they would concur with this authority's conclusion in the AA that the proposed development will not

have an adverse effect on the integrity of the European Sites. It is for the LPA to adopt the AA and accordingly there is a further recommendation on this at the end of the report.

BIODIVERSITY NET GAIN (BNG)

As this application was submitted in March 2023, the legal requirements under the Environment Act 2021 do not apply to this application.

Policy CB26 (Landscape, Biodiversity and Drainage Strategy) sets out that Landscape, Biodiversity and Drainage Strategy (LBDS) should be prepared in conformity with landscape character, biodiversity and sustainable drainage guidance and deliver at least 10% biodiversity net gain.

As part of this planning application, a High-Level Biodiversity Net Gain Calculation Summary was submitted in April and June 2025 and concluded that the proposal could result in an overall net gain. The proposal could result in a 5.41% increase in habitat units and a 32.46% increase in hedgerow units using the Statutory Biodiversity Metric.

In relation to Habitat Units, it is acknowledged that the proposal would result in a gain of 5.41%. In isolation this would be a relatively minor conflict with Policy CB26 of the Cranbrook Plan as this fails to meet the 10% increase requirement in respect of this element of BNG. In cases like this where that statutory obligation is relevant and it is not possible to achieve a 10% net gain on site, it would be expected that either mitigation is provided off site or units/credits are purchased. However, the requirement in this instance is a policy consideration and therefore the conflict with policy is to be considered in the wider planning balance. It is noted that the MOU did not include expectations/provisions for any specific obligations in respect of BNG.

The assessment provided was a guide and further information would be required should an approval be forthcoming. This information including management of the biodiversity gains would be secured via a Biodiversity Management Plan Condition.

N) PLANNING OBLIGATIONS

Strategy 50 (Infrastructure Delivery) of the adopted Local Plan (2016) states that the Council produced and consulted (in June/July 2013) on an Infrastructure Delivery Plan to set out how the implementation of Local Plan policies and proposals will be supported through the timely delivery of infrastructure improvements. It identifies schemes, sets out how much they will cost, indicates potential funding sources and establishes a funding gap. Developer contributions will be sought to ensure that the necessary infrastructure improvements are secured to support the delivery of development and mitigate any adverse impacts.

Policy CB6 (Cranbrook Infrastructure Delivery) of the Cranbrook Plan (2022) sets out that development that is proposed within the Cranbrook Plan Area must demonstrate that it will meet the likely demands of future occupiers/users by delivering, either in full or where necessary in part, the identified infrastructure from the 4 categories identified. This infrastructure is necessary to achieve a healthy, active, integrated and friendly self-reliant community.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that new proposals for residential development in the Town Centre will be required to make contributions to on and/or off-site infrastructure in and around the town to mitigate for the likely additional pressure that would result from the increased occupation associated with the development.

Strategic Policy SP07 (Delivery of infrastructure) the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that new development proposals must be supported by appropriate infrastructure, delivered in a timely manner to support the needs of the development

and the wider community. Where appropriate, the Council will use planning conditions or planning obligations to secure the provision of infrastructure and its ongoing maintenance. This emerging policy carries limited weight at the time of determination.

As set out within the MOU agreed between EDDC and the EDNCp, the development is subject to the following obligations (to be index linked from Q2 2022):

- o Delivery of 4 affordable dwellings comprising of Affordable Rented Dwellings. All of the affordable housing units will meet part M4(2).
- o Connection to the District Heat Network
- o £2,551 per dwelling for appropriate habitat mitigation
- o £1,742 per dwelling for primary school places
- o £1,045 per dwelling for sustainable travel
- o £72 per dwelling for car sharing/e-bikes
- o Monitoring Fees

Draft legal agreements under S106 provisions have been submitted as part of the application and make provisions intended to be in line with the MOU. A Deed of Variation to the original Cranbrook S106 is also required to release the obligations in relation to the Additional Dwellings Sites. It is noted that DCC Education commented on the application requesting a contribution of £1,742 per Additional Residential Dwelling which aligns with the MOU.

It is acknowledged that the proposals would include contributions to mitigate the likely additional pressure on services, but that these fall short of the full infrastructure requirements of the Cranbrook Plan. However as detailed earlier in this report, these land and financial contributions were the subject of protracted negotiations aimed at ensuring that the town and its residents are served by the services and facilities in the town centre necessary to support their needs. Ultimately it was the decision of the council's Cabinet that the benefits secured in principle through the signing of the MOU outweigh any harm caused as a result of the limited package of infrastructure delivery and off-site financial contribution. It is for the Planning Committee to decide if they concur with this conclusion and the provisions of the MOU but the fact that it was made by the Cabinet in full awareness of the short- and long-term implications, is deemed to be a consideration material to the determination of this planning application.

CONCLUSION AND PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan relevant to this application site is the East Devon Local Plan 2013-2031, The Cranbrook Plan DPD and Devon Waste Plan, with the relevant policies of each having been discussed throughout this report.

The council is unable to demonstrate a 5-year supply of deliverable housing land and therefore the presumption in favour of sustainable development as set out in Paragraph 11d of the National Planning Policy Framework is engaged. For this application it means that permission should be granted unless policies in the NPPF relating to habitat sites (including the Pebblebed Heaths and Exe Estuary), archaeological interest or areas at risk of flooding provide a strong reason for refusal or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. This second element of the presumption requires an assessment against the policies in the NPPF taken as a whole, having regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The application site is located within the Town Centre of Cranbrook and has in principle policy support from Policy CB22 which supports residential development in the town centre of Cranbrook. The site is in a highly sustainable location with access to public and active transport, the Country Park, Education Campus and the emerging Town Centre of Cranbrook and therefore is supported by Strategy 1 and Strategy 3 of the East Devon Local Plan as well as the National Planning Policy Framework.

The proposal would result in 65 residential dwellings including 4 affordable dwellings and the overall scale and density, while not as high as is required by the Cranbrook Plan, is appropriate when considered in the wider context of surrounding developments and its location, away from the central area of the town centre. The appearance and materials are acceptable and are in keeping with the overall design principles seen in the town, and with the town centre design principles document which is appended to the signed MOU. The proposed landscaping scheme is reflective of the higher density form of development; however new trees, hedgerows and planting are proposed within the development to help soften the overall scheme.

The proposed dwellings would meet the Nationally Described Space Standards, and each dwelling would include private amenity spaces. The proposal is not considered to result in harm to neighbouring properties and the proposed dwellings would offer good levels of sunlight and daylight for future residents.

The proposal has been assessed from a Drainage and Flood Risk, Transport, Land Contamination, Archaeology and Sustainability perspective and is acceptable. The proposal would retain existing trees and hedgerows and would include ecological mitigation measures. As noted above the proposal would result in an overall biodiversity net gain.

The development is acceptable in many regards but would conflict with several adopted policies. Conflict with Policy CB22 in relation to density, adaptable ground floors and infrastructure contributions required, Policy CB10 in relation to affordable housing, and Strategy 43 in relation to Open Space Provision all stem from the in-principle agreement set out between the EDNCp and the council within the MOU and town centre design principles document. Conflict with Policy CB20 in relation to unallocated car parking being lower than required is a result of form of development proposed but is far higher than has been seen elsewhere within Cranbrook to-date.

The proposed development would result in a number of public benefits including the delivery of much needed housing including affordable homes within the district (albeit at a rate lower than policy requirement) as well as helping to unlock the development of the Town Centre of Cranbrook. The site has been vacant for several years and the proposal would help to deliver the town centre and land around Tillhouse Road in accordance with the MOU. The proposal, alongside the other residential parcels within the Town Centre as set out within the MOU would ensure that financial contributions toward the construction of the Town Council Offices, Children's Centre, Youth Centre and Library are provided by the EDNCp. These contributions would help to fund and bring forward these facilities within the Town Centre which would provide much needed services to residents. The proposal would include economic benefits from construction to operation and benefits to local businesses and services by increasing footfall in the Town Centre.

There is clearly a need to balance development which is in accordance with the adopted Local Plan and Cranbrook Plan against the need for housing within the district and material considerations which are relevant in the determination of this application.

In this case, the need to bolster housing within East Devon is a material consideration and the NPPF supports the delivery of sustainable development in principle. The need to bolster housing supply is given significant weight in the decision. In addition, the signing of the Memorandum of Understanding (MOU) is also given significant weight which set out that the application site could be

brought forward for residential development and financial contributions were agreed for the Additional Residential Dwellings in the town centre.

In this instance and having regard to all planning matters, given the need to increase housing supply for the longer term, the sustainable location of the site and signing of the MOU which agreed the open space and affordable housing requirements and financial contributions, officers consider that the material considerations in this case would justify a recommendation for approval. Officers acknowledge that there are conflicts with adopted policies, however these alone or in combination would not result in a development whereby the harm would significantly and demonstrably outweigh the benefits and officers consider that the proposed development would overall align with the principles of sustainable development.

It is recommended that the appropriate assessment is adopted, and that the application be approved subject to a S106 Legal Agreement and Conditions.

The recommendation does not set a precedent for the approval of development which fails to fully comply with the development plan and in any case the precise context and material considerations for each site differs and each planning application must be determined on its own merits.

RECOMMENDATION

- a) ADOPT the Appropriate Assessment (as set out in Appendix 1).
- b) APPROVE the application subject to a S106 Legal Agreement and Conditions (final wording delegated to the Development Manager):
 - 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
 - 2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
 - 3. Sustainable Drainage System

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

- (a) A detailed surface water drainage system design based upon the Flood Risk and Drainage Strategy including details of Tree Pits (with surface water connections in and out) and Permeable Paving.
- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site.

No dwelling hereby permitted shall be occupied until the approved works to Basin 2C and construction of a new surface water feature (ref. 22/2307/MRES) have been completed and approved details have been implemented in accordance with the details under (a) - (d) above.

(Reason - The above conditions are pre-commencement to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk

either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.)

4. Tree Protection Measures

I. Prior to the commencement of the development hereby approved (including any demolition and all preparatory work), the tree protection measures as identified in the submitted Arboricultural Assessment & Method Statement and Tree Protection Plans (TPPs) (March 2025) prepared by FPCR shall have been completed:

- (a) The tree protection fencing and / or ground protection shall be in place and in accordance with the agreed specification and retained intact for the full duration of the development.
- (b) The installed tree protection shall have been inspected by an appropriately experienced and qualified Arboricultural Consultant and the initial site inspection findings shall be submitted to and approved in writing by the Local planning Authority.

II. During the development hereby approved, the following tree protections measures will be undertaken:

- (c) The Arboricultural Assessment & Method Statement and TPPs shall be strictly followed.
- (d) Any departures from the approved TPP and Arboricultural Assessment & Method Statement shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

III. On completion of the development hereby approved:

- (e) A completed site monitoring log shall be submitted to the Local Planning Authority for approval and final discharge of the tree protection condition.

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) except for the two footpath/cycle connections to Luccombe Oak 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.

No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme unless agreed in writing by the Local Planning Authority.

No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority.

(Reason - This is pre-commencement as to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2013-2031 and pursuant to section 197 of the Town and Country Planning Act 1990.)

5. Remediation Strategy

Prior to the commencement of the development, a remediation strategy to deal with the identified risks associated with contamination of the site in respect of the development hereby

permitted, shall be submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. An options appraisal and remediation strategy based on the recommendations detailed within Geotechnical and Geoenvironmental Consultancy's site investigation report (Report Ref. CGL/16816A) giving full details of the remediation measures required and how they are to be undertaken.
2. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy are complete.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

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

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

(Reason - This is pre-commencement 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 of the East Devon Local Plan.)

6. Conveyance and Adoption Plan

Prior to the commencement of development above slab level, a Conveyance and Adoption Plan depicting to whom the following assets are proposed for transfer of ownership and/or maintenance shall be submitted to and approved in writing by the Local Planning Authority. Conveyance and Adoption shall take place in accordance with the agreed plans unless otherwise agreed in writing by the Local Planning Authority:

- o Highways and Private Drives
- o Car Parking Spaces (Private and Unallocated)
- o Pedestrian and Cycle Paths
- o Existing Trees and Hedgerows
- o Public Open Spaces (Hard and Soft Landscaped)
- o Private Dwellings
- o Affordable Housing

(Reason - This is pre-commencement and is needed to ensure that there is clarity at all stages of place making as to which organisation or Local Authority is likely to take on which asset and to help minimise the risk of the inappropriate disposal of key assets and connecting routes.)

7. Landscape and Ecological Management Plan

Notwithstanding the submitted plan, prior to the commencement of the development, a revised Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority, based on the submitted Ecological Assessment by Ecology Solutions (September 2022) and Briefing Note: Information for Ecological Enhancements by Ecology Solutions (June 2025).

The content of the revised LEMP shall also include the following.

- a) Updated description and specifications of the landscape and ecological features to be created and/or managed to include H28b.
- b) Preparation of a detailed work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
- c) Details of the body or organization responsible for implementation of the plan.
- d) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

(Reason - This is pre-commencement to ensure that the development has no adverse effect on protected and notable species, it provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)

8. Biodiversity Management Plan

Prior to the commencement of the development, a Biodiversity Management Plan shall be submitted to and approved in writing by, the Local Planning Authority.

The biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time, and the Biodiversity Management Plan shall include:

1. Detailed proposals for on-site biodiversity net gain.
2. A management and monitoring plan for any on-site biodiversity net gain including management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports from commencement of development, demonstrating how the biodiversity net gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures required.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Management Plan and shall be retained as such thereafter.

