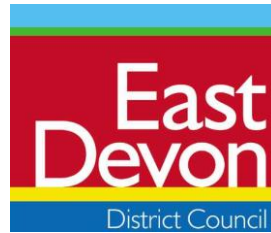


**BROADCLYST, ROCKBEARE,
CLYST HONITON
7/22/03/P1900/00791
(OUTLINE) (Includes
Environmental Statement)**



**SUPPLEMENTARY REPORT
SECOND AMENDMENT**

Members should note that this is a Supplementary Report which should be read in conjunction with the previous report on the New Community presented to Development Control Committee on 17th May 2005 and which is available on the EDDC website at Planning/New Community.

(For the avoidance of doubt, the duplicate application 05/2388 remains separate and is not being amended at this stage)

Applicant: East Devon New Community Consortium
C/O David Lock Associates

Location: Land north of Rockbeare, (adjacent
former A30 Exeter, Honiton, Rockbeare)

(Grid Ref: 01359568)

Proposal: The development of a New Community comprising up to 2,900 residential dwellings, a town centre and a local centre, comprising retail, employment, community and leisure uses, 2 primary schools and one secondary school, sports and recreation facilities, a country park, a railway station, a cemetery/burial ground, allotments, landscaping, engineering works and associated infrastructure, public transport infrastructure and car parking for all uses

Report of Mrs Kate Little, Head of Planning & Countryside Services, East Devon District Council

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SUPPLEMENTARY REPORT
SECOND AMENDMENT

INTRODUCTION

CONSULTATIONS

Consultation Process

Following receipt of the Second Amendment to the outline application in November 2006 and in addition to the earlier extensive consultation process on the original and the first amendment to the application in July 2003 and March 2005, the consultations exercise and public advertisements have been repeated. This included the display of 16 site notices in the vicinity and 2,384 neighbour notification letters being despatched, an increase in the previous number of notifications to take account of not only local residents within 2 km of the site but also others who have made written representations since the original application was received. The process has included advertisements in local newspapers.

The amended plans, addendum to the Planning Statement, further information on the Environmental Statement and Strategies have been made available at the Ottery St Mary Town Council Offices, local libraries and at the Council Offices at Knowle. Statutory consultees and other interested parties have been re-consulted.

An exhibition was held on Friday 1 December by the applicants to which the key stakeholders who attended the two day Design Workshop held in July 2004 were invited to see how that process had informed the application as it has evolved. Members of the Group of Joint Parish Councils were also given the opportunity to attend.

GENERAL CONSULTATION RESPONSES

Note: Responses of a general nature will be recorded in this section of the report. Responses directly attributable to individual strategies will be listed under those headings as appropriate.

South West Regional Development Agency (15.11.06)

Considers that the amendments represent minor changes to the application that do not alter the principles of development and therefore make no further comments.

Devon County Council Report to Development Control Committee 29th November 2006

The full text of the Devon County Council committee report that was considered by its Development Control Committee on 29th November 2006 can be accessed at the website address of DCC (www.devon.gov.uk) or as a background paper from the EDDC Planning Service. The minutes of the meeting are attached at Appendix 11.

Environment Agency (27/11/06)

The Environment Agency are concerned that the amended Development Framework Plan significantly varies from earlier drawings with respect to the allocation of land for education. Given the sensitivity of flooding in relation to Cranbrook and also the need for conservation and recreational interests to be protected the agency does not accept drawing number WCN028/AA/006 Revision B. Two recommendations are identified (A) The revised drawing is altered to show the 1 in 1,000 year flood plain being allocated for flooding – compatible development which may be considered appropriate in an area at a high risk of flooding or (B). The application be refused on the grounds that the proposed allocation is incompatible with the requirements of policy or Planning Policy Guidance note/part of Planning Policy Statement 25.

Director of Public Art South West (PASW) (28.11.06)

Remains concerned that objective 9D of the New Community Supplementary Planning Guidance is not addressed by the application. Their concern is that an exemplar community benefiting from culture and creativity being built into the fabric of the settlement is being missed. PASW believe that integrating the work of artists into the design will help to create a sense of place particular to Cranbrook and that the social fabric of the community can be developed through community art projects.

English Heritage (01.12.06)

Refers to previous consultation responses dated 26th May 2006, 27th September 2005 and 12 April 2005 and the need to consult and liaise with the Council's specialist conservation advisors.

Corporate Director – Communities (29/11/06)

Response attached at Appendix 15.

Head of Housing & Social Inclusion (27/11/06)

Response attached at Appendix 13.

Devon Transport 2000 (26/11/06)

The Group objects to the proposed New Community and considers it essential that the entire layout be re-examined to ensure it is consistent with Sustainable Transport policies in the Draft Regional Spatial Strategy (RSS). The Group has no views either in favour or against the proposed 6500 dwellings suggested in Draft RSS, but makes a case for future-proofing in terms of the location of the railway station and transport interchange in relation to the Town Centre. It is essential that public transport becomes the dominant mode of travel and the use of the railway must therefore be maximised.

Exeter & East Devon Campaign for Real Ale (30.11.06)

Questions the reference in the Employment & Retail Strategy to the commercial analysis which does not support the need for a public house too early in the development process because it is suggested that the need can initially be met by existing establishments. Provides evidence that existing facilities will not meet the same need.

Sport England (27/11/06)

- Using the National Playing Fields Association's (NPFA) "6 acre standard", the development would generate demand for 7.9 hectares of community playing pitches which equates to at least 12 playing pitches.
- It is envisaged that the new secondary school will have 2 synthetic turf pitches and less grass playing pitches.
- Sport England would therefore question the proposed amount of playing fields that can be used by the community in perpetuity as part of this development.
- Indoor sports facilities have also been considered and Sport England have identified the new settlement will generate at least a third of a swimming pool and their calculations have taken into consideration the Exeter demographic profile. Sport England go on to say that "these are substantial sums of money that the Council should seek to improve existing facilities off site if not likely to pursue on site provision.
- Based on the above we would urge the District Council to consider requiring a further contribution towards off site indoor sports provision or improvements to existing facilities in line with the attached demand estimator".
- Active design has been adopted to describe ways in which master planning can promote healthy environments through creating healthy environments through creating conditions for participation in sport and physical activity and the use of active travel modes (walking and cycling). Three overlapping active design objectives have been identified that should be promoted by Master Plans: "improving accessibility; enhancing amenity and increasing awareness".
- A developer's checklist is to be published late in 2006.
- Maintenance: Sport England supports the securing the commuted sums from new development for the future maintenance and sport and recreational facilities. (In relation to planning obligations and planning policy guidance).
- Technical guidance notes are published by Sport England and are identified to include natural turf for sport, pavilions and clubhouses, car park and landscape design, sports hall: design, sports hall: sizes and layout, floors and indoor sports.
- "In summary Sport England is concerned that the accompanying material received with this application fails to provide any justification for the amount, type, size, maintenance or location of the playing fields and other sport and recreational facilities, as indicated on the illustrative Master Plan.