(Reason - This is prior to development commencing to ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Policy CB26 (LBDS) of the Cranbrook Plan DPD, Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)

9. Details of External Materials

No development above slab level for any dwelling shall begin until details of the following materials have been submitted to and approved in writing by the Local Planning Authority:

- o Red Brick
- o Buff Brick
- o Blue Projecting Brick
- o Brown Tile
- o Grey Tile
- o Block Paving
- o Coloured Tarmac
- o Rumble Strips
- o Paving Slabs

The development shall be built in the materials approved and retained for the lifetime of the development.

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

10. Further Detail Drawings

Notwithstanding the submitted details and prior to the installation or construction of the relevant element, detailed plans, elevations and sectional drawings at an appropriate scale of the following items shall be submitted to and approved in writing by the Local Planning Authority:

- o Front Canopies
- o Windows and Doors (including brick detailing)
- o Boundary Treatments

The development shall be carried out in accordance with the approved details.

(Reason - This is prior to the relevant element as insufficient information has been submitted to satisfy the Local Planning Authority regarding the above to ensure that the development is acceptable in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

11. Tillhouse Road Highway Mitigation

No development shall commence until detailed plans at an appropriate scale of the proposed highway mitigation measures on Tillhouse Road to reduce vehicular speeds at and around the proposed access points have been submitted to and approved in writing by the Local Planning Authority in consultation with DCC Highway Authority. The approved mitigation measures shall be installed prior to the first occupation of any dwelling or in accordance with a programme agreed in writing with the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

(Reason - This is pre-commencement as insufficient information has been submitted to satisfy the Local Planning Authority regarding the above to ensure that the development is acceptable in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)

12. Estate Road, Cycleways, Footways

The proposed estate road, cycleways, footways, crossing points, footpaths, verges, junctions, street lighting, street name plates, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority prior to their construction begins.

Development shall take place in accordance with the approved details.

(Reason - This is prior to their construction as insufficient information has been submitted to satisfy the Local Planning Authority regarding the above to ensure that the development is acceptable in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)

13. Further Details - Tree Pits

Notwithstanding the submitted details, no development above slab level for any dwelling shall begin until tree pit details have been submitted to and approved in writing by the Local Planning Authority.

For every tree proposed within or adjacent to hard paved areas or small planting beds, calculations of the required soil volumes appropriate for the species/cultivar shall be provided together with the actual volume to be provided on site. Where necessary this shall include for use of suitable proprietary soil crates extending under areas of paving in accordance with best practice guidance. The extent of any soil crating required shall be indicated on both hard and soft landscape plans.

Tree pits shall be constructed, and trees installed in accordance with approved details.

(Reason - To ensure the soil areas are adequate to allow the proposed trees to properly survive and prosper, in the interests of the visual amenity of the development and to accord with Policies D1 (Design and Local Distinctiveness), D2 (Landscape requirements) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013 to 2031.)

14. Lighting Scheme

No development above ground floor slab level for any dwelling shall begin until a Lighting Scheme for the site including the locations, heights and specifications of proposed free standing and any wall mounted external lighting including the location of trees, means of control and intended hours of operation has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme must comply with the requirements of the Institute of Light Professionals guidance (ILP), including ILP Guidance Note 08/23, on the avoidance of light pollution and on nocturnal wildlife. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused.

Development shall take place in accordance with the approved details.

(Reason - Details are required to ensure that adequate measures are in place to comply with Policy EN5 and Policy EN14 for the avoidance of light pollution, the avoidance of impacts on

protected species, and to avoid light pollution being detrimental to the amenity of local residents.)

15. Ecological Mitigation

The development shall be carried out in strict accordance with Section 5 of the Ecological Assessment by Ecology Solutions (September 2022) and Briefing Note: Information for Ecological Enhancements by Ecology Solutions (June 2025).

The final dwelling of the development shall not be occupied until a written record has been submitted and approved by the Local Planning Authority to include photographs of the installed ecological mitigation, compensation, and enhancement measures for bats and nesting birds as detailed within the reports unless otherwise agreed by the Local Planning Authority.

The development shall include bee bricks on south and south-eastern facing walls at a rate of at least 1 per dwelling.

(Reason - To ensure that 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.)

16. Cycle Storage

Prior to the occupation of any dwelling hereby permitted, details of secure cycle storage facilities for each property shall be submitted to, and approved in writing by, the Local Planning Authority. Cycle storage provision shall be a rate of one space per bedroom in each property and no dwelling hereby permitted shall be occupied until the cycle parking provision for such dwelling shown on the approved plans has been completed, and which thereafter, shall be kept free of obstruction and available for the parking of cycles only.

(Reason - To ensure the provision and availability of adequate cycle parking in accordance with Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan (2022).)

17. Unallocated Spaces

Notwithstanding the submitted layout, prior to the first occupation any dwelling within the development, a revised layout to identify the location of unallocated spaces (as indicated by 'vp' on the plans hereby approved) and a scheme to identify unallocated car parking spaces within the development shall be submitted to and be approved in writing by the Local Planning Authority. The unallocated spaces shall be provided in blocks of 4 unless otherwise agreed by the Local Planning Authority. The method of identification for each space must be installed prior to first use of each unallocated car parking space and must be retained for the lifetime of the development.

The development shall be carried out in accordance with the approved details.

(Reason - To ensure unallocated spaces are suitably located and to reduce conflict between private and visitor car parking spaces in accordance with Strategy 37 and Policy D1 of the adopted Local Plan and Policy CB20 of the Cranbrook Plan DPD.)

18. Close Boarded Fencing and Gates

All close boarded fencing and gates fronting the public realm, roads or vehicular parking spaces shall be painted or stained dark grey or another colour if previously agreed in writing by the Local Planning Authority.

(Reason - In the interests of visual amenity in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

19. Meter Boxes

All meter boxes shall be sited and treated/coloured to match the proposed immediately surrounding wall colour to minimise visibility from the public realm.

(Reason - In the interests of visual amenity in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

20. Landscaping

The landscaping proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is first ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for at least five years and any trees, hedgerows or plants removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with others of similar size and species to those originally required to be planted unless otherwise agreed by the Local Planning Authority.

Vehicle parking within the development site shall not encroach onto areas shown as soft landscaping unless otherwise agreed in writing with 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.)

21. Removal of Permitted Development - Boundary Treatments

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no boundary treatments including walls, fences, railings or other means of enclosure shall be erected, altered or removed without the prior written approval of the Local Planning Authority.

(Reason - In the interests of preserving and enhancing the character and appearance of the area and/or protecting the privacy of local residents in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

22. Highway Works

The roads, footpaths and turning spaces shown on the plans hereby approved, shall be constructed in such a manner as to ensure that, before it is occupied, each dwelling before is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway. Furthermore, the parking space/s for each dwelling shall be constructed and available for use prior to first occupation of the units to which it is associated. The gradient of the proposed drives shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

(Reason - To ensure that each property has adequate and suitable access and parking available prior to occupation, in accordance with the provisions of Policy CB23 (Parking at Cranbrook) of the Cranbrook Plan 2013 - 2031, and Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031).

23. Compliance with Construction and Environment Management Plan (CEMP)

The development shall be carried out in strict accordance with the Construction and Environment Management Plan (CEMP) (10822/CEMPTC01 Rv4) by Brookbanks (dated 26.08.23).

Construction working shall not take place outside the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

(Reason - To protect the amenities of existing and future residents in the vicinity of the site in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan).

24. Garden Gates

All garden gates shall be fitted with a method of locking them from both sides, prior to the first occupation of the property which they provide access to.

(Reason - To ensure that the garden areas are capable of being secured, in accordance with the provisions of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013- 2031).

25. Controlled Parking Zone

Prior to the first occupation of the development hereby permitted, details of a scheme to facilitate the control of parking on the highways within this development shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of all relevant steps necessary for its implementation, clearly setting out which organisation is responsible for each step together with a proposed timetable for the implementation of the relevant steps. The implementation of the agreed scheme shall be carried out in accordance with the approved proposed timetable unless otherwise agreed in writing by the Local Planning Authority.

(Reason – To ensure that adequate parking provision is provided and to reduce inappropriate parking in accordance with Strategy 37 of the Adopted Local Plan and Policy CB20 of the Cranbrook Plan (2022).)

NOTE FOR APPLICANT

Biodiversity Net Gain

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemption 1 from the list below is considered to apply:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - (i) the application for planning permission was made before 2 April 2024;
 - (ii) planning permission is granted which has effect before 2 April 2024; or
 - (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

(ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

(i) consists of no more than 9 dwellings;

(ii) is carried out on a site which has an area no larger than 0.5 hectares; and

(iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Informative:

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

Informative:

The Local Planning Authority (LPA) 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 (EPS) may be affected. 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. Having regard to the three tests, the LPA considers that the three tests would not be met and that Natural England are unlikely to grant an EPS licence.

Informative:

This planning permission is accompanied by a S106 Legal Agreement which must be read in conjunction with this decision notice

Plans relating to this application:

DR-L-0008 P01 : tree pit details	Other Plans	15.07.24
10947-508-002 A : manhole schedule	Other Plans	15.07.24
10947-115-004 A : : standard details	Other Plans	15.07.24
10947-115-003 A : drainage standard details	Other Plans	15.07.24
10947-115-002 A : Highways Standard Details Sheet 2	Other Plans	15.07.24
10947-115-001 A : Highways standard details Sheet 1	Other Plans	15.07.24
DP-A-1200 H : Beaford EMA 22 V1	Proposed Combined Plans	02.06.25
4671-T-57 B	Tree Protection Plan	12.03.25
4671-T-56 B	Tree Retention Plan	12.03.25
10947-100-027K: Vehicle Tracking Refuse Sheet 4	Other Plans	02.06.25
10947-100-024K: Vehicle Tracking Fire Tender Sheet 1	Other Plans	02.06.25

10947-100-025K: Vehicle Tracking Fire Tender Sheet 2	Other Plans	02.06.25
10947-100-026K: Vehicle Tracking Refuse Sheet 3	Other Plans	02.06.25
10947-100-030E: Vehicle Tracking Fire Tender Sheet 5	Other Plans	02.06.25
10947-100-031E: Vehicle Tracking Refuse Sheet 4	Other Plans	02.06.25
10947-104-003D: Fire Tender Coverage Sheet 1	Other Plans	02.06.25
10947-104-004D: Fire Tender Coverage Sheet 2	Other Plans	02.06.25
10947-106-003J: S38 ADOPTION PLAN TC7B SHEET 1	Other Plans	02.06.25
10947-106-004J: S38 ADOPTION PLAN TC7B SHEET 2	Other Plans	02.06.25
10947-107-003K: S104 ADOPTION PLAN TC7B SHEET 1	Other Plans	02.06.25
10947-107-004J: S104	Other Plans	02.06.25

ADOPTION
PLAN TC7B
SHEET 2

10947-1100-003H: PAVING AND KERBING PLAN TC7B SHEET 3	Other Plans	02.06.25
10947-1100-004J: PAVING AND KERBING PLAN TC7B SHEET 4	Other Plans	02.06.25
10947-111-002H: GENERAL ARRANGEM ENT TC7B	Other Plans	02.06.25
10947-112-003H: VISIBILITY TC7B SHEET 1	Other Plans	02.06.25
10947-112-004H: VISIBILITY TC7B SHEET 2	Other Plans	02.06.25
10947-120-003J: FINISHED FLOOR LEVELS TC7B SHEET 1	Other Plans	02.06.25
10947-120-004J: FINISHED FLOOR LEVELS TC7B SHEET 2	Other Plans	02.06.25
10947-503-003H: GULLY CATCHMEN T PLAN TC7B SHEET 1	Other Plans	02.06.25
10947-503-004H:	Other Plans	02.06.25

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CATCHMEN
T PLAN
TC7B
SHEET 2

10947-506-003G: ADOPTABLE DRAINAGE LAYOUT TC7B SHEET 1	Other Plans	02.06.25
10947-506-004G: ADOPTABLE DRAINAGE LAYOUT TC7B SHEET 2	Other Plans	02.06.25
10947-515-002H: IMPERMEAB LE AREA PLAN TC7B	Other Plans	02.06.25
10947-520-002J: EXCEEDAN CE PLAN TC7B	Other Plans	02.06.25
10947-700-003H: CHAINAGE & CONTOUR PLAN TC7B SHEET 1	Other Plans	02.06.25
10947-700-004H: CHAINAGE & CONTOUR PLAN TC7B SHEET 2	Other Plans	02.06.25
DR-L-0001 Rev P17 : Landscaping General Arrangement	Other Plans	10.06.25
DR-L-0002 Rev P17 : On Plot Landscaping 1 of 2	Landscaping	10.06.25
DR-L-0003 Rev P17 : On Plot	Landscaping	10.06.25

Landscaping
2 of 2

3150.PLAN1: Technical Enhancements Rev D	Additional Information	10.06.25
TN11 Rev 8: Drainage Strategy	Drainage report	26.03.25
DR-A-0111 F : Dwelling Materials	Layout	09.06.25
DR-A-0110 K : Proposed Site Layout	Layout	09.06.25
DR-A-0114 E : Tenure Layout	Layout	09.06.25
DR-A-0116 E : Storey Heights	Layout	09.06.25
DR-A-113 G : Refuse Plan	Layout	09.06.25
DR-A-0112 F : Boundary Materials	Layout	09.06.25
DR-A-0210 F	Street Scene	09.06.25
DP-A-1205 J : Cardale EMT32 V1	Proposed Combined Plans	03.06.25
DP-A-1207 G : Altbury EMC31 V1	Proposed Combined Plans	02.06.25
DP-A-1208 C : Altbury EMC31 V2	Proposed Combined Plans	02.06.25
DP-A-1206 C : Cardale EMT32 V2	Proposed Combined Plans	03.06.25
DP-A-1209 F : Elterdale	Proposed Combined Plans	02.06.25

EMT34 V1

DP-A-1211 G : Plumdale EMT41	Proposed Combined Plans	03.06.25
DP-A-1210 B : Elterdale EMT34 V2	Proposed Combined Plans	02.06.25
DP-A-1203 F : Eynesford EMA33 V2	Proposed Combined Plans	02.06.25
DP-A-1204 G : Aynesdale EMT31	Proposed Combined Plans	03.06.25
DP-A-1201 G : Beaford EMA22 V2	Proposed Combined Plans	02.06.25
DP-A-1202 G : Eynesford EMA 33 V1	Proposed Combined Plans	02.06.25
10947-507-002 A DRAINAGE LONGITUDI NAL SECTIONS PARCEL TC7B	Other Plans	07.03.23
10947-702-002 A : CROSS SECTIONS PARCEL TC7B ROAD 1	Sections	07.03.23
10947-702-003 A : CROSS SECTIONS PARCEL TC7B ROADS 2+4	Sections	07.03.23
10947-702-004 A : CROSS SECTIONS ROAD 3	Sections	07.03.23
4671-T-44 A	Tree Survey	07.03.23

DR-A-0016 P05 : TC7B	Location Plan	29.03.23
10947-701-002 A : Longitudinal Sections	Sections	12.06.25

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, 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.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality 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.