- Given the lack of information received and the subsequent issues raised in this letter, Sport England wishes to register an objection to the above application.
- However, Sport England would be willing to review its objection if further information were forthcoming which demonstrated that the provision of the sport and recreational facilities as proposed are based on a robust local assessment of existing future need".
- The consultation response also incorporates an appendix on sports facilities calculator for the proposed development of 2,900 new houses dated November 2006.

Network Rail (27/11/06)

- Security fencing will be required to meet Network Rail's public safety requirements
- The provision of a safety barrier adjacent to the railway, alongside all roads, turning circles and parking areas where the railway is situated at or below the level of the development, is required.
- In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary.
- No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land.
- Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.
- The developers should ensure that their proposals do not cause surcharging of cutting slopes or retaining walls. Network Rail can accept no liability to maintain support to the adjoining land other than for its existing use.
- Should the development include proposals for external lighting; it is pointed out that this may conflict with Network Rail's signaling system. The developers should be required to obtain Network Rail's approval of their detailed proposals.
- Planting - In the interests of safety, all new trees to be planted near Network Rail's land should be located at a distance of not less than their mature height from the boundary fence. Attached to Network Rail's earlier letter was a list of preferred species for planting to minimise the effect of leaf fall and danger to the railway, please ensure that this list is passed to the developers. Details of planting schemes adjacent to the railway should be submitted to this office for prior approval.

Representations

14 letters of representation have been received in respect of the Second Amendment.

Summary of Representations

- Analysis of main issues raised in representations received in response to the public consultation on the Second Amendment to the application.

Objections/Matters of Concern

1. Landscape Features - Map lacks detail.
2. Retention/destruction of veteran trees.
3. Flooding issues.
4. Medical provision and hospital facilities.
5. Sewerage.
6. Affordable housing.
7. Water supply.
8. Household waste/recycling/landfill issue.
9. Measures to retain open space.
10. Property devaluation.
11. Relocate playing fields nearer to schools.
12. Need for place of worship with associated Chapels.
13. Suggest name of station should include reference to Broadclyst/Rockbeare and Exeter Airport.
14. Access to the station from the north and public transport links to surrounding villages/Exeter Airport/Exeter Bus Station, etc.
15. Retention of greenbelt between Cranbrook and Whimple to prevent coalescence.

16. Destruction of countryside and loss of flood production.
17. Threat to retention of Whimble railway station.
18. Divorced from airport development.
19. Increased trips and additional pressure on the viability of existing facilities in Whimble.
20. Proposed restrictions to Crannaford Lane.
21. Future proofing in respect of public/private transport.
22. Siting of railway station.
23. Employment opportunities/commuting between Cranbrook and Exeter.
24. Public House Provision.

Parish Council (General Comments)

Aylesbeare Parish Council (30/11/06) This Council is concerned regarding the infrastructure of the neighbouring roads that will be expected to accommodate the extra traffic emanating from the new community. Examples of this are Station Road leading to Broadclyst and junction 29 of the M5 motorway.

There is mention on the plans of a new Primary School being constructed. This Council would like assurance that this school is built very early on in the construction of the community and not left until the end. Our Primary Schools are already over-subscribed and would not be able to cope with extra children.

Broadclyst Parish Council (05/12/06) – See full response at Appendix 17.

The Proposed Development (Second Amendment)
Amended Description

Minor amendments are proposed to the wording of the description of development simply to reflect the discussions that have progressed between the applicants, the District Council and consultees in the working up of the strategies. Specifically:

- to reflect the recognition that parking standards will be set out in the relevant design guidance for the various elements of the New Community proposals;
- clarification of the town centre uses in relation to the new Use Classes Order;
- specific reference is made to neighbourhood and local equipped areas of play rather than just “equipped areas of play”; and
- to reflect the discussions on section 106 issues, specific reference is made to a skateboard park in the description of development.

Further Amended Description of Development (Second Amendment) (Amendments shown in bold text)

Development to include the following uses in the locations shown on the Development Framework Plan:

Up to 2,900 dwellings of a mix of dwelling type and size, including a proportion of affordable dwellings, in locations shown on the Development Framework Plan including the town centre and local centre, **with associated car parking.**

A town and local centre comprising the following uses with associated car parking in accordance with PPG13 and PPG3 standards:

- Up to 17,500sq.metres (gross) of employment;
- Up to 6,700 square metres (gross) retail floor space (to include A1, A2, & A5);
- **(A3 takeaways) and A4 (public houses and bars) uses**
- Hotel(s); and
- Community facilities including assembly, leisure and health.

Cont'd...../

Two primary schools, **one special needs school** and one secondary school and associated playing fields including all weather pitch(s) with floodlighting and associated car parking.

Construction of a new railway station with associated parking of up to 70 spaces plus cycle storage facilities and associated facilities and A1 retail outlet (not to exceed 200sq.m.).

Sport facilities and pitches with associated car parking and children's play facilities comprising **neighbourhood and local** equipped areas of play, multi-use games areas, **a skateboard park** and civic space.

Strategic open space and landscaping provision including the retention within the public realm of those hedgerows identified on the Development Framework Plan (either in part or full), the provision of a country park and informal open spaces, the planting of copses. The country park to include compensatory flood storage works, trim trail, shared surface walking and cycling route, interpretation features and creation of new areas of habitat of wildlife value.

Primary road/public transport corridor and associated access roads onto the old A30 as identified on the Development Framework Plan, footpaths and cycleways.

Associated infrastructure, roads, lighting, drainage systems for foul and surface water and floodplain compensation.

Application Status

In July 2003, Hallam Land Management, Persimmon Homes, Redrow Homes, Wilson Connolly and Westbury Homes (referred to as the East Devon New Community Partnership (EDNCP)) submitted an outline planning application to East Devon District Council (EDDC) for a New Community to the East of Exeter, now known as Cranbrook. The application, reference (03/P1900) was accompanied by an Environmental Statement (ES) reporting on an Environmental Impact Assessment (EIA) undertaken on the proposed development, as identified on the Development Framework Plan (DFP) and in the description of development.

Amendments to the planning application and further information on the ES (as requested by EDDC) were submitted by the applicants in March 2005 to reflect the outcome of consultations.

Resolution of Development Control Committee held on 17th May 2005

RESOLVED that subject to a significantly improved offer on affordable housing and the consideration of the Secretary of State under the Town & Country Planning (Shopping Direction) (England & Wales) No. 2 Direction 1993 and the Town & Country Planning (Residential Development on Greenfield Land) Direction 2000 East Devon District Council Development Control Committee having considered environmental information under the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 be MINDED TO

GRANT OUTLINE PLANNING PERMISSION subject to:-

- a) **Submission and approval of the following strategies prior to the issue of any planning permission:-**
 - i) **Sustainability Strategy**
 - ii) **Strategic Design Guidance**
 - iii) **Phasing Strategy**
 - iv) **Strategic Landscape Strategy/Framework**
 - v) **Housing Strategy**
 - vi) **Employment provision strategy**

- b) The applicants entering into a Section 106 Agreement the draft Heads of Terms of which are set out below.
- c) The outcome of the negotiations on the Section 106 Agreement, any additions or amendments of the conditions that may be required, including in the light of submission of the above strategies and including outstanding highway matters in relation to the Phase 2 Access Strategy for Proposed Development to the East of Exeter being reported back to Committee for final determination.
- d) and conditions

Although not part of the application the subject of this report, Members are asked to note the following:-

Resolution of Duplicate Application by the Development Control Committee held on 22nd November 2005

- RESOLVED**
- (1) That subject to an acceptable offer on affordable housing and the consideration of the Secretary of State under the Town & Country Planning (Shopping Direction) (England & Wales) No. 2 Direction 1993 and the Town & Country Planning (Residential Development on Greenfield Land) Direction 2000 East Devon District Council Development Control Committee having considered environmental information under the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 be **MINDED TO GRANT OUTLINE PLANNING PERMISSION** subject to the items listed below:
 - (2) That an 'architect's panel' be set up to commence work on the proposed design strategy.
 - (3) That it be made clear to the developer that the Local Planning Authority is expecting the Eco-Homes standard for all dwellings to be 'very good'.
 - (4) That the developers be asked to fund additional staff to assist with the procession of the application.
 - a) Submission and approval of the following strategies prior to the issue of any planning permission:-
 - i) Sustainability Strategy
 - ii) Strategic Design Guidance
 - iii) Phasing Strategy
 - iv) Strategic Landscape, Biodiversity and Drainage Strategy/Framework
 - v) Housing Strategy
 - vi) Employment and Retail provision strategy
 - vii) Archaeological Strategy
 - b) The applicants entering into a Section 106 Agreement the draft heads of terms of which are set out below.
 - c) The outcome of the negotiations on the Section 106 Agreement, any additions or amendments of the conditions that may be required, including in the light of submission of the above strategies and including outstanding highway matters in relation to the Phase 2 Access Strategy for Proposed Development to the East of Exeter being reported back to Committee for final determination.
 - d) and conditions

Planning Policy

In considering its response to this application, the District Council, as Local Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination should be in accordance with the Development Plan, unless material considerations indicate otherwise.

Planning Policy Statement 3 (Housing) (PPS3)

PPS3 puts in place a new national policy framework for planning for housing at the local and regional levels. It provides an enabling framework for Local Planning Authorities, working with their stakeholders, including developers, to deliver both the right quantity of housing to address need and demand in their areas, and the right quality of mix of housing for their communities. Whilst it will come into effect on 1st April 2007 regard has been paid to this in preparing this report.

The most relevant Development Plan policies (and emerging policies) that have changed since the original report in May 2005 have been updated as follows:-

Draft Regional Spatial Strategy for the South West 2006 – 2026

The Draft RSS was published in June 2006 and public consultation closed on 30 August 2006. An Examination in Public of the Draft RSS is to be held commencing 1 April 2007 with the intent of adoption in 2008. The strategy for the Exeter area in the Draft RSS is to focus development within, and adjacent to, the urban area and to ensure that population and workforce growth is commensurate with economic activity and growth in jobs. In promoting this objective the RSS is seeking to focus a far higher proportion of development in the region's main towns and cities than in the past in a way that encourages a better balance between homes and jobs, Exeter is one of the 21 "Strategically Significant" Cities and Towns (SSCTs) (Development Policy A), which has a regional/sub-regional role in the South West where its economic potential and service role will be enhanced. Consequently, the RSS is seeking to provide between 38,000 and 39,250 dwellings in the Exeter Housing Market Area between 2006 and 2026. The RSS proposes that about 10,700 dwellings should be provided for within or adjacent to the Exeter urban area, with development at the New Community within East Devon providing an additional 6,550 dwellings in the same period. The Draft RSS also identifies key infrastructure required to deliver the strategy for Exeter which include:

- Significant new investment in innovative public transport systems and high quality public transport links between Exeter and the New Community.
- Provision of a new railway station on the Waterloo to Exeter railway.
- Additional recycling centre on the eastern side of the city.
- Strategic road infrastructure, including the Clyst Honiton Bypass.
- Demand management measures.

Policy SR16 of the Draft RSS requires provision of 18,500 dwellings in the Exeter Urban Area over the next twenty years. This is to be provided as follows:

- An average of about 525 dwellings per annum in Exeter City
- An average of about 325 dwellings per annum in East Devon (New Community)

This will result in the New Community providing for 6,500 dwellings.

The Draft RSS, in order to cater for development requirements after 2021, suggests a second strategic urban extension (or New Community) should be identified providing for at least 1,500 dwellings on the eastern and southern sides of Exeter City in an Area of Search K.

The following Policies of the emerging RSS are also of particular significant to Cranbrook

Development Policy F - requests that major urban extensions of Strategically Significant Cities and Towns (SSCTs), like Cranbrook is of Exeter, should be planned on a comprehensive basis with an overall master plan and phasing regime. Requires local authorities to work with developers, landowners, service providers and stakeholders to develop a Masterplan with "*high density*

development of housing of varied types and tenures of at least 50 dwellings per hectare and higher wherever possible.

Development Policy G - requires all strategic larger scale developments (above 10 dwellings or 1000m²), and especially urban extensions to achieve the requirements of Level 5 of the emerging 'Code for Sustainable Homes', including Carbon Neutrality. It also requires the production of "sustainability statements" for larger scale residential and/or mixed use planning applications which should meet, or exceed, the South West Sustainability Checklist for Developments.

Policy RE5 – Sets a target for larger-scale developments to reduce CO2 emissions from energy use on site by 10%

Policy H2 – Planned urban extensions of SSCTs and adjacent new communities should achieve 50 dwellings per hectare (dph) or more overall.

Policy TR1 – Requires a "step change" in the prioritisation of public transport provision serving the SSCTs (e.g. Exeter)

It has always been a requirement that the New Community be capable of expanding beyond 2,900 dwellings. The Structure Plan provides for at least 3000 dwellings and up to 3,500 dwellings at the New Community by 2016. In its response to the draft RSS the Council has supported the principle of expanding the New Community to accommodate a significant level of housing growth but that an upper figure of 5,000 dwellings be provided at the New Community to the north of the former A30 up to 2021. The Council has objected to the provision of 6,500 dwellings at Cranbrook on the grounds that such an expansion can only be achieved by expanding south of the former A30 undermining structure and local plan policies designed to prevent coalescence between settlements, namely Rockbeare and the New Community, and threaten the successful operation and expansion of Exeter Airport by potentially building dwellings in proximity to the airport where future residents could be expected to object to existing and future operations associated with the running of an airport including engine testing.