Appendix 1: Appropriate Assessment

Appropriate Assessment	
The Conservation of Habitats and Species Regulations 2017, Section (63)	
Application Reference, Brief description of proposal and Location	23/0554/MFUL Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) Parcels TC3 And TC8b Land Off Court Royal And Badger Way Cranbrook
Application Reference, Brief description of proposal and Location	23/0511/MFUL Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) Land To The South Of Tillhouse Road Cranbrook
Application Reference, Brief description of proposal and Location	22/2354/MFUL Development of residential dwellings and associated car parking, roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) Parcels Tc5a, Tc6 & Tc7a Tillhouse Road Cranbrook Town Centre
Site is:	<i>Within 10km of the Exe Estuary SPA site alone (UK9010081)</i> Within 10km of the East Devon Heaths SPA (UK9010121) Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602) Within 10km of the Exe Estuary Ramsar (UK 542) (See Appendix 1 for list of interest features of the SPA/SAC)
Step 1 Screening for Likely Significant Effect on the proposed development on Land Adjacent Old Tithebarn Lane, Clyst Honiton	
Risk Assessment	
Could the Qualifying Features of the European site be affected by the proposal? Consider both construction and operational stages.	Yes - additional housing within 10km of the SPA/SAC will increase recreation impacts on the interest features. The dwellings proposed under these applications are 'extra over' housing in Cranbrook and were agreed via a Memorandum of Understanding (MOU) on 11 May 2022 between the Council and East Devon New Community partners.
Conclusion of Screening	

Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?	<p>East Devon District Council concludes that there would be Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the Exe Estuary SPA, Exe Estuary Ramsar Site, East Devon Pebblebed Heaths SAC and the East Devon Heaths SPA.</p> <p>See evidence documents on impact of development on SPA/SAC at: East Devon District Council - http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf</p> <p>An Appropriate Assessment of the plan or proposal is necessary.</p>	
Local Authority Officer	Liam Fisher	Date: 30 October 2024
<p>Step 2 Appropriate Assessment NB: In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.</p>		
In-combination Effects		
Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.	<p>Additional housing or tourist accommodation within 10km of the SPA/SAC will add to the existing issues of damage and disturbance arising from recreational use.</p> <p>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.</p> <p>The Teignbridge emerging Local Plan 2040 completed three Reg. 18 consultations between 2018 and 2021 and undertook Regulation 19 consultation in January 2023. At present, the Local Plan has been submitted for examination. This Plan proposes to deliver approximately 12,489 houses in the plan period 2020 - 2040.</p> <p>The Exeter Plan looks to deliver to 14,300 homes over the 20 year period to 2040. This Plan completed a Regulation 18 consultation in December 2022. At present, Exeter is consulted on a full draft plan in January 2024.</p>	
Mitigation of in-combination effects.	<p>The Joint Approach sets out a mechanism by which developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership.</p> <p>A Suitable Alternative Natural Green Space (SANGS) has been delivered at Dawlish and a second at South West Exeter has been partially opened to attract recreational use away from the Exe Estuary and Dawlish Warren and Pebblebed Heaths.</p> <p>EDDC have submitted a planning application for 10.24 ha of SANGS at Clyst Meadows, Station Road, Broadclyst however this is still pending consideration.</p>	

Assessment of Impacts with Mitigation Measures		
Mitigation measures included in the proposal.	<p>The mitigation measures are set out in the Cranbrook Plan IPD and MOU which includes the following:</p> <ul style="list-style-type: none"> • Payment of £499 per dwelling for non-infrastructure mitigation • Payment of £2,052 per dwelling for costs associated with delivery and maintenance of SANGS, including estimated land purchase costs. <p>23/0554/MFUL: £2,551 x 83 dwellings = £211,733 23/0511/MFUL: £2,551 x 65 dwellings = £165,815 22/2354/MFUL: £2,551 x 84 dwellings = £214,284</p> <p>No direct SANG provision is provided under these applications.</p>	
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	<p>Yes - the contribution offered is considered to be sufficient.</p> <p>Cranbrook is nil rated for CIL so no additional contributions are to be secured via CIL hence why the contributions within the Cranbrook Plan IPD are higher than the Joint Approach.</p>	
Conclusion		
List of mitigation measures and safeguards	Total contribution of £591,832 will be secured through the legal agreement for these sites.	
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of the Exe Estuary SPA, Exe Estuary Ramsar Site, East Devon Pebblebed Heaths SAC and the East Devon Heaths SPA can be ruled out.	
Conclusion of Appropriate Assessment	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	Liam Fisher	Date: 30 October 2024
21 day consultation to be sent to Natural England Hub on completion of this form.		

Appendix 1. List of interest features:

Exe Estuary SPA

Annex 1 Species that are a primary reason for selection of this site (under the Birds Directive):

Aggregation of non-breeding birds: Avocet *Recurvirostra avosetta*

Aggregation of non-breeding birds: Grey Plover *Pluvialis squatarola*

Migratory species that are a primary reason for selection of this site

Aggregation of non-breeding birds: Dunlin *Calidris alpina alpina*

Aggregation of non-breeding birds: Black-tailed Godwit *Limosa limosa islandica*

Aggregation of non-breeding birds: Brent Goose (dark-bellied) *Branta bernicla bernicla*

Wintering populations of Slavonian Grebe *Podiceps auritus*

Wintering populations of Oystercatcher *Haematopus ostralegus*

Waterfowl Assemblage

>20,000 waterfowl over winter

Habitats which are not notified for their specific habitat interest (under the relevant designation), but because they support notified species.

Sheltered muddy shores (including estuarine muds; intertidal boulder and cobble scars; and seagrass beds)

Saltmarsh NVC communities: SM6 *Spartina anglica* saltmarsh

SPA Conservation Objectives

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- ☐ ☐ **The extent and distribution of the habitats of the qualifying features**
- ☐ ☐ **The structure and function of the habitats of the qualifying features**
- ☐ ☐ **The supporting processes on which the habitats of the qualifying features rely**
- ☐ ☐ **The population of each of the qualifying features, and,**
- ☐ ☐ **The distribution of the qualifying features within the site.**

Dawlish Warren SAC

Annex I habitats that are a primary reason for selection of this site (under the Habitats Directive):

Annex I habitat: Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes'). (Strandline, embryo and mobile dunes.)

SD1 *Rumex crispus*-*Glaucium flavum* shingle community

SD2 *Cakile maritima*-*Honkenya peploides* strandline community

SD6 *Ammophila arenaria* mobile dune community

SD7 *Ammophila arenaria*-*Festuca rubra* semi-fixed dune community

Annex I habitat: Fixed dunes with herbaceous vegetation ('grey dunes').

SD8 *Festuca rubra*-*Galium verum* fixed dune grassland

SD12 *Carex arenaria*-*Festuca ovina*-*Agrostis capillaris* dune grassland

SD19 *Phleum arenarium*-*Arenaria serpyllifolia* dune annual community

Annex I habitat: Humid dune slacks.

SD15 *Salix repens*-*Calliergon cuspidatum* dune-slack community

SD16 *Salix repens*-*Holcus lanatus* dune slack community

SD17 *Potentilla anserina*-*Carex nigra* dune-slack community

Habitats Directive Annex II species that are a primary reason for selection of this site:

Petalwort (*Petalophyllum ralfsii*)

SAC Conservation Objectives

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

List of interest features:

East Devon Heaths SPA:

A224 *Caprimulgus europaeus*; European nightjar (Breeding) 83 pairs (2.4% of GB population 1992)

A302 *Sylvia undata*; Dartford warbler (Breeding) 128 pairs (6.8% of GB Population in 1994)

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

East Devon Pebblebed Heaths SAC:

This is the largest block of lowland heathland in Devon. The site includes extensive areas of dry heath and wet heath associated with various other mire communities. The wet element occupies the lower-lying areas and includes good examples of cross-leaved heath – bog-moss (*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

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

Exe Estuary SPA

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

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

Exe Estuary Ramsar

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).

Appendix 2: Technical Consultations

Police Architectural Liaison Officer - Kris Calderhead – 17 March 2025

Thank you for consulting with me on the revised drawings of this planning application.

The issues that I raised previously from a designing out crime perspective, namely the excessive accessible space to the rear boundaries of plots (49-63 and 109-113), are still evident, therefore I submit my previous comments again for consideration.

Police Architectural Liaison Officer - Kris Calderhead – 22 July 2024

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

I appreciate the comments within the covering letter stating that 'the series of comments on permeability and secured by design recommendations have been considered and taken on board or resolved where possible and appropriate in the revised plans'.

However, there still remains excessive accessible space to the rear boundaries of plots (49-63 and 109-113) which as alluded to previously, leaves them vulnerable in terms of offences such as burglary, theft and trespassing and Secured by Design recommends that 'the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings'.

Additionally, as per my initial response, such design features also conflict with National Planning Policy Framework guidance and strategies (Strategy 37 - Community Safety) within the East Devon Local Plan.

I appreciate that the plots opposite will provide some good surveillance opportunities of this space however, it still seems excessive to allow legitimate access to the rear boundaries of this number of plots.

Police Architectural Liaison Officer - Kris Calderhead – 19 April 2023

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. There are aspects of the scheme that I cannot support as they are proven to increase the opportunity for crime and anti-social behaviour (ASB) as well as the fear of crime and ASB. Such design features also conflict with National Planning Policy Framework guidance and strategies (Strategy 37 - Community Safety) within the East Devon Local Plan.

It is disappointing that designing out crime, crime prevention, safety and security etc. has not been referenced within the Design and Access Statement. It is therefore difficult to ascertain whether such aspects have been considered in the design of the scheme.

My main concern from a designing out crime perspective is the amount of accessible space to the rear boundaries of plots. The rear garden boundaries of plots 49-50 and 107-112 all back on to public space. The rears of plots are the most vulnerable in terms of offences such as burglary, theft and trespassing and Secured by Design recommends that 'the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings¹'. (1 Secured by Design Homes 2023 p18)

I appreciate that the plots opposite will provide some good surveillance opportunities of this space however, it seems excessive to allow legitimate access to the rear boundaries of this number of plots.

Further Recommendations

- o Gates providing access to rear gardens should be capable of being locked (operable by key from both sides of the gate).
- o Please ensure the rear access path between plots 78 & 79 is gated.

Contaminated Land Officer – 27 November 2024

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

1. An options appraisal and remediation strategy based on the recommendations detailed within Geotechnical and Geoenvironmental Consultancy's site investigation report (Report Ref. CGL/16816A) giving full details of the remediation measures required and how they are to be undertaken.
2. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy are complete.

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

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

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

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

Contaminated Land Officer – 26 July 2024

As per my previous comments

Contaminated Land Officer – 21 April 2023

I can find no information attached to the application in relation to any previous Contaminated Land assessments and therefore, I recommend the following:

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

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

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

5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 3. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.
6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

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

Exeter & Devon Airport - Airfield Operations+Safeguarding – 16 July 2024

Our Ref: 16/23/AK

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

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

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this I have included, as attachments, some safeguarding notes which all developers and contractors must abide by during construction and commissioning.

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

Accordingly, Exeter Airport have no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AOA Advice Notes, and there are no changes made to the current application.

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

Regards

Aaron Kitcherside
Airfield Operations Duty Manager
Exeter Airport

Exeter & Devon Airport - Airfield Operations+Safeguarding – 25 April 2023

16/23/AK

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

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

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this I have included, as attachments, some safeguarding notes which all developers and contractors must abide by during construction and commissioning.