East Devon Local Plan 1995-2011 (adopted July 2006) The most relevant policies are as listed in the original report using the policy numbers in the Revised Deposit Version of the Local Plan (these will be renumbered in the published adopted plan). Because the additional land to the east falls outside the area allocated for the New Community in the Local Plan, the application will have to be considered by the Secretary of State as a Departure (see details in the Recommendation).

East Devon New Community: Supplementary Planning Guidance (SPG) to the East Devon Local Plan – This guidance advises on the implementation of Local Plan policy and addresses the location of the New Community, its future expansion, sustainable development and construction, promotion of commercial activity, travel and access, housing, the natural environment/landscape, provision of community and recreation facilities, urban design, public art phasing, implementation and monitoring. The SPG was adopted by the District Council on 6 April 2005 for Development Control purposes.

Exeter Local Development Framework (2006-2021)

Exeter City Council has recently produced its Core Strategy 'Preferred Options' DPD, which includes the need for a joint East of Area Action Plan to be produced with East Devon District Council, which will include the development of Cranbrook, Skypark and the Science Park. It requires the East of Exeter Action Plan to provide for a "mixed-use, public transport based, development area" that is comprehensively planned and "fully integrates housing, employment, shopping, education, health care, social care, leisure, commuting and transport facilities". It specifically states that it will provide the "framework to bring forward strategic development proposals in East Devon", such as Cranbrook. The Core Strategy Policy CP1 is seeking to provide 7,875 dwellings and up to 60 hectares of employment land between 2006 and 2026. The Exeter LDF also requires (Policy CP17) all new development to conform to BREEAM Standard Excellent.

East Devon Local Development Framework

East Devon District Council is at an earlier stage in production of Local Development Framework documents. The Council's Annual Monitoring Report, however, identifies that work will actively commence on production of the Core Strategy and the East of Exeter PUA Joint Area Action Plan in 2007.

SUPPLEMENTARY REPORT
SECOND AMENDMENT

PART ONE

FURTHER CHANGES TO THE APPLICATION
AND ENVIRONMENTAL STATEMENT

1.0 BACKGROUND TO SECOND AMENDMENT

- 1.1 Since the Council's earlier consideration of this application, considerable work has been undertaken on the preparation of the strategies sought by the Council and these have now been formally submitted. Discussions in relation to the Section 106 Agreement have also been progressed. The applicants have also made further, relatively minor, revisions to the application which are set out below. These have been the subject of the re-consultation.
- 1.2 Any potentially significant environmental impacts resulting from the changes to the application proposal has been considered in a document submitted with the revisions to the application entitled: "*Environmental Statement – Assessment of Further Amendments to the Scheme, November 2006*". This forms part of the application documentation and should be read in conjunction with the:
- Environmental Statement, July 2003; and
 - Further Information on the Environmental Statement, March 2005.

2.0 FURTHER CHANGES TO THE APPLICATION

- 2.1 As a result of the completion of the technical work to inform those strategies some further amendments are proposed to the application itself including to:-
- the Development Framework Plan;
 - the Application Boundary; and
 - the Description of Development.
- 2.2 **Name of Applicants:** The name of the applicants has been amended to reflect the acquisition of Westbury Homes (Holdings) Ltd by Persimmon Homes. The application therefore is to be in the following name:
- "Hallam Land Management Limited, Persimmon Homes (South West) Limited, Redrow Homes (South West) Ltd and Taylor Woodrow Developments Limited."*
- 2.3 **Application Boundary:** The changes to the **application boundary** result from the need to respond to legal covenants restricting the use of two small areas of land within the March 2005 application site boundary to agricultural use only. For these legal reasons it has been necessary to amend the red line to exclude these two parcels (one on the western edge and the other at the eastern end). In total, these parcels comprise approximately 5.2 hectares.
- 2.4 This land is partially replaced by the inclusion of **two additional fields** abutting the eastern boundary of the March 2005 application site. This land is to be used for open formal play areas and results in improvements in the disposition of uses within the Development Framework Plan.
- 2.5 The additional land now included within the application site comprises approximately 2.5 hectares of land. The impact of including the additional land within the application site, for the open uses proposed within the Development Framework Plan, has been assessed in full in the "*Environmental Statement: Assessment of Further Amendments*". No additional significant environmental impacts have been identified.
- 2.6 In total, the changes result in reduction in the total site area of approximately 2.7 hectares but results in it extending eastwards beyond the site allocation within the adopted Local Plan and hence the application has been formerly advertised as a 'Departure' application.
- 2.7 **Changes to the Development Framework Plan:** The changes made to the Development Framework Plan reflect the development of the strategies including the work undertaken as part of those strategies e.g. tree surveys and topographical surveys.

- 2.8 A **full topographical survey** of the site has allowed detailed modelling of the drainage of the proposals and the development of the drainage designs. The revised drainage proposals continue to avoid any encroachment of development within the 1 in a 1000 year floodplain save that identified as essential infrastructure (as previously). The proposals in relation to the provision of access to the station, result in a significant reduction of land take for essential infrastructure in the flood plain. The development is classified as being in PPG25 Flood Zone 1 with an annual probability of flooding of less than 0.1%.
- 2.9 The **drainage proposals** continue to make provision to compensate for floodplain storage lost to essential infrastructure. As previously, a net increase in flood storage over that presently available of 20% is a beneficial impact.
- 2.10 A **sustainable urban drainage system** is proposed. Further attenuation is provided in ponds and basins. The greater use made of drainage basins in the amended application proposals ensures a readily maintainable drainage system, a concern previously raised in consultation in relation to the previous proposals. The areas in which the drainage basins are to be located are now identified on the Development Framework Plan, within the area of the country park.
- 2.11 A **full tree survey of the site** has also now been undertaken which has identified a number of veteran trees on the site. Following meetings with the appropriate statutory consultees, the veteran trees have been identified on the Development Framework Plan. Most are located within the Country Park but small realignments of the main route have been made to ensure that identified trees can be protected with an appropriate buffer it is hoped that all category A & B trees (approximately 300 trees) will be subject of a provisional Tree Preservation Order (TPO) by the date of the Development Control Committee.
- 2.12 As a result of the necessary removal of one of the areas at the western end of the New Community from the planning application, a new, more central, location for the open **space facility** to the west of the country park is now proposed, to the south of the primary school.
- 2.13 A new location for the **playing fields** is proposed at the eastern end of the New Community providing for a better layout of play facilities within a more regular arrangement.
- 2.14 A location is proposed for a **skateboard park**, a use that has arisen in the section 106 legal agreement negotiations. This is to be provided alongside a Neighbourhood Equipped Area of Play or MUGA and a Local Area of Play, adjacent to the secondary school.
- 2.15 The **Main Local Route** alignment has been modified to reflect the ongoing technical work and through further consultation. The changes are as follows:-
- a revision of the alignment to reflect the tree survey, to ensure a direct high quality public transport route, a direct route to the station rather than a loop, (which results in a reduction in the length of essential infrastructure in the flood plain);
 - a minor alteration to the Main Local Route is proposed at the eastern end, to ensure the protection of a cluster of veteran trees; and
 - a minor amendment to the location of the crossing of the main local route through the country park on the advice of the consultant team in accordance with the findings of the tree survey.
- 2.16 Following the findings of the tree survey and topographical study the **Education Campus boundary parcel** has been amended to allow for the retention of a hedgerow and the brook and provide a direct green corridor from the country park to the network of linear ponds, referred to as the 'Ecology Park'. The site is also now proposed to include a special school (a relocation of Millwater School in Honiton) in addition to the Secondary and Primary schools.
- 2.17 The two other minor changes are a minor change to **the location of the open space and LEAP to the north east of the western primary school**. This is to allow for the protection of an important tree within the open space. Finally, **a parcel of town centre and residential land uses have been swapped**, to the west of the town square in front of the secondary