These include: Airport Operators Association (AOA) Advice notes:

Cranes and other Construction Issues.

Accordingly, Exeter Airport have no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AOA Advice Notes, and there are no changes made to the current application.

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

EDDC District Ecologist – 25 October 2024

Para 1.5 states that “all habitats created within ‘private on-plot grassland’ are not permitted to be considered within BNG calculations as these gains cannot be legally secured. This includes proposed tree and hedgerow planting.”

Private gardens can be considered within BNG calculations and are considered a low distinctiveness habitat. 1 ha of private garden = 2 biodiversity units. This means that there is no requirement to secure private gardens either by condition or planning obligation for BNG purposes,

but they will contribute some value to the overall BNG score. Trees within private gardens do not count for BNG but may want to be considered for other purposes, e.g., placemaking.

In all scenarios to achieve 10% BNG it proposes a reduction in residential areas and the provision of or increased provision of species-rich grassland. Without seeing the metrics for each case, it is hard to determine whether these predictions are considered realistic. For example, do these calculations rely on a predicted 'Good' condition. The sites in question are within the centre of Cranbrook and any open-space habitats associated with these developments will likely be subject to recreational pressures and Good condition species-rich grassland is likely to be unachievable.

Other measures which don't appear to be explored is the planting of street trees which can help deliver BNG. Cranbrook Policy CB15 states: "7. Creating well defined streets and spaces – developments shall ensure that buildings are designed and positioned with landscaping to define and enhance streets and spaces. This shall include an expectation for the provision of tree lined streets with appropriate soil volumes available to ensure that the trees thrive;"

There is also the consideration of the required density of housing, e.g., it may be preferable to have a higher density of housing within the town centre and could be more ecologically sensible to have offset residual impacts contributing to a wider nature recovery area. Although, there is also the consideration if offsite units are the option proposed, where are these coming from, e.g., out of district. In accordance with BNG principles the compensation for the impacts of a development should ideally be as close as possible. With the large amounts of SANG required to be delivered in Cranbrook, these would seem like an ideal place to enhance to offset the impacts.

The use of statutory credits should only be considered as a last resort where the required number of biodiversity units are extremely small or where certain rare habitat types are not easy to come by, e.g. open mosaic habitats.

DCC Historic Environment Officer – 25 April 2023

I refer to the recent application for the above development. This is in an area that has previously been the subject of archaeological assessment and evaluation. The results indicate a low level of archaeological potential and I am not recommending further mitigation.

I will be happy to discuss this further if needed.

Devon & Somerset Fire And Rescue Service – 19 March 2025

Thank-you for the notification of the amendments to the above planning application.

I have looked through these and have no further observations currently.

We will be happy to consult on the Building regulations when the application(s) are received.

Devon & Somerset Fire And Rescue Service – 2 May 2023

I have looked at the above planning application and the Fire Authority have no objections to the proposal.

I do have a few observations at this stage of the development.

- o We need further information/drawings to establish if Approved Document B-B5: Access and facilities for the fire service has been met.

In particular Plots 73, 86, 100-103 and those houses that are 2.5/3 storeys (EMB 31-Harrton), due to the distance from where a fire appliance will park, including turning facilities and the entrance to the house and/or the number of storeys.

- o Provision of fire hydrant's

Please send any further information/drawings to exeterfiresafety@dsfire.gov.uk where we will be happy to consult and/or assist with solutions to the above observations.

Natural England – 12 Nov 2024

Thank you for your consultation on the above dated 30 October 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as East Devon Pebblebed Heaths SAC. It is anticipated that new residential development within this ZOI 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. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI.

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of its conservation objectives) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

If the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant, it is your responsibility (as the competent authority) to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

Other advice

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

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Natural England – 30 July 2024

Natural England has previously commented on this proposal and made comments to the authority in our response dated 03 May 2024 reference number 429931 (attached).

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Natural England – 4 May 2023

Thank you for your consultation on the above dated 14 April 2023 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on East Devon Pebblebed Heaths SAC & East Devon Heaths SPA and Exe Estuary SPA, and has no objection.

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

Protected Species

Natural England has produced standing advice⁽¹⁾ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me via neil.sherwood@naturalengland.org.uk.

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

DCC Flood Risk SuDS Consultation – 27 March 2025

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

- (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
- (b) Details of tree pits (with surface water connections in and out) as well as permeable paving.
- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

DCC Flood Risk SuDS Consultation – 9 May 2023

Recommendation:

At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined below.

Observations:

The applicant has proposed more impermeable area than accounted for within Basin 2C. Therefore, the applicant has proposed an above-ground feature to manage this additional area.

The above-ground feature is outside of the application red line boundary. The applicant should confirm that they have permission to construct the feature.

If possible, exceedance flows should be kept within the access road within the southwest of the site.

Who will be responsible for maintaining the proposed above-ground feature?

Can the applicant please resubmit the Technical Note No.11 Rv3 please as it will not load for me. Perhaps the document could be split into 2 documents.

The applicant should confirm when they will complete the works to provide the realigned watercourse along the southern boundary of the site.

Environmental Health – 26 July 2024

I have considered the application and do not anticipate any environmental health concerns.

Environmental Health – 10 May 2023

I have considered the application and do not anticipate any environmental health concerns.

Devon County Council Education Dept – 16 May 2023

Regarding the above planning application, Devon County Council has identified that a proposed increase of family type dwellings in Cranbrook would have a direct impact on the schools within Cranbrook.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

Our contribution request is based upon the 'Town Centre Memorandum of Understanding' which was signed on 11.5.22, which specifies that contributions of £1,742 per Additional Residential Dwelling will be paid towards provision of additional primary school places.

The documentation associated with this application indicates this application would see an increase of 64 dwellings which would equate to an education contribution to the sum of £111,488.

All contributions will be subject to indexation using BCIS and any indexation applied to the contributions requested should be applied from 11.5.22, the date the 'Town Centre Memorandum of Understanding' was signed.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

Devon County Council Education Dept – 11 May 2023

Dear Planning,

Regarding the above planning application, Devon County Council has identified that a proposed increase of family type dwellings in Cranbrook would have a direct impact on the schools within Cranbrook.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

Our contribution request is based upon the 'Town Centre Memorandum of Understanding' which was signed on 11.5.22, which specifies that contributions of £1,742 per Additional Residential Dwelling will be paid towards provision of additional primary school places.

The documentation associated with this application indicates this application would see an increase of 69 dwellings which would equate to an education contribution to the sum of £120,198.

All contributions will be subject to indexation using BCIS and any indexation applied to the contributions requested should be applied from 11.5.22, the date the 'Town Centre Memorandum of Understanding' was signed.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

Kind regards,

Amber

Amber Dopson
Senior School Infrastructure and Place Planning Officer

EDDC Landscape Architect – 26 March 2025

As discussed, attached my overmarked review of changes.

Regards condition for trees I would suggest following wording

No development work shall commence on site until tree pit and tree staking/ guying details have been submitted and approved in writing. For proposed trees within hard paved areas or small planting beds, calculations of required soil volume appropriate for the species/cultivar shall be provided together with the actual volume to be provided on site. Where necessary this shall include for use of suitable proprietary soil crates extending under areas of paving in accordance with best practice guidance. The extent of any soil crating required shall be indicated on both hard and soft landscape plans. Tree pits shall be constructed, and trees installed in accordance with approved details.

EDDC Landscape Architect – 18 March 2025

Layout

Generally

More trees

Planting areas between footways and rear garden boundaries to be communal for adoption with planting designed accordingly

Bin stores to be provided with quality enclosure eg low brick walls or railings - details to be provided by condition.

Trees in island beds in parking courts to be centred within planting beds

Set back leading edge of planting beds in parking courts by 300mm as indicated in plan extract below to facilitate vehicle turning.

Cycle stores to be provided to all plots (min. 3 cycles) details to be provided by condition.

How are parking spaces in parking courts denoted, particularly visitor spaces?

Parking court to rear plots 51, 109 etc.

Provide rear access path as indicated

Relocate bin collection point as indicated

Parking court to rear plots 52-63

Adjust position of planting bed to rear plot 62 as indicated to create wider bed.

Provide small ornamental trees to front plots 94/95 and 96/97
Adjust parking bays and planting beds to front plots 78/79 as indicated.

Plots 68-77

Adjust parking bays as indicated to provide direct access paths between front entrances and footway.

EDDC Landscape Architect – 5 June 2023

1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site. The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 REVIEW OF SUBMITTED INFORMATION

2.1 Cranbrook Town Centre Parcel TC7B

Layout

- The proposed layout represents an overdevelopment of the site resulting in poor residential amenity, domination of car parking, inadequate provision of trees and planting and poor pedestrian access arrangements.
- A clearer indication is needed of how the layout integrates with adjoining development parcels particularly TC7a.

Boundaries

- Rear garden boundaries fronting on to public/ communal space including parking courts should be brick, not close board fencing.
- Where garden boundaries abut existing hedgerow they should comprise 1.5m high post and wire mesh/ chain-link offset by at least 1m from the face of the hedge. Hedges themselves should be retained in communal/ management company ownership and not conveyed to individual plots.

Materials

- The manoeuvring areas to the two parking courts should be block paved.

Soft landscape plans

- Planting consists entirely of 5 mixes of shrub each with a limited pallet of four different shrub species which is monotonous and dull particularly as some species appear in more than one mix. In some instances proposed species are used in inappropriate locations such as shade loving skimmia on south facing elevations. Planting should be amended to provide greater visual interest and biodiversity value using different pallets of ground cover with appropriate accent planting according to aspect etc. Proposed trees should generally be medium/ large canopy species.
- More variation in planting mixes is also required to the frontages of individual plots to provide greater interest and individual identity.
- Soil volume calculations should be provided for trees in/ adjacent hard paving. The extent of any soil cells required should be indicated on the soft and hard works plans.

2.2 General

Layout

- Further detail is required in respect of bin storage areas. Collection areas should be discretely sited and hard paved avoiding locations where they will block footways particularly where these are to be adopted.

Screen wall and fence details

- The proposed side access gate detail is shown as ledged and braced feather board. This is an inherently weak construction method and for durability, the gate should be drawn and specified as framed, braced and ledged.
- Railings should be specified as galvanised and painted.
- Hedgehog holes, minimum 130 x 130mm, should be provided to allow passage between gardens. Locations should be indicated on the boundaries plans and a note included on the c/b fence detail.

Landscape specification

Generally

- Add parcel references to title page
- Omit irrelevant sections eg. Attenuation basins, marginal planting etc.
- Given that most of the soft landscape comprises ornamental planting the aims and objectives need to be reconsidered.
- Species selection for ornamental planting areas should favour invertebrate value.
- Maintenance of ornamental planting should seek to allow natural growth habits to prevail
- Cross reference hedgerow management plan

Section 3

- Specify 300mm min depth of topsoil to rear gardens
- Confirm settled soil levels in relation to adjoining surfaces.

Section 4

- Para. 4.5 Omit. Add - All tree planting to be as approved plans unless otherwise agreed in writing with the LPA.
- Para. 4.14 Specify 75mm depth bark mulch to base of trees.
- Provide details of tree pits and staking/ guying.

Section 5

- Extend tree maintenance to 5 years
- Ornamental planting
- Pruning only as necessary to maintain natural form and flowering and to control spread over areas of paving and lawn.
- Early flowering shrubs should be pruned in mid-summer, not winter, in order to promote flowering in following season.
- Include site specific maintenance prescriptions for existing retained hedges to include initial works and subsequent maintenance.
- Maintenance of biodiversity enhancement measures should be included. A plan showing locations of proposed biodiversity enhancement features eg bird/ bird boxes and hibernaculae should be provided.

Hedgerow management plan

- The submitted plan should be updated to reflect the current composition and condition of the hedge to the eastern and southern site boundaries (H428 and 34).

2.3 Additional information required

- A plan should be provided showing the areas to be adopted by DCC Highways, the Town Council, management company and private plot owners. Existing hedgerows should not be conveyed to individual plots.
- Details of cycle storage arrangements should be confirmed.
- Rear gardens should be provided with water butts to collect roof water for garden watering. Details of this should be confirmed.

3 RECOMMENDATIONS

Fundamental redesign is required to provide a satisfactory layout entailing a significant reduction in the number of units, before the submitted details can be considered acceptable in terms of landscape design.

Should satisfactory amended and additional information be provided and the application is approved the following conditions should be attached:

- a) Tree pit and staking/ guying details
- b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.
External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.
- c) Site plans at 1:500 scale or greater showing the locations and depths of all underground services and clearly showing the locations of proposed trees and existing tree and hedgerow RPAs in order to avoid conflicts between tree and hedge locations.
- d) Site levels plans showing existing and proposed levels at 1:250 scale or greater and supported by at least one east west section and two north-south sections through the site.
- e) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.
- f) Any new planting or grass areas which fail to make satisfactory growth or dies within ten years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

Chris Hariades CMLI
EDDC Landscape Architect & Green Infrastructure Officer

EDDC Trees – 21 March 2025

There appears to be no discernible change from previous plans. Previous comments still apply in relation to the southern boundary and landscape plans.

It is noted that the shade patterns have now been added to the tree plans showing presumably current and future shade at maturity. It can be seen that already for plots 88 and 89, the front of the property will be in shade for part of the day. Shading issues will only increase as the tree matures especially as the trees are located to the south of the dwellings; the Oak's along the southern boundary are in their early life stages, up to 10m in height with a crown radius of up to 6m; mature Oak's in urban environments can easily grow to heights of 22m with crown radius of 10 to 12m; Oak's tend to cast a relatively dense shade and therefore increased growing space between the trees and dwellings is therefore considered necessary. Leaf density only increases if the trees are pruned. Design of the dwellings also needs to be considered to ensure that sufficient natural

light reaches the dwellings. Complaints are often received regarding trees causing shading issues whereas the main issue is often the poor design and layout of dwellings in reference to small windows and making the most of natural light. As per previous comments, the RPA is the minimum area in which a tree is considered to be able to survive. The trees along the southern boundary were until recently field boundary specimens with good growing conditions all round. The growing environment has been significantly changed to the south in recent years following development and therefore greater space to grow to the north is considered appropriate to ensure the trees thrive.

The landscape plan has been updated showing required soil volume and provided soil volume. However the soil volume is still inadequate. The pallet of trees is still considered poor with little variety and dominated by a few small sized species (*Liquidambar styraciflua* 'Gum Ball'). As per previous comments, appropriate soil volume needs to be provided. This could easily be achieved via the use of planting pits / crates within the parking areas for example for plots 52 to 63, 109, 49 . This would also allow large canopy sized trees to be planted; tall fastigate varieties are recommended. As per previous comments, there is a complete lack of medium to large size trees reflecting a lack of available space and overdevelopment of site. With the creation of larger gap between the hedgerow and dwellings along the southern boundary, it is considered that large canopy trees could be introduced amongst the southern hedgerow which should be left to grow into individual trees. 2 trees could be planted between T107 & T108 and 1 between T109 & T110.

EDDC Trees – 5 August 2024

Only very minor changes appear to have taken place following receipt of amended plans. It is noted that the layout of plot closest to T91 has been amended so there is greater separation between the tree and nearest plot. However, along the remainder of the southern boundary, there appears to be minimal change. As previously stated ' Even better, would be increasing the entire space between the trees and hedges on the southern boundary and the access road to the north. It should be noted that the RPA is the minimum area in which a tree is considered to be able to survive. These trees until recently were field boundary specimens with good growing conditions all round. The growing environment has been significantly changed to the south in recent years following development and therefore greater space to grow to the north is considered appropriate to ensure the trees thrive.'

Furthermore as previously stated ' It is not clear if the indicative shade pattern is based on the current tree size or ultimate size. Ultimate tree size should be used. An average Oak would be expected to reach at least 20m'. This needs to be confirmed.

The landscape planting is consider poor with few trees that will grow to any size. There are no medium to large size trees as previously recommended it part probably due to the lack of any available space. The planting volume for a number of the trees / shrubs is also inadequate in a number of cases. For example, the required soil volume for *Parrotia persica* Venessa is 11.8m³; the provided is just 2.2m³ meaning that the small trees will not even reach there mature small height.

The site is considered an overdevelopment reflecting in a lack of space for any meaningful tree planting.

EDDC Trees – 5 July 2023

The trees are currently relatively small (7 to 11m in height) with the potential for significant growth. It is not clear if the indicative shade pattern is based on the current tree size or ultimate size. Ultimate tree size should be used. An average Oak would be expected to reach at least 20m . Therefore with the trees to the south of proposed dwellings, as the trees grow issues of shading, debris fall and proximity is increasingly likely to result in pressures to prune or remove the trees. The crown of T91 currently appears to be less than 4m distance from the nearby dwelling. This is not considered a sustainable. It is recommended that the proposed plots nearest to the trees are moved to give a better long-term juxtaposition between trees and buildings. Even better, would be increasing the

entire space between the trees and hedges on the southern boundary and the access road to the north. It should be noted that the RPA is the minimum area in which a tree is considered to be able to survive. These trees until recently were field boundary specimens with good growing conditions all round. The growing environment has been significantly changed to the south in recent years following development and therefore greater space to grow to the north is considered appropriate to ensure the trees thrive.

Landscape plans appear to be limited with no detailed plans provided of specimens etc. There is room for large specimen trees along the southern boundary and medium to large trees should be planted within the development.

County Highway Authority – 27 March 2025

I refer to the above-mentioned planning application and additional information submitted and have the following observations for the highway and transportation aspects of this proposal. DCC previously recommended a number of alterations to the development proposed, with particular regard to mitigation on the MLR at the access intersections, for the reasons set out previously. Having assessed the additional supporting information there does not appear to be any material change to that previously proposed.

However, in the interest of moving the application forwards to determination, DCC recommend that the LPA implement a suitably worded condition to ensure highway mitigation on the MLR is delivered by the applicant/future developer at/around all access points to aid and promote speed reduction along this point of the MLR. To reiterate from before, internal matters such as crossing points and lighting can be established and agreed at detailed design stage.

The following conditions are also recommended to be annexed into any favourable decision notice:

- The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car
- To be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.
- Any tandem parking spaces must be a combined minimum of 11.5 metres in length (as measured from the nearside edge of the highway to the edge of the building/garage door where the doors are of an up-and-over type.).
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be made before commencement and maintained thereafter at all times.

- Prior to first occupation of the development hereby permitted, access to covered cycle and motorcycle parking, numbers, and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.
- Prior to first occupation of the development hereby permitted, access to appropriate

electric vehicle charging points will be committed to being available to all dwellings. This is to be provided within the garages or through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

The applicant may be required to secure a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary associated to this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development. The Highway observations and comments are based on the information provided by/on behalf of the applicant as verified by the Local Planning Authority, and such information is deemed true and accurate at the time of assessment. Should any element of the supporting detail, including red and blue line landownership or control details, subsequently prove to be inaccurate, this may partially or wholly change the view of the Highway Authority for this (or any associated) application. As such the Highway Authority reserves the right to revisit our previously submitted comments and readdress where deemed necessary. Where planning permission has already been granted, any inaccuracies which become known may seriously affect the deliverability

County Highway Authority – 6 August 2024

I refer to the above-mentioned planning application received by the Highway Authority in April 2023 and have the following observations for the highway and transportation aspects of this proposal. I apologise for the delay in our response.

The application is for full planning consent for 64 dwellings on the application site which has been labelled as TC7b as part of the previous town centre allocation.

Being mindful of consent already granted for application 03/P1900 that formed Phase 1 of the Cranbrook development (that includes the site in question) and the associated vehicle movements that would be generated from this, it is the view of the Highway Authority that the development proposed, taking into account its proximity to local amenities and public transport is unlikely to have an impact on the local highway network that can be considered as severe.

Three vehicular access points have been proposed to serve the development proposed all off Tillhouse Road, which forms part of the Main Link Road (MLR) through Cranbrook.

The town centre of Cranbrook has recently had approved, uplift works in the vicinity of the application site that included vehicle parking bays off the MLR, which sit along both the northern and southern side, and as such the parcels frontage.

As a result, visibility splays from all three of the proposed access points onto the MLR would be restricted when vehicles are in the sightline of parties emerging from the site. Whilst parking bays

are common practice along the MLR, consideration has to be given that this stretch is along a long straight part of the network which naturally would see an increased likelihood of vehicles travelling at a higher speed along this stretch. Whilst this element isn't yet formally adopted public highway, it's likely that it will be in time, once the S38 process has been completed to the satisfaction of DCC. The Highway Authority also queries the need and necessity for three vehicular access points to accommodate this proposal. A revised supporting plan for two vehicular access points onto the MLR would, in principle, be appropriate and also bring about opportunity for non-motorised user (NMU) permeability from the internal layout to the wider network. It would also help in reducing the safety matter raised above.

Notwithstanding, in the interest of safety and to help aid the S38 process and future discussion for its intended adoption (which may bring about new challenges as a result of the current proposals) the Highway Authority require that mitigation is provided, as part of this proposal to aid speed reduction along the site's frontage. Consideration also needs to be given regarding the MLR, which serves local bus services in Cranbrook regularly. The Highway Authority are willing to work with the applicant on this as the application evolves on a scheme that will promote traffic calming whilst also being mindful of the future intention of the MLRs adoption.

For plotting purposes, the applicant needs to provide a swept path analysis of a refuse vehicle a minimum of 10.4m in its length. The above will give a better understanding as to whether safe entering, manoeuvring within and egress back out onto the wider network can be achieved from all access points proposed. The applicant needs to be mindful, that future swept path supporting information should be demonstrated within the proposed S38 adoption extents. Should any future refuse servicing route proposed for an estate road include any area that would remain under private maintenance and responsibility, written confirmation from the local waste management company will be needed to confirm they are willing to serve through a privately maintained area in perpetuity prior to this application's determination should there be no appropriate alternative safe method which would allow all vehicles to egress onto the wider network in a forward gear.

There would appear to be speed bumps proposed along the southern section of road within the site, this would need appropriate signage at detailed design stage.

Two pedestrian access points have been proposed from the site's southern side with the intention to tie into the existing offsite NMU infrastructure to the south. However, the western NMU tie in, as currently proposed would not appear to fully connect with existing infrastructure. This, along presumably with the redline plan would need revising to ensure this is achievable or dialogue with the relevant landowner/developer needs to be held to ensure it can be lawfully delivered as part of this scheme.

The eastern NMU access point also needs to appropriately tie into the existing infrastructure. There appears to be conflicting drawings however, that indicates a staggered arrangement that, if built out, would create an unnecessary pinch point. This can easily be overcome through a modest amendment showing a consistent and appropriate connection on all relevant supporting drawings.

Summary

Going forward, the parcel will need to provide suitable pedestrian crossing points within the internal layout and at the site's primary access points. Street light design will also need to be understood by DCC however, the detail of this can be agreed at detailed design stage. It must also be ensured that no private area will drain out onto the local highway network and appropriate systems are to be in place.

Whilst the level of vehicular parking put forward by the applicant would be a matter for the LPA to determine if suitable, all dwellings need to appropriately accommodate at least once cycle space

per bedroom, that are secure and sheltered. Electrical Vehicle Charging access should also be made available to all dwellings.

Associated parties are also required to fulfil the relevant obligations set out in the signed s106 agreement. It needs to be ensured that appropriate amendments are made where necessary, and any additional dwellings consented are also legally bound to any contributions and/or commitments.

With the above in mind, the applicant will need to appropriately address the queries raised above, with particular regard to the mitigation requirements along the MLR to help alleviate the concerns raised. The Highway Authority also advise the scheme is revised and served off two vehicular access points instead of three, that in our view would in principle be of betterment for highway and NMU users.

County Highway Authority – 26 July 2023

I refer to the above-mentioned planning application received by the Highway Authority in April 2023 and have the following observations for the highway and transportation aspects of this proposal. I apologise for the delay in our response.

The application is for full planning consent for 64 dwellings on the application site which has been labelled as TC7b as part of the previous town centre allocation.

Being mindful of consent already granted for application 03/P1900 that formed Phase 1 of the Cranbrook development (that includes the site in question) and the associated vehicle movements that would be generated from this, it is the view of the Highway Authority that the development proposed, taking into account its proximity to local amenities and public transport is unlikely to have an impact on the local highway network that can be considered as severe.

Three vehicular access points have been proposed to serve the development proposed all off Tillhouse Road, which forms part of the Main Link Road (MLR) through Cranbrook. The town centre of Cranbrook has recently had approved, uplift works in the vicinity of the application site that included vehicle parking bays off the MLR, which sit along both the northern and southern side, and as such the parcels frontage. As a result, visibility splays from all three of the proposed access points onto the MLR would be restricted when vehicles are in the sightline of parties emerging from the site. Whilst parking bays are common practice along the MLR, consideration has to be given that this stretch is along a long straight part of the network which naturally would see an increased likelihood of vehicles travelling at a higher speed along this stretch. Whilst this element isn't yet formally adopted public highway, it is likely that it will be in time, once the S38 process has been completed to the satisfaction of DCC. The Highway Authority also query the need and necessity for three vehicular access points to accommodate this proposal. A revised supporting plan for two vehicular access points onto the MLR would, in principle be appropriate and also bring about opportunity for non-motorised user (NMU) permeability from the internal layout to the wider network. It would also help in reducing the safety matter raised above.

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There would appear to be speed bumps proposed along the southern section of road within the site, this would need appropriate signage at detailed design stage.

Two pedestrian access points have been proposed from the sites southern side with the intention to tie into the existing offsite NMU infrastructure to the south. However, the western NMU tie in, as currently proposed would not appear to fully connect with existing infrastructure. This, along presumably with the redline plan would need revising to ensure this is achievable or dialogue with the relevant landowner/developer needs to be held to ensure it can be lawfully delivered as part of this scheme.

The eastern NMU access point also needs to appropriately tie into the existing infrastructure. There appears to be conflicting drawings however, that indicates a staggered arrangement that, if built out, would create an unnecessary pinch point. This can easily be overcome through a modest amendment showing a consistent and appropriate connection on all relevant supporting drawings.

Summary

Going forward, the parcel will need to provide suitable pedestrian crossing points within the internal layout and at the sites primary access points. Street light design will also need be understand by DCC however, the detail of this can be agreed at detailed design stage. It must also be ensured that no private area will drain out onto the local highway network and appropriate systems are to be in place.

Whilst the level of vehicular parking put forward by the applicant would be a matter for the LPA to determine if suitable, all dwellings need to appropriately accommodate at least once cycle space per bedroom, that are secure and sheltered. Electrical Vehicle Charging access should also made available to all dwellings.