school, following the consideration of community uses set out in the Section 106 Agreement that might be best located here.

2.18 As a result of the amendments to the layout of some residential and mixed use parcels in the Development Framework Plan, the **density and building heights plan** has been amended accordingly.

2.19 **Travel and Access**

Principal Road Routes

2.20 **Clyst Honiton Bypass:** Members will recall that the provision of the Clyst Honiton Bypass detailed in the original report will permit the provision of the first 1,200 dwellings of the 2,900 proposed in this outline planning application. Full planning permission for the Clyst Honiton Bypass was granted on 9 March 2006 and the applicants for Cranbrook are in the process of completing a Highways Legal Agreement for its provision, which is to be secured through the Section 106 Agreement, (see Section 10.21 in this report). The Bypass must be completed and opened for use prior to occupation of 500 dwellings.

2.21 **Phase II Highway Works:** Beyond the occupation of 2,200 dwellings, it will be necessary to carry out further improvements to the main trunk network and a contribution has been secured from the applicants for Cranbrook for improvements to Junctions 29 and 30 of the M5. The contribution is required to be paid prior to the occupation of 2,200 dwellings and will enable the additional 1300 dwellings thus achieving a total of 3,500 dwellings. However, there is agreement that the construction works will be carried out and paid for by the Government from Regional Structure Fund money which still has to go through a major bidding round process in advance of the requirement. Additionally, the applicants are required to make a maintenance payment in respect of junction 29 only to CONNECT the owners of the relevant highway at this location. It should be noted that in the meantime the Highways Agency has not lifted its Article 14 Direction and therefore the Grampian condition requiring one of the Phase 2 options identified in the Access Strategy for the Proposed Developments to the East of Exeter to be in place in order to accommodate the additional traffic movements predicted beyond 2,200 dwellings remains. It is however anticipated that this matter will be fully resolved before the Section 106 Agreement is signed and the Grampian condition can then be removed.

2.22 **Crannaford Lane Level Crossing**

Devon County Council (27.11.06): The Local Highway Authority has no objection in highways and transportation terms to the proposals for Crannaford Level Crossing subject to no objections being received from Her Majesty's Inspector of Railways (HMIR) and/or Network Rail in respect of the use and safety of Crannaford Level Crossing.

2.23 **Network Rail (27.11.06):** "As you know the HMRI have expressed concerns that the profile of the road approaches to Crannaford Level Crossing fail to meet the lowest safe profile criteria for less than 600 vehicle movements per day and that any increase in the volume of traffic using the level crossing would lead to a requirement to significantly improve the road profile. In addition if blocking back of traffic on the approach road caused by vehicles negotiating the adjacent junctions were to occur then the crossing may also need to be converted to full barriers with CCTV supervision. Any costs associated by these requirements should be borne by the developer. In addition the development must not affect the operation of the adjacent level crossing and the developer should be required to obtain Network Rail's approval for all highway works in the vicinity of the level crossing".

2.24 **HM Railway Inspectorate (30.11.06):** "A proposal has been made to improve the road profile at the crossing so as to accommodate increased vehicle usage. This along with proposed traffic restrictions should address the major catastrophic risk and ensure that the road vehicles do not ground at the crossing in the path of approaching trains. The actual traffic levels will need to be determined and reviewed in due course in relation to the safety of the crossing.

- 2.25 As far as pedestrian traffic over the crossing is concerned, it may be necessary to review the footway widths over the crossing or consider provision of enhanced pedestrian signals if there is a very significant increase in numbers or there is regular use by vulnerable groups such as school children. In our published guidance, there are no restrictions on the use of this type of crossing where there is heavy pedestrian usage. However, the safety of users at the crossing is fundamentally dependent on obeying the instructions given by the road traffic signals. The risks of accidents at level crossings are set out and HMRI concludes that whilst these could be partially addressed by the installation of a full barrier crossing, that an estimated cost of in excess of £1.5 million to Network Rail, this level of cost is seen as being grossly disproportionate to the risk. Access across the line for properties immediately adjacent to the railway at the crossing could be arranged through an appropriately controlled and restricted private crossing. In acknowledging significant changes and enhancements to the local road network that are being undertaken associated with the development, HMRI suggest measures that could be introduced in the future¹⁷.
- 2.26 Negotiations have been continuing between the Local Highway Authority, the applicants and the Rail Authorities regarding the inadequacy of the vertical profile of the road on the northbound approach to Crannaford Level Crossing as referred to in the responses from the consultees set out above. They are concerned that longer vehicles may become grounded and any increase in the volume of traffic over the crossing would increase the risk of this happening. The applicants have proposed measures involving regrading the carriageway in order to eliminate this risk of grounding.
- 2.27 The rail consultees have also suggested that the existing automatic half barrier at the level crossing may in time need to be converted to full barriers with CCTV supervision. At present this will only be required if traffic backs up on the approach roads. HMRI is of the view that the cost associated with installing a full barrier crossing is not appropriate given the present level of risk.
- 2.28 Consideration will have to be given to the suggestion made by HMRI that arrangements could be made for appropriately controlled and restricted private crossings for properties immediately adjacent to the railway at the Crannaford level crossing.
- 2.29 **Allotments and Cemetery**
- 2.30 The Supplementary Planning Guidance identified the provision of allotments and a cemetery among the facilities that can be expected to be provided in a typical small market town.
- 2.31 The applicants have specified allotments and a cemetery/burial ground in their application description but as yet the location of these facilities remains an unresolved issue. A letter dated 24 November 2006 has been received from the applicants advising that because of the overall reduction in the size of the site and the need for additional flood attenuation areas, these uses cannot not be accommodated to the north of the former A30 within the revised application boundary included within the Second Amendment. The applicants propose a location for the provision of both facilities to the south of the former A30. They are of the view that such a location is likely to be technically feasible, subject to detailed assessments and would accord with the emerging proposals for the country park. The alternative would be to ensure such facilities are provided within any proposals for the future expansion of Cranbrook for which there is a policy commitment in the Devon Structure Plan.
- 2.32 **Assessment:** Negotiations are continuing on the principle of the provision of allotments and a cemetery/burial ground and in order to identify suitable sites. The timing and specification for these provisions will need to be agreed in the Section 106 (para 10.46) and included within the Phasing Strategy.

3.0 ENVIRONMENTAL STATEMENT – ASSESSMENT OF FURTHER AMENDMENTS TO SCHEME (NOVEMBER 2006)

3.1 The further updated Environmental Assessment (ES) submitted with the Second Amendment should be read in conjunction with the ES Further Information (March 2005) and the original ES submitted in July 2003. For ease of reference, the applicants have advised that the Assessment of the Changes has been prepared in the same format as the original ES with figures and Appendices either updated or re-appended where appropriate.

3.2 **Policy Framework:** The applicants state that there are no planning policy changes that need to be considered as part of the Environmental Impact Assessment (EIA) arising from the amendments to the planning application.

3.3 **Topic Areas with no Significant Changes to Previous Assessment:** The alterations to the application proposed in the second amendment have been considered by the applicants' environmental assessment team which has concluded that there are no significant changes to the Environmental Impacts assessed in the ES to date in respect of the following topic areas (reference is to chapters with the ES documents):-

- Geology & Contamination (Chapter 4) – The additional 2.5 ha of land now included within the application boundary was surveyed for the existing ES.
- Soils & Agriculture (Chapter 5) – The revised proposals result in a small reduction in the overall amount of land lost to development (approximately 2.7 ha smaller) and introduces more open space uses.
- Air Quality (Chapter 10) – The existing ES assesses the impact of the Main Local Route (MLR) for concentrations of pollutants up to 30 metres from the route's alignment. Predicted pollutant levels are substantially below target objectives and the traffic levels will not alter as a result of the second amendment.
- Noise & Vibration – (Chapter 11) – The limited revisions to the MLR do not effect the assessment already made of the impacts in terms of noise or traffic levels. There maybe a small benefit to some existing properties in terms of noise impact because of the location of the principle access point to the east. The revised location of the secondary school slightly closer to the railway nevertheless remains substantially beyond the relevant noise exposure category.
- Society & Economy (Chapter 13) – The increase in areas of open space will result in a small benefit, but otherwise there are no changes to the earlier assessment in relation to society and economy.
- Waste Management (Chapter 15) – None of the changes have a significant effect on the earlier assessment of the application proposals in relation to waste management.

3.4 Topic Areas with some changes to Previous Assessments

- Water Resources (Chapter 6)
This Chapter (which supersedes Chapter 6 of the March 2005 Environmental Statement) deals with the assessment of the potential impact of the New Community on water quality, hydrology and drainage infrastructure, including flooding. The assessment of the drainage structure encompasses the sewage system between the site and the existing sewage treatment works at Countess Wear.

The methodology, legislative framework, and base line conditions remain principally unchanged from the March 2005 Chapter. A Landscape Biodiversity and Drainage Strategy has been submitted by the applicants and the principles and proposals described in this Chapter and the relevant appendices are included in that Strategy.

The proposals set out in this Chapter includes a Sustainable Urban Drainage (SUDS) an underlying principle of which is to dispose of as much surface water run-off into the ground local to the source of run-off as possible. The system proposed which makes more use of drainage basins is more readily maintainable, a benefit identified in consultations (Surface Retention Basins rather than underground Crated Systems). A

further key function of SUDS is to provide an opportunity for pollutant management and cleansing of surface water prior to discharge to the surrounding natural water regime.

Below ground storage tanks, are no longer proposed, with the exception of on-plot infiltrating devices.

Management of Construction Activities will be required to mitigate the impact on water courses. It is anticipated that this will be regulated through a Construction Environmental Management Plan (CEMP) which will identify appropriate measures to be taken.

Off site flood management measures are identified, including: to clean the existing culvert and to improve the hydraulic efficiency beneath Crannaford Lane and provision of local flood defences at Sunnyhayes (identified in Table 6.3, of The Summary of Water Resources Impacts).

Environmental Statement, Addenda & Corrigenda (Appendix: Flooding & Drainage Final Strategy – LBDS Technical Note, Summary 5.1), states: “Outline design completed at pre-planning stage has been progressed to reflect further Master planning and to develop the detail of the proposals that will be implemented. The fundamental elements of the previous work remain, although various options have been exploited to provide a post development flooding and drainage scheme that is not only hydrologically acceptable, but also brings further landscape, amenity and biodiversity enhancements”.

- Landscape & Visual (Chapter 7) – The effects of changes to the application boundary, the development framework plan and the density and building heights plan submitted as part of the Second Amendment have been assessed in terms of their landscape and visual impact. Details of the effects for each of the changes specified in Section 1 above are described in Chapter 7 of the further information.
- In general, it is concluded that the amendments either provide some benefit to the landscape and visual impacts within the context of the overall site proposals or do not result in significant changes to those impacts previously identified in the further information for the ES in March 2005.
- Ecology (Chapter 8) – Additional technical work involving a survey for veteran trees has been undertaken with specific regard to ecology resulting in some of the minor amendments previously described to the Development Framework Plan.

The effects of changes to the application boundary, the Development Framework Plan and the results of the Veteran Tree Survey submitted as part of the Second Amendment have been assessed for their effects on Ecology. Details of the effects for each of the changes specified in Section 1 above are described in Chapter 8 of the Further Information. The conclusion is that the changes to the DFP would avoid any adverse impacts on Veteran Trees; allow for the retention of an important hedgerow previously identified for removal; avoid fragmentation/removal of other trees and hedgerow sections; reduce the length of infrastructure within the Country Park and reduce the overall area of residential development. Although these are beneficial changes from an ecological perspective, these changes are only considered to be of negligible ecological significance within the overall context of the site.

- Transport (Chapter 9) – The minor amendments to the scheme do not change the overarching traffic impact of the proposed development on either the strategic or local road network. The transport impacts previously identified in the Further Information submitted in March 2005 remain as previously identified. The changes to the application boundary, change in the Main Local Route alignment and in the description of the development are assessed in transport terms. Details of the effects of these changes are described in Chapter 9 of the Further Information.