Associated parties are also required to fulfil the relevant obligations set out in the signed s106 agreement. It needs to be ensured that appropriate amendments are made where necessary, and any additional dwellings consented are also legally bound to any contributions and/or commitments.

With the above in mind, the applicant will need to appropriately address the queries raised above, with particular regard to the mitigation requirements along the MLR to help alleviate the concerns raised. The Highway Authority also advise the scheme is revised, and served off two vehicular access points instead of three, that in our view would in principle be of betterment for highway and NMU users.

Housing Strategy/Enabling Officer - Cassandra Pressling – 5 June 2025

The amended plans now allocated plots 56 – 59 as the affordable units. These are now 3 bedroom, 5 person houses which is an improvement on space standards.

Housing Strategy/Enabling Officer - Cassandra Pressling – 18 July 2024

I note this application is providing 2 x 2-bedroom 3 person houses and 2 x 3 bedroom, 4 person houses, which are quite small units. From a housing need perspective our preference is for 2 x 2-bedroom 4 person houses and 2 x 3 bedroom 5 person houses. This enables families with more than one child to be housed.

I note the parking for plots 94 and 97 is tandem parking. This is not ideal as in reality only one parking space is used and the other car is parked on the road. This can lead to congestion and neighbour disputes.

We require the tenure of the 4 affordable units to be rented as this meets housing needs.

Network Rail – 24 July 2024

Thank you for your email dated 16 July 2024 together with the opportunity to comment on this proposal.

Network Rail continues to have concerns regarding development around Crannaford level crossing and the significant increase in its usage that developments will generate. These concerns have been highlighted within multiple policy document responses as well as objections to developments around the level crossing.

Consequently, it would not be reasonable for Network Rail to support the forthcoming development proposals as concerns remain around the safety of those using the railway.

Environment Agency – 7 January 2025

Thank you for re-consulting us on this application on the 6th January 2025. The new information submitted does not affect our position and therefore our previous comments (dated 30th July 2024) still stand. These are copied below for ease:

We were consulted by the Health and Safety Executive business support team on this application. However we have no objection to the proposal. The application site is not near to any COMAH (Control of Major Accident Hazards) sites or regulated installations and therefore we have no concerns with the proposal.

Please contact us again if you require any further advice.

Environment Agency – 30 July 2024

We were consulted by the Health and Safety Executive business support team on this application. However we have no objection to the proposal. The application site is not near to any COMAH (Control of Major Accident Hazards) sites or regulated installations and therefore we have no concerns with the proposal.

Please contact us again if you require any further advice.

The National Grid – 1 August 2024

Regarding planning application 23/0511/MFUL, there are no National Grid Electricity Transmission assets affected in this area.

If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry.

Please note this response is only in reference to National Grid Electricity Transmission assets only. National Grid Electricity Distribution (formerly WPD) and National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.

The National Grid – 16 July 2024

Regarding planning application 23/0511/MFUL at site location 'Land To The South Of Tillhouse Road Cranbrook' there are no National Gas assets affected in this area.

If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry.

National Highways – 21 January 2025

Referring to the consultation on a planning application dated 14/04/2023 referenced above, in the vicinity of the A30 trunk road that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is as follows:

- a) No Objection: see reasons at Annex A.

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application reference 23/0511/MFUL.

Statement of Reasons

The application seeks full planning permission for 69 residential dwellings on land to the south of Tillhouse Road (parcel TC7b), Cranbrook. The site is located approximately 3.5km north-east of the A30/B3184 Exeter Airport junction and 5km north-east of M5 Junction 29, both of which form part of the SRN.

National Highways has also been consulted on a second full planning application (23/0554/MFUL) for 80 residential dwellings on nearby land off Court Royal and Badger Way (parcels TC3 and TC8b), Cranbrook. Both applications relate to land allocated for development within the Cranbrook New Community (CNC) and seek to provide residential development on Town Centre sites. Our principal interest is the impact of the continued expansion of Cranbrook on the safe operation of the SRN and its junctions.

Following consultation on the application in April 2023 National Highways issued a recommendation of non-determination on 3 May 2023 for a period of six months. This was to provide time for the applicant to demonstrate the traffic impact of the development on the safe operation of the SRN. Our recommendation of non-determination was subsequently extended, most recently in November 2024. This response should therefore be read in conjunction with our previous responses.

Following receipt of a Transport Assessment Addendum (dated July 2024), National Highways wrote to East Devon District Council (EDDC) on 27 July 2024 to set out our comments on the supplied assessment and to update our position.

In summary, National Highways accept that the impact of the current application in isolation would not have an unacceptable impact on highway safety or a severe impact on the operation of M5 Junction 29. Regardless of any debate over the scale of development trip generation, additional movements via M5 Junction 29 will not be material. Nevertheless, National Highways must consider the current application in the context of wider development proposed at Cranbrook.

Whilst Devon County Council (DCC) has undertaken strategic modelling work associated with the proposed expansion of Cranbrook, National Highways has requested an operational assessment of Junction 29 to understand the cumulative impacts on SRN performance. In lieu of this work being undertaken by DCC or applicants, National Highways has been progressing its own modelling work to enable us to provide informed advice to EDDC on the impact of proposed growth.

Position Update

On behalf of the applicants, WSP have submitted a letter to National Highways providing additional information in relation to both applications currently subject to recommendations of non-determination (23/0511/MFUL and 23/0554/MFUL). Alongside National Highways modelling work, the letter (dated 17 November 2024) has informed an update to our position on both applications.

National Highways has previously confirmed that up to 7,750 units can be accommodated across the CNC and Cranbrook Plan area, subject to agreed infrastructure improvements and the implementation of sustainable transport measures to support modal shift. The currently proposed uplift in development is understood to amount to some 500 dwellings over the quantum previously accepted.

We recognise that the Cranbrook development is at a relatively early stage of its delivery, with around 3,000 dwellings understood to be occupied to date. National Highways has previously expressed concern over delays in the delivery of supporting services and facilities, and the replacement of non-residential uses with additional residential dwellings. However, we appreciate that the development is evolving in response to changes in land use demand and welcome the recent opening of the new 15,600sqft Morrisson store.

The WSP letter of 17 November 2024 compares the targeted mode share for future journeys between Cranbrook and Exeter with the equivalent mode share for journeys between Exmouth and Exeter as evidenced by the 2011 Census. Should the targeted mode share for Cranbrook be achieved, then the share of trips into Exeter made by car would be consistent across the two towns. The targeted mode share reflects a vision-led approach, which is reliant on the continuation of existing trends and sustained investment in non-car travel opportunities. The adoption of a vision-led approach is now ingrained in national policy following the update of the National Planning Policy Framework (December 2024).

To support this vision for Cranbrook, we understand that £6.4million of funding is being provided towards bus improvements by the Cranbrook Expansion Areas, alongside ongoing investment in pedestrian and cycle infrastructure and DCC's own investment through the Bus Services Improvement Plan (BSIP). We expect EDDC and DCC to continue to coordinate the implementation of this vision for Cranbrook, to ensure that the targeted mode share is realistic. Similarly, in line with policy CB22 (Residential Development in the Town Centre and

Neighbourhood Centres) of the adopted Cranbrook Plan, it is expected that “New proposals for residential development in the Town Centre will be required to make contributions to on and/or off site infrastructure in and around the town to mitigate for the likely additional pressure that would result from the increased occupation associated with the development”.

The submitted WSP letter highlights that the application sites are allocated within the East Devon Local Plan for Town Centre uses. The Cranbrook Plan identifies residential use as a permissible Town Centre use. WSP therefore conclude that the proposals can be considered as windfall sites included within the provisions of the existing Local Plan. On this basis, and in line with footnote 21 of the DfT Circular 01/2022, WSP contend that any cumulative assessment need only account for consented or allocated development where this is a reasonable degree of certainty that it will proceed within the next three years. WSP consider that the overall scale of development under assessment would therefore fall within the 7,750 dwellings which National Highways has previously confirmed can be accommodated.

Notwithstanding this point, as a responsible highway authority, National Highways must consider the current applications in the context of wider development proposed at Cranbrook. National Highways has been progressing microsimulation modelling of M5 Junction 29 and National Highways Planning Response (NHPR 25-01) January 2025 the A30, to provide an operational assessment of projected traffic growth. The work has drawn on outputs from the DCC strategic modelling work, along with selected adjustments to assess the sensitivity of assessment findings.

The modelling work is currently being finalised, but emerging findings provide sufficient comfort to suggest that a small increase over the currently accepted limit of 7,750 dwellings can be accommodated without unacceptable safety impact or severe residual cumulative impacts for the SRN. It is therefore concluded that an increase of 149 residential dwellings as proposed by the current applications would not alter the previously accepted position.

In light of the emerging model findings and the continuing commitment of the Local Authorities to deliver the vision for sustainable development at Cranbrook, National Highways offer no objection to the proposed development. Our recommendation of non-determination dated 1 November 2024 is withdrawn.

Recommendation

National Highways has no objection to application reference 23/0511/MFUL.

Standing advice to the local planning authority

The Climate Change Committee’s 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 77 and 110 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up as part of a vision-led approach.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon

National Highways - 19 Dec 2024

Thank you for consulting National Highways on further information relating to the above application. We currently have the attached holding recommendation placed on the application which expires at the end of February.

As set out in this response National Highways is progressing a cumulative assessment in the absence of an assessment being undertaken by the applicant. This work is nearing completion and we hope to be able to report our findings early in the new year.

We will review the additional information now being consulted on but will be unable to offer a formal response prior to the conclusion of our modelling work, and by the requested deadline of 2 January. Our holding recommendation therefore remains in place at this time and we look forward to responding in due course.

National Highways Ref: NH/23/00658

Referring to the consultation on a planning application received 14/04/23 referenced above, in the vicinity of the A30 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application. Where relevant, further information will be provided within Annex A.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@ddt.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to planningsw@nationalhighways.co.uk

Annex A

National Highways' recommended Further information required

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application 23/0511/MFUL.

Statement of Reasons:

The application submitted by Halland Land Management seeks full planning permission for 69 residential dwellings on land to the south of Tillhouse Road (parcel TC7b), Cranbrook. The site is

located approximately 3.5km north-east of the A30/B3184 Exeter Airport junction and 5km north-east of M5 Junction 29, both of which form part of the SRN. National Highways has also been consulted on a second full planning application by Taylor Wimpey UK Ltd (23/0554/MFUL) for 80 residential dwellings on nearby land off Court Royal and Badger Way (parcels TC3 and TC8b), Cranbrook. Our principal interest is the impact of the continued expansion of Cranbrook on the safe operation of the SRN and its junctions.

Planning Context:

Outline permission for a new community at Cranbrook comprising up to 2,900 residential dwellings, a town centre and associated uses and infrastructure was granted in October 2010 under reference 03/P1900. A further 587 dwellings at the Cranbrook New Community (CNC) were consented under full permission 13/1752/MFUL.

The outline consent provides for up to 6,700sqm of retail uses in the town centre and neighbourhood centre. In May 2022, three reserved matters applications were approved to bring forward town centre uses; a supermarket, high street with residential uses, and a children's day nursery. However, other applications have sought to reallocate land parcels previously identified for town centre uses to residential development.

A full application (22/2354/MFUL) for 84 dwellings at parcels TC5a, TC6 and TC7a was submitted in November 2022 and is currently awaiting determination. This application was submitted alongside two reserved matters applications (22/2306/MRES and 22/2307/MRES) relating to the original outline permission, one of which would deliver 31 residential dwellings on town centre land. Following changes in the planned provision of town centre facilities, we understand that the total town centre retail provision is currently 3,129sqm, with an additional 986sqm in the neighbourhood centre - a reduction of around 2,500sqm from that envisaged as part of the outline consent.

Following consultation on application 22/2354/MFUL the Local Planning Authority advised National Highways that the development represented a net increase of only 48 dwellings at Cranbrook as a result of reduced housing level coming forward elsewhere across the CNC. Based on the likely traffic generation associated with 48 dwellings National Highways considered it would be unable to sustain an objection to the application on the grounds of an unacceptable impact on the safe operation of the strategic road network. Notwithstanding this we raised a number of concerns with the supporting Transport Assessment (TA) as detailed below, which has also been submitted in support of current application 23/0511/MFUL. The TA considers the transport impacts of proposed town centre development on parcels TC3, 8b, 7a, 7b and part of TC5a and TC6, assessing the traffic impact of 230 additional dwellings alongside the corresponding reduction in retail floor area compared to the outline consent.

Previous Response:

Following consultation on the application in April 2023 National Highways issued a holding recommendation on 3 May 2023 for a period of six months to provide time for further transport assessment to be undertaken to demonstrate the traffic impact of the development on the safe operation of the SRN. Our holding recommendation has subsequently been extended, most recently in May 2024. This response should therefore be read in conjunction with our previous responses.

Position Update:

National Highways was consulted on a TA Addendum document in July 2024 to which we formally responded to the Local Planning Authority in our letter dated 27 July 2024. Our response reconfirmed the requirement to undertake a cumulative assessment of the traffic impact of the development on the basis the current application together with wider additional development proposed at Cranbrook exceeds the currently assessed and accepted development quantum as allocated by the Cranbrook Plan.

In the absence of such assessment from the applicant National Highways has progressed an

assessment which is nearing completion. As set out in our letter dated 27 July this will inform our position on the current applications and further development proposed on the Cranbrook expansion areas, and we will report our findings to the relevant authorities. Should the applicant not wish to wait for the conclusion of our assessment they are welcome to undertake their own cumulative assessment as advised in our previous planning responses.