- The information previously submitted is updated in respect of the status of the Clyst Honiton Bypass (CHBP) and the Phase II Access Strategy proposals.
- The CHBP has been granted full planning permission and negotiations are continuing on the Phase II Access Strategy between this Council, the Highways Agency and Devon County Council. The provision of the CHBP will maintain the traffic flows at a level not exceeding the existing flow on the former A30 at Clyst Honiton and in the short term reduce flows compared to the existing.
- Once the Phase II Infrastructure is implemented there will be an increase in traffic on the former A30 past Clyst Honiton, but this will still be significantly lower than the levels of traffic previously carried by the roads.
- Overall there will be a minor adverse impact upon the former A30 at Clyst Honiton.
- The level of development permitted to use the A30 Airport junction and the A30 trunk road before the Phase II Access Strategy Works are required, will ensure that although there will be an adverse impact it will be only minor in significance.
- These works will also aim to ensure that levels of congestion at the junction 29 of the M5 do not exceed those that would be experienced without the proposed development. Therefore the impact is considered to be neutral.
- A summary matrix of Transport Impacts on the former A30 corridor, the Trunk Road Network and the Local Network following mitigation is set out at Table 9.11.
- Cultural Heritage (Chapter 12) - The likely impacts upon cultural heritage resources arising from the minor changes included in the Second Amendment to the proposed development are outlined. Where additional impacts have been identified, or when previously identified impacts are likely to be of a greater magnitude, appropriate mitigation measures are described. The effects of the removal of fields to the north-east and western ends of the site and the addition of two fields adjacent to the eastern limit of the original site have been assessed in terms of cultural heritage.
- These two additional fields are likely to be remnants of a former medieval landscape, and defined by the Devon Historic Landscape Study. However, they will not be developed for either residential or commercial purposes but will remain as open space, and significant parts of the hedgerows are likely to be retained, so therefore there will not be a significant impact upon the character of this element of the historic environment. Mitigation measures include further phased archaeological investigation and recording completed prior to and, where necessary during development. This will be secured by condition. Given the completion of these mitigation measures it is concluded that the proposed development would have no significant long term adverse impact on the archaeology and cultural heritage of the site or its vicinity.
- Energy and Resource Use (Chapter 14) – The existing utilities infrastructure is examined to ensure that such supplies can be met either by existing sources or through upgrading of off-site infrastructure. Since the original ES was prepared, consultation has been carried out with the Local Utility Providers:
 - Western Power Distribution, (Electricity)
 - Transco (Gas)
 - South West Water (Mains Water)
 - BT (Telecommunications)
 - Telewest (Telecommunications)
 - Cable and Wireless (Telecommunications)

The conclusions are:-

Electricity – Development over and above 1,000 new dwellings is likely to require the provision of a sub station.

Gas – The existing gas network in this area has adequate capacity within it to cater for the development proposals without requiring major off site infrastructure works.

Water – At least 700 dwellings could be supplied from the existing water main at the western end of the site and water supply is also possible from the source reservoirs; but off site infrastructure upgrading may be required to support this.

Telecommunications – A number of suppliers, including BT, Cable and Wireless and Eurobell have expressed an interest in providing new supply to Cranbrook.

A range of mitigation measures will be brought forward as part of the development and delivery process and the requirements during construction and operational phases are examined. During the operational phases, mitigation can be considered in two parts;

- a) Provision of utility services required to serve the development.
- b) Reduction of demand within the deliverable energy strategy.

The ways in which this can be achieved are set out in terms of services, a strategy for minimisation of demand for energy, micro climate design, energy efficiency, minimisation of water demand and renewable energy. These issues are discussed in more detail in the Sustainability Strategy (see 6.0 of this report). Chapter 14 of the ES concludes that, although it is inevitable that Cranbrook will result in the consumption of additional energy resources, the implementation of the mitigation measures suggested anticipate that the impact on energy supplies will be minor. The possible upgrading of existing supplies to the site will have no long term effects and design measures to promote efficiency in the use of resources and to provide for renewable energy regeneration will have the primary role of mitigating the demand for energy. The conclusion is that there will be no residual affects of the New Community on existing service infrastructure within the site.

4.0 APPROPRIATE ASSESSMENT

4.1 Comments from Consultees

Natural England (30/11/06) – “Impacts on the East Devon Pebblebed Heaths SAC/SPA. We welcome the proposal by the applicant to undertake a baseline survey of visitor patterns and usage of the SAC/SPA along with a follow up survey once between 2000 and 2300 homes have been completed. We agree with the proposed timescales for these surveys to be initiated. We would like to take this opportunity to stress the importance of this commitment being secured through either a condition or the S106 agreement. We also advise that the condition/S106 requires the applicants to follow the same methodology which has been used to establish visitor access patterns for the Dorset Heaths and Thames Basin Heaths, rather than designing their own, and that they will cover the whole SAC/SPA not just those areas within 5km of the New Community”.

4.2 Under the Conservation (Natural Habitats etc) Regulations 1994 – Regulation 48, it has been necessary to seek an Appropriate Assessment under the Habitats Regulations to address the potential effects of the proposed New Community on the East Devon Pebblebed Heath SAC/East Devon Heath SPA. It was identified that there was the potential for risk to the site being created through the increased recreational pressure resulting from a growth in visitor numbers particularly through dog walking, damage to eggs and nests through trampling and a damaged heathland and mire vegetation through trampling and localised eutrophication due to dog fowling resulting in vegetation changes and disturbance to birds species.

4.3 A report was prepared by Ecology Solutions Ltd to advise the Competent Authority i.e. East Devon District Council to determine whether or not the proposed development either alone or in combination with other plans or projects was likely to have a significant adverse affect upon the East Devon Pebblebed Heath SPA. The Appropriate Assessment was undertaken in

consultation with and advice from, Natural England, (formerly English Nature) the Appropriate Conservation Body.

- 4.4 The conclusion of this report is that the new settlement will not adversely affect the integrity of the Pebblebed Heath SPA/SAC. Whilst the evidence does not unequivocally prove no adverse impact, such a requirement is neither in the regulations nor the report concludes, correct in law. The competent Authority discharges its responsibilities on the basis of the normal civil burden i.e. that it would be more likely than not that there would not be an effect. The mitigation measures though not necessary have been proposed in the light of a precautionary approach bearing in mind the relevant case law. There is a further factor that must be considered in the circumstances of the New Community – an Inspector appointed by the First Secretary of State to consider an appeal into another proposal considered such factors as existing green space closer to the proposed development site and latent capacity as material factors in reaching a conclusion that in that case there would be no significant effects. Accordingly, the provision of the Country Park within the first phase of the New Community adds weight to the conclusion that there will be no impact on the SAC/SPA.
- 4.5 **Natural England's Response:** Natural England is satisfied that the conclusions drawn in the report are based on the best information that is reasonably available and is scientifically robust. However it points out that the endorsement of this approach and conclusion should not be taken as Natural England's agreement with all the detailed points and generalisations made in the report. One of the main constraints in making a more site specific assessment of potential impact is the lack of base line data on current visitor patterns specific to the SAC/SPA. The count data for Woodbury Castle collected by the East Devon AONB gives a basic numbers count but does not provide the other data which is required to build up an accurate picture of the current user profile i.e. how far they are travelling, where from, how often and what they are coming to the site for. Natural England therefore welcomes a proposal within the report to establish this base line data and put in place monitoring to measure in the actual increases in visitor numbers which result from the development. Natural England agrees with the proposed timetables for these surveys to be initiated i.e. the base line survey following grant of planning permission and expiry of any judicial review period and the monitoring survey between 2,000 and 2,300 homes having been completed. The information from the surveys will be valuable to EDDC in future assessing of the potential impacts resulting from increasing population growth in the area East of Exeter i.e. in the Regional Spatial Strategy. Finally, Natural England suggests that a commitment is obtained from the applicants that they intend to follow the methodology which has been used to establish visitor access patterns for the Dorset Heaths and the Thames Basin Heaths rather than designing their own and that they will cover the whole SAC/SPA and not just those areas within 5 kilometres of the New Community. This will ensure that the data generated is fit for purpose and consistent/comparable with other surveys of this nature.
- 4.6 The developers have written to confirm that they are content with the method to be adopted for the surveys which will meet with the requirements of Natural England. The provision for these surveys is to be provided for within the Section 106 Agreement.