To enable the conclusion of the required cumulative assessment we are extending our current holding recommendation by an additional three months however we anticipate the above work being concluded in advance of the expiry of this latest recommendation, and being able to update our response accordingly.

Recommendation:

National Highways recommends that application reference 23/0511/MFUL not be approved a period of three months from the date of this recommendation. This to provide time for the applicant to undertake further work to enable National Highways to fully understand the impact of the development on the safe and efficient operation of the SRN and thereby provide the Local Planning Authority with fully informed advice.

Standing advice to the local planning authority:

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 74 and 109 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 108 and 114 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the Switch and Improve criteria as set out in clause 4.3 of PAS2080:23 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon

National Highways - 1 Nov 2024

Referring to the consultation on a planning application received 14/04/23 referenced above, in the vicinity of the A30 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application.¹

¹ Where relevant, further information will be provided within Annex A.

National Highways Planning Response (NHPR 22-12) December 2022

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dftr.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to planningsw@nationalhighways.co.uk

Annex A National Highways' recommended Further information required

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application 23/0511/MFUL.

Statement of Reasons

The application submitted by Halland Land Management seeks full planning permission for 69 residential dwellings on land to the south of Tillhouse Road (parcel TC7b), Cranbrook. The site is located approximately 3.5km north-east of the A30/B3184 Exeter Airport junction and 5km north-east of M5 Junction 29, both of which form part of the SRN. National Highways has also been consulted on a second full planning application by Taylor Wimpey UK Ltd (23/0554/MFUL) for 80 residential dwellings on nearby land off Court Royal and Badger Way (parcels TC3 and TC8b), Cranbrook. Our principal interest is the impact of the continued expansion of Cranbrook on the safe operation of the SRN and its junctions.

Planning Context

Outline permission for a new community at Cranbrook comprising up to 2,900 residential dwellings, a town centre and associated uses and infrastructure was granted in October 2010 under reference 03/P1900. A further 587 dwellings at the Cranbrook New Community (CNC) were consented under full permission 13/1752/MFUL.

The outline consent provides for up to 6,700sqm of retail uses in the town centre and neighbourhood centre. In May 2022, three reserved matters applications were approved to bring forward town centre uses; a supermarket, high street with residential uses, and a children's day nursery. However, other applications have sought to reallocate land parcels previously identified for town centre uses to residential development.

A full application (22/2354/MFUL) for 84 dwellings at parcels TC5a, TC6 and TC7a was submitted in November 2022 and is currently awaiting determination. This application was submitted alongside two reserved matters applications (22/2306/MRES and 22/2307/MRES) relating to the original outline permission, one of which would deliver 31 residential dwellings on town centre land. Following changes in the planned provision of town centre facilities, we understand that the total town centre retail provision is currently 3,129sqm, with an additional 986sqm in the neighbourhood centre - a reduction of around 2,500sqm from that envisaged as part of the outline consent.

Following consultation on application 22/2354/MFUL the Local Planning Authority advised National Highways that the development represented a net increase of only 48 dwellings at Cranbrook as a result of reduced housing level coming forward elsewhere across the CNC. Based on the likely traffic generation associated with 48 dwellings National Highways considered it would be unable to sustain an objection to the application on the grounds of an unacceptable impact on the safe operation of the strategic road network. Notwithstanding this we raised a number of concerns with the supporting Transport Assessment (TA) as detailed below, which has also been submitted in support of current application 23/0511/MFUL. The TA considers the transport impacts of proposed town centre development on parcels TC3, 8b, 7a, 7b and part of TC5a and TC6, assessing the

traffic impact of 230 additional dwellings alongside the corresponding reduction in retail floor area compared to the outline consent.

Previous Response

Following consultation on the application in April 2023 National Highways issued a holding recommendation on 3 May 2023 for a period of six months to provide time for further transport assessment to be undertaken to demonstrate the traffic impact of the development on the safe operation of the SRN. Our holding recommendation has subsequently been extended, most recently in May 2024. This response should therefore be read in conjunction with our previous responses.

Position Update

National Highways was consulted on a TA Addendum document in July 2024 to which we formally responded to the Local Planning Authority in our letter dated 27 July 2024. Our response reconfirmed the requirement to undertake a cumulative assessment of the traffic impact of the development on the basis the current application together with wider additional development proposed at Cranbrook exceeds the currently assessed and accepted development quantum as allocated by the Cranbrook Plan.

In the absence of such assessment from the applicant National Highways has progressed an assessment which is nearing completion. As set out in our letter dated 27 July this will inform our position on the current applications and further development proposed on the Cranbrook expansion areas, and we will report our findings to the relevant authorities.

Should the applicant not wish to wait for the conclusion of our assessment they are welcome to undertake their own cumulative assessment as advised in our previous planning responses.

To enable the conclusion of the required cumulative assessment we are extending our current holding recommendation by an additional three months however we anticipate the above work being concluded in advance of the expiry of this latest recommendation, and being able to update our response accordingly.

Recommendation

National Highways recommends that application reference 23/0511/MFUL not be approved a period of three months from the date of this recommendation. This to provide time for the applicant to undertake further work to enable National Highways to fully understand the impact of the development on the safe and efficient operation of the SRN and thereby provide the Local Planning Authority with fully informed advice.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 74 and 109 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 108 and 114 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the Switch and Improve criteria as set out in clause 4.3 of PAS2080:23 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

National Highways Planning Response (NHPR 22-12) December 2022

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

National Highways - 26 July 2024

Thank you for consulting National Highways on additional information submitted in support of the above planning application for residential development at Land to the South of Tillhouse Road, Cranbrook. We note the same information has also been submitted in support of application 23/0554/MFUL for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities), at Parcels TC3 and TC8b, Land off Court Royal And Badger Way, Cranbrook.

National Highways issued a holding recommendation to East Devon District Council in respect of both applications in May 2023. The recommendations set out a need for further assessment work to demonstrate that the applications would not result in an unacceptable safety impact at M5 Junction 29.

Specifically, the following issues were identified:

- Further assessment is required to provide confidence that development beyond that previously allocated by the Cranbrook Plan and Cranbrook New Community can be safely accommodated by existing infrastructure and M5 Junction 29 in particular.
- Request that additional traffic modelling be based on trip rates justified against a local data source. The request followed concern that changes in the delivery of community facilities at Cranbrook has resulted in lower levels of internalisation than originally assumed.
- Should reductions in traffic generation be required to avoid significant highway impacts, then an evidenced justification of assumed mode shift or internalisation is required, along with a comprehensive plan for how this will be achieved.

Our holding recommendations followed a review of a Transport Assessment (dated August 2022) prepared to consider the transport impacts of proposed town centre development. A Transport Assessment Addendum (dated July 2024) has now been submitted in support of both applications. This letter is prepared to document National Highways' position in light of this additional information.

Planning and Infrastructure Context

National Highways has previously confirmed that up to 7,750 units can be accommodated in the Cranbrook Plan area, inclusive of the Cranbrook New Community, subject to previously conditioned infrastructure improvements on the local highway network, completed improvements at M5 Junction 29, and the implementation of sustainable transport measures to support modal shift.

The currently proposed uplift in development across the Cranbrook Plan expansion zones and the Town Centre area is understood to amount to some 500 dwellings over the quantum previously assessed and accepted. Coupled with the delayed or reduced provision of on-site facilities, National Highways needs to understand the potential impact of this intensification of development on the safe operation of the SRN.

Whilst Devon County Council has undertaken strategic modelling to support an increase in the quantum of development across the four expansion areas, the modelling and associated impact assessment has not been agreed by National Highways. Due to the perceived limitations of the evidence base for further development at Cranbrook, National Highways has previously advised that any additional development needs to be supported by a detailed assessment addressing previous comments.

Transport Assessment Addendum

The Addendum document presents a range of trip generation scenarios, all based on trip rates derived from the TRICS database. No surveyed trip rate information is presented for the built Cranbrook development.

Trip rates are applied to a proposed uplift in housing numbers of 172 dwellings. The current applications (23/0511/MFUL and 23/0554/MFUL) are understood to contribute 148 dwellings. The difference is associated with application reference 23/2354/MFUL, for which National Highways has previously advised it would be unable to sustain an objection. Across each trip rate scenario, the combined 172 dwellings are forecast to generate 77 vehicle trips in the AM peak and 67 in the PM peak. No consideration is given to the proposed uplift in allocated development across the wider Cranbrook area, and this remains a fundamental concern for National Highways.

The distribution of commuting/business and holiday/day trips is based on 2011 Census data with adjustments to reflect the ongoing build-out of strategic employment sites to the east of M5 Junction 29. Other trip purposes (shopping, other escort/personal business and leisure/entertainment) are distributed according to a gravity model. A resultant 48% of commuting/business and holiday/day trips are understood to be assigned via M5 Junction 29, along with just 12% of personal trips. All escort education trips are assumed to be internal, and any education trips where the student is the driver are assumed to route via the Tithebarn Link to access the University of Exeter of Exeter College.

Following the application of trip distribution and assignment assumptions, the Transport Assessment Addendum estimates that the combined 172 dwellings could add in the order of 25 two-way trips to the junction of the A30 and the slip roads for the M5 southbound carriageway at Junction 29. The number of trips added to the junction with the slip roads for the northbound carriageway would be less than 20.

A 'Vision' scenario is also presented where mode share adjustments are applied to trips to Exeter and 'West End' employment locations, to reflect multi-modal interventions across the Cranbrook area. The adjustments are understood to be applied individually, resulting in a sizeable transfer of Exeter-bound work trips to rail (+10%), bus (+10%) and cycle (+5%), whereas we would question whether a realistic upper limit should be applied for non-car travel into Exeter.

On the basis of the assumed reductions, trip volumes impacting on the junction of the A30 and the slip roads for the M5 southbound carriageway are estimated to be around 17 vehicles in the AM and PM peak hours. The Addendum asserts that further reductions in traffic demand through M5 Junction 29 can also be assumed based on the net transfer of jobs at West End employment sites, and the net loss of trips generated by previously assumed town centre retail uses which may have passed through Junction 29. National Highways considers the level of such reductions unlikely to occur.

National Highways Position

National Highways does not agree with all analysis and assumptions set out within the Transport Assessment Addendum. The National Planning Policy Framework and DfT Circular 01/2022 require consideration of the residual cumulative impacts of development. Therefore, as a responsible highway authority, National Highways must consider the current applications in the context of wider development proposed at Cranbrook and the greater exceedance of the currently assessed and accepted development quantum.

National Highways has previously responded to strategic modelling work undertaken by Devon County Council to request operational assessment of Junction 29, considering projected growth at Cranbrook. This work has not been forthcoming. National Highways is now progressing this work, to enable us to provide informed advice to East Devon District Council on the impact of proposed growth. The work is drawing on outputs from the Devon County Council strategic modelling work

and utilises the National Highways Vissim model covering M5 Junctions 29 and 30. We expect the assessment work to be completed for early Autumn and will report findings to the relevant authorities. This will in turn inform our position on the current applications, and further development proposed on the Cranbrook expansion areas. As set out in our previous responses to the above applications the applicants are welcome to undertake their own cumulative assessment should the timeframes for our work not align with their own programme(s).

National Highways - 1 May 2024

Annex A

National Highways' recommended Further information required

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application 23/0511/MFUL.

Statement of Reasons

The application submitted by Halland Land Management seeks full planning permission for 69 residential dwellings on land to the south of Tillhouse Road (parcel TC7b), Cranbrook. The site is located approximately 3.5km north-east of the A30/B3184 Exeter Airport junction and 5km north-east of M5 Junction 29, both of which form part of the SRN. National Highways has also been consulted on a second full planning application by Taylor Wimpey UK Ltd (23/0554/MFUL) for 80 residential dwellings on nearby land off Court Royal and Badger Way (parcels TC3 and TC8b), Cranbrook. Our principal interest is the impact of the continued expansion of Cranbrook on the safe operation of the SRN and its junctions.

Planning Context

Outline permission for a new community at Cranbrook comprising up to 2,900 residential dwellings, a town centre and associated uses and infrastructure was granted in October 2010 under reference 03/P1900. A further 587 dwellings at the Cranbrook New Community (CNC) were consented under full permission 13/1752/MFUL.

The outline consent provides for up to 6,700sqm of retail uses in the town centre and neighbourhood centre. In May 2022, three reserved matters applications were approved to bring forward town centre uses; a supermarket, high street with residential uses, and a children's day nursery.

However, other applications have sought to reallocate land parcels previously identified for town centre uses to residential development.

A full application (22/2354/MFUL) for 84 dwellings at parcels TC5a, TC6 and TC7a was submitted in November 2022 and is currently awaiting determination. This application was submitted alongside two reserved matters applications (22/2306/MRES and 22/2307/MRES) relating to the original outline permission, one of which would deliver 31 residential dwellings on town centre land. Following changes in the planned provision of town centre facilities, we understand that the total

town centre retail provision is currently 3,129sqm, with an additional 986sqm in the neighbourhood centre - a reduction of around 2,500sqm from that envisaged as part of the outline consent.

Following consultation on application 22/2354/MFUL the Local Planning Authority advised National Highways that the development represented a net increase of only 48 dwellings at Cranbrook as a result of reduced housing level coming forward elsewhere across the CNC. Based on the likely traffic generation associated with 48 dwellings National Highways considered it would be unable to sustain an objection to the application on the grounds of an unacceptable impact on the safe operation of the strategic road network. Notwithstanding this we raised a number of concerns with the supporting Transport Assessment (TA) as detailed below, which has also been submitted in support of current application 23/0511/MFUL. The National Highways Planning Response (NHPR 22-12) December 2022 TA considers the transport impacts of proposed town centre development on parcels TC3, 8b, 7a, 7b and part of TC5a and TC6, assessing the traffic impact of 230 additional dwellings alongside the corresponding reduction in retail floor area compared to the outline consent.

Previous Response

Following consultation on the application in April 2023 National Highways issued a holding recommendation on 3 May 2023 for a period of six months to provide time for further transport assessment to be undertaken to demonstrate the traffic impact of the development on the safe operation of the SRN. Our holding recommendation was subsequently extended on 3 November 2023. This response should therefore be read in conjunction with our previous responses.

Position Update

Since the issue of our holding recommendation we have received no further information from the applicant. We are therefore extending our current holding recommendation by an additional six months to enable the conclusion of the required transport assessment. Should matters be concluded in advance of the expiry of our latest recommendation we will be able to update our response accordingly.

Recommendation

National Highways recommends that application reference 23/0511/MFUL not be approved a period of six months from the date of this recommendation. This to provide time for the applicant to undertake further work to enable National Highways to fully understand the impact of the development on the safe and efficient operation of the SRN and thereby provide the Local Planning Authority with fully informed advice.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

National Highways - 03 Nov 2023

National Highways Ref: NH/23/00658

Referring to the consultation on a planning application received 14/04/23 referenced above, in the vicinity of the A30 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application.¹

¹ Where relevant, further information will be provided within Annex A.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to planningsw@nationalhighways.co.uk.

Annex A National Highways' recommended Further information required

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application 23/0511/MFUL.

Statement of Reasons

The application submitted by Halland Land Management seeks full planning permission for 69 residential dwellings on land to the south of Tillhouse Road (parcel TC7b), Cranbrook. The site is located approximately 3.5km north-east of the A30/B3184 Exeter Airport junction and 5km north-east of M5 Junction 29, both of which form part of the SRN. National Highways has also been consulted on a second full planning application by Taylor Wimpey UK Ltd (23/0554/MFUL) for 80 residential dwellings on nearby land off Court Royal and Badger Way (parcels TC3 and TC8b), Cranbrook. Our principal interest is the impact of the continued expansion of Cranbrook on the safe operation of the SRN and its junctions.

Planning Context

Outline permission for a new community at Cranbrook comprising up to 2,900 residential dwellings, a town centre and associated uses and infrastructure was granted in October 2010 under reference 03/P1900. A further 587 dwellings at the Cranbrook New Community (CNC) were consented under full permission 13/1752/MFUL.

The outline consent provides for up to 6,700sqm of retail uses in the town centre and neighbourhood centre. In May 2022, three reserved matters applications were approved to bring forward town centre uses; a supermarket, high street with residential uses, and a children's day nursery. However, other applications have sought to reallocate land parcels previously identified for town centre uses to residential development.

A full application (22/2354/MFUL) for 84 dwellings at parcels TC5a, TC6 and TC7a was submitted in November 2022 and is currently awaiting determination. This application was submitted alongside two reserved matters applications (22/2306/MRES and 22/2307/MRES) relating to the original outline permission, one of which would deliver 31 residential dwellings on town centre land.

Following changes in the planned provision of town centre facilities, we understand that the total town centre retail provision is currently 3,129sqm, with an additional 986sqm in the neighbourhood centre - a reduction of around 2,500sqm from that envisaged as part of the outline consent.

Following consultation on application 22/2354/MFUL the Local Planning Authority advised National Highways that the development represented a net increase of only 48 dwellings at Cranbrook as a result of reduced housing level coming forward elsewhere across the CNC. Based on the likely traffic generation associated with 48 dwellings National Highways considered it would be unable to sustain an objection to the application on the grounds of an unacceptable impact on the safe operation of the strategic road network. Notwithstanding this we raised a number of concerns with the supporting Transport Assessment (TA) as detailed below, which has also been submitted in support of current application 23/0511/MFUL. The National Highways Planning Response (NHPR 22-12) December 2022 TA considers the transport impacts of proposed town centre development on parcels TC3, 8b, 7a, 7b and part of TC5a and TC6, assessing the traffic impact of 230 additional dwellings alongside the corresponding reduction in retail floor area compared to the outline consent.

Previous Response

Following consultation on the application in April 2023 National Highways issued a holding recommendation on 3 May 2023 for a period of six months to provide time for further transport assessment to be undertaken to demonstrate the traffic impact of the development on the safe operation of the SRN. This response should therefore be read in conjunction with our response dated 3 May 2023.

Position Update

Since the issue of our holding recommendation we have received no further information from the applicant. We are therefore extending our current holding recommendation by an additional six months to enable the conclusion of the required transport assessment. Should matters be concluded in advance of the expiry of our latest recommendation we will be able to update our response accordingly.

Recommendation

National Highways recommends that application reference 23/0511/MFUL not be approved a period of six months from the date of this recommendation. This to provide time for the applicant to undertake further work to enable National Highways to fully understand the impact of the development on the safe and efficient operation of the SRN and thereby provide the Local Planning Authority with fully informed advice.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that

appropriate opportunities to promote walking, cycling and public transport should be taken up. Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

National Highway - 3 May 2023

Referring to the consultation on a planning application received 14/04/23 referenced above, in the vicinity of the A30 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application.¹

¹ Where relevant, further information will be provided within Annex A.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to planningsw@nationalhighways.co.uk.

Annex A

National Highways' recommended Further information required

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application 22/0511/MFUL.

Statement of Reasons

The application submitted by Halland Land Management seeks full planning permission for 69 residential dwellings on land to the south of Tillhouse Road (parcel TC7b), Cranbrook. The site is located approximately 3.5km north-east of the A30/B3184 Exeter Airport junction and 5km north-east of M5 Junction 29, both of which form part of the SRN. National Highways has also been consulted on a second full planning application by Taylor Wimpey UK Ltd (23/0554/MFUL) for 80

residential dwellings on nearby land off Court Royal and Badger Way (parcels TC3 and TC8b), Cranbrook. Our principal interest is the impact of the continued expansion of Cranbrook on the safe operation of the SRN and its junctions.

Planning Context

Outline permission for a new community at Cranbrook comprising up to 2,900 residential dwellings, a town centre and associated uses and infrastructure was granted in October 2010 under reference 03/P1900. A further 587 dwellings at the Cranbrook New Community (CNC) were consented under full permission 13/1752/MFUL.

The outline consent provides for up to 6,700sqm of retail uses in the town centre and neighbourhood centre. In May 2022, three reserved matters applications were approved to bring forward town centre uses; a supermarket, high street with residential uses, and a children's day nursery. However, other applications have sought to reallocate land parcels previously identified for town centre uses to residential development.

A full application (22/2354/MFUL) for 84 dwellings at parcels TC5a, TC6 and TC7a was submitted in November 2022 and is currently awaiting determination. This application was submitted alongside two reserved matters applications (22/2306/MRES and 22/2307/MRES) relating to the original outline permission, one of which would deliver 31 residential dwellings on town centre land. Following changes in the planned provision of town centre facilities, we understand that the total town centre retail provision is currently 3,129sqm, with an additional 986sqm in the neighbourhood centre - a reduction of around 2,500sqm from that envisaged as part of the outline consent.

Following consultation on application 22/2354/MFUL the Local Planning Authority advised National Highways that the development represented a net increase of only 48 dwellings at Cranbrook as a result of reduced housing level coming forward elsewhere across the CNC. Based on the likely traffic generation associated with 48 dwellings National Highways considered it would be unable to sustain an objection to the application on the grounds of an unacceptable impact on the safe operation of the strategic road network. Notwithstanding this we raised a number of concerns with the supporting Transport Assessment (TA) as detailed below, which has also been submitted in support of current application 22/0511/MFUL.

TA considers the transport impacts of proposed town centre development on parcels TC3, 8b, 7a, 7b and part of TC5a and TC6, assessing the traffic impact of 230 additional dwellings alongside the corresponding reduction in retail floor area compared to the outline consent.

Additional Development at Cranbrook

The Cranbrook Plan adopted in October 2022 allocates a further 4,170 dwellings across four expansion zones in addition to the consented residential development within the CNC.

National Highways has been consulted on applications across each of the four expansion zones which, if consented, would exceed the 4,170 allocated by the Cranbrook Plan. In response these applications, which are currently awaiting determination, we confirmed that should the total number of dwellings proposed across these sites exceed the 4,170 allocated by the Cranbrook plan, the impact of any additional development on the safe operation of the SRN will need to be assessed through an updated TA. Furthermore, given the evidence base used to support the expansion site applications is now a decade old, National Highways has advised that any proposed uplift in the quantum of development either within the extant CNC permission areas or the expansion zones will require the submission of updated transport modelling supported by contemporary traffic surveys. National Highways has previously confirmed that up to 7,750 units can be accommodated in the Cranbrook Plan area, inclusive of the CNC, subject to previously conditioned infrastructure improvements on the local highway network, completed improvements at M5 Junction 29, and the

implementation of sustainable transport measures to support modal shift.

The proposed uplift in development across the Cranbrook Plan expansion zones in addition to the further 233 dwellings in the town centre proposed by current applications (22/0554/MFUL, 23/0511/MFUL, and 22/2354/MFUL) could result in some 500 dwellings in excess of the quantum previously assessed and accepted. Coupled with a reduction in on-site community and retail facilities, and the potential for further development across the expansion areas, National Highways needs to understand the potential impact of this intensification of development on the safe operation of the SRN.

SRN Impacts

National Highways has recently been consulted by Devon County Council on updated strategic traffic modelling to support an increase in the quantum of development across the four expansion areas beyond the 4,170 dwellings assessed and allocated by the Cranbrook Plan. A meeting was held to discuss the strategic modelling work on 20 January 2023. A number of requests were made for clarification and further evidence to substantiate adopted assumptions, and we confirmed that junction modelling would be required to determine the impact on the SRN. National Highways provided written comments to East Devon District Council and Devon County Council on 31 January 2023 and currently awaiting a response. As such, the modelling and associated impact assessment for additional Cranbrook development is not agreed at this stage.

In our response to previous application 22/2354/MFUL National Highways raised a number of concerns regarding the supporting TA relating to traffic generation estimates, associated levels of internalisation, and background traffic growth. In addition, whilst the TA refers to strategic traffic modelling of further development at Cranbrook, the model and associated reporting has not yet been agreed by National Highways. Instead, written comments issued on 31 January 2023 requested further evidence to substantiate adopted assumptions and recommended junction modelling for SRN junctions.

Due to the perceived limitations of the evidence base for further development at Cranbrook, National Highways has advised that any additional development needs to be supported by a detailed assessment addressing previous comments. Given the same TA has been submitted in support of the new applications, and strategic modelling work to support further development is not yet agreed, we do not consider that adequate evidence of the impact of the safe operation of the SRN has been provided.

Further Requirements

National Highways is supportive of the vision for Cranbrook as a sustainable and self sufficient town that provides high quality accessibility by non-car modes and reduces the need to travel. However, further assessment is required to provide confidence that the vision and associated trip making is realistic, and whether development beyond that previously allocated can be safely accommodated by existing infrastructure.

In our response to application 22/2354/MFUL for 84 dwellings we raised concern over the adopted trip rates and assumed internalisation. Due to changes in the delivery of community facilities at Cranbrook, National Highways has concern that originally forecast levels of internalisation are not being achieved, and a now established reliance on private vehicular travel is likely to impact future demands. We have therefore requested that additional traffic modelling work be based on trip rates justified against a local data source. It is currently unclear how adopted trip rates have been verified against local survey information, and this requires further justification if the adopted trip rates are to be accepted.

Previous transport assessment undertaken and submitted in support of the Cranbrook Plan has

indicated that M5 Junction 29 is likely to be operating over capacity by 2030 based on delivery of the Cranbrook Plan allocations. Further development over and above that allocated by the Cranbrook Plan and CNC is therefore likely to increase capacity constraints at this junction and as such assessment is required to confirm the impact can be safely accommodated by the existing highway network.

Should reductions in traffic generation be required to avoid significant highway impacts, then an evidenced justification of assumed mode shift or internalisation is required, along with a comprehensive plan for how this will be achieved and monitored.

Recommendation

National Highways recommends that application reference 22/0511/MFUL not be approved a period of six months from the date of this recommendation. This to provide time for the applicant to undertake further work to enable National Highways to fully understand the impact of the development on the safe and efficient operation of the SRN and thereby provide the Local Planning Authority with fully informed advice.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

EDDC Waste and Recycling – 13 May 2025

We will have to go down to the rear lanes behind 109-63 anyway to collect from properties opposite (105-97) at the back so bins can be collected from the back of individual properties as long as they are on the end of parking spaces on the lane edge for easy access.

Crews are used to collecting from rear access lanes in Cranbrook if residents place bins on the roadside of any parked cars or in parking spaces- as long as they aren't blocked in by cars.

The Rear Lane need to be wide enough for lorries to pass if cars are parked outside 105-97

Needs to be built to highways standard – block paving can cause issues due to weight so not ideal