SUPPLEMENTARY REPORT
SECOND AMENDMENT

PART TWO

THE STRATEGIES

5.0 THE STRATEGIES

- 5.1 The background to the requirement for the 6 Strategies which have been submitted with this outline planning application is to be found in the New Community Supplementary Planning Guidance Document (SPG), which set the aspirations of this Council for Cranbrook in advance of the submission of the planning application. The Strategies are intended to set out the strategic vision for Cranbrook – how it will evolve, its character and appearance, its sustainability credentials, its composition and functionality and its anticipated environmental pedigree. To that end they should contain the key principles and objectives needed to ensure delivery of the vision for this modern market town.
- 5.2 The Strategies are not intended to provide the level of detail sufficient to support a “Full” planning submission. That detail will be found in the future Action, Business & Management Plans which will accompany the Reserved Matters submissions. At this stage, how and where provision will be made cannot accurately be pinned down. The design and make-up of the settlement will evolve over the years that it will be built out over and it is important that the Strategies are sufficiently robust to provide the necessary guidance but flexible enough to accommodate a changing environment – a term used in its wider sense. There will be an over-arching requirement for the Strategies to be reviewed during the life of the permission – refer to “Conditions” below.

6.0 SUSTAINABILITY STRATEGY

6.1 Comments from Consultees

Environment Agency (27/11/06)

The Environment Agency makes a number of comments in respect of the Sustainability. It suggests that an assessment of the use of micro and building integrated wind turbines be included in the strategy as it is cited in the emerging Regional Spatial Strategy. The Agency is keen to see at least a proportion of the proposed solar panels to be installed on social housing units to reduce heating bills.

It also seeks clarity about the commitment to non-residential developments achieving 30-50% of their energy needs from on-site renewable energy. The Agency suggests that public buildings incorporate rainwater harvesting and that ‘green roofs’ (e.g. sedum) be considered for additional environmental mitigation benefits.

Devon Sustainable Buildings Initiative (Nov 2006) World Wildlife Fund and Devon Association for Renewable Energy joint consultation response – See Appendix 16.

- 6.2 This Strategy is the key Strategy of all those submitted with this application and its genesis lies within the Supplementary Planning Guidance for the New Community which was adopted by this Council in April 2005. This stated that the objective of developing in a sustainable manner underpins development policy at National, Regional and Local levels throughout the United Kingdom. In addressing the regional priorities for development particularly in the Exeter context, the New Community has emerged as the most sustainable option. The identification of the New Community in this location has followed a number of assessments and detailed evaluation of alternatives. Sustainability appraisals have been conducted at each stage of that process. Working within this strategic context EDDC has been anxious to promote high quality sustainable standards for the New Community and to this end has wished to see a sustainable and healthy New Community in which people will positively choose to live, work and play. It will be a vital, vibrant and distinctive community which should accommodate all sectors of society.
- 6.3 In order that the New Community is sustainable, taking account of current thinking and demonstrating best practice measures the District Council will seek to ensure that all aspects of sustainable development be considered fully at all stages of the New Community development. This will be from the initial design through the detailed design and construction phases and right up to the future occupation and management of the community and effective

project management is required to that end so that sustainability can be integrated in a planned and well managed way. Different aspects of sustainability will need to be prioritised according to need, feasibility and availability of resources.

6.4 In promoting a sustainable New Community, sustainable development should be regarded as the point at which economic, environmental, and social and community considerations (equal and interdependent) meet. Decisions should seek to promote each objective, create positive interrelationships and reconcile tensions. Promoting a sustainable New Community will require a multi agency partnership approach – it cannot all be left to the developers to resolve and this will involve not only the developers and builders but service providers, utility companies, Government Agencies and Local Authorities. This will be returned to in the analysis section below.

6.5. **Summary of Sustainability Strategy:** This document states that it aims to promote a clear understanding of how the proposed development of a New Community at Cranbrook will be sustainable. Specifically it lists the following as the key aims of the Strategy:-

- All homes will be designed to obtain EcoHomes 2006 Very Good rating and all non residential buildings designed to obtain BREEAM Very Good rating.
- The insulation standards of a minimum 10% improvement on the 2006 Building Regulations will be achieved.
- Energy efficient lighting and appliances will be specified.
- Homes will include high efficiency, gas condensing boilers as standard. Boiler efficiency levels of better than 90% will be achieved using these products.
- Selected non residential buildings will be promoted to deliver 50% low carbon output.
- All units will be connected to a green electricity supply.
- The development will be constructed in accordance with sustainable construction principles including minimising pollution and waste.
- Combined heat and power (CHP) and micro CHP will be considered for the education campus.
- The Consortium will aspire to deliver 16.4% overall of total energy from on site renewable sources based on the assumptions set out in the Strategy. The goal is that, of the non residential buildings, 30 – 50% of their energy will be sourced from renewable sources whilst for residential buildings 9.5% on average will be sourced through solar water heating panels on a 1000 homes.
- The Consortium will assess the viability of ground source heat pumps at the detailed design stage for some non residential buildings.
- A new railway station is proposed together with new frequent bus services which will offer a sustainable public transport service.
- Cycle and pedestrian facilities and routes will be incorporated where possible to encourage this mode of transport.
- Extensive outside space will be available to residents with the development of a Country Park, Town Park, Ecology Park and various open and play spaces.
- The average density will be 40 – 70 dwellings per hectare in the town centre and 30 – 40 dph elsewhere.
- A 10% improvement on the 2006 Building Regulations will be achieved for acoustics.
- There will be a Strategy for ecological mitigation and biodiversity enhancement.
- There is a Strategy to minimise water through a sustainable urban drainage system and low use sanitary fittings.
- Recycling will be encouraged through external storage and segregation facilities and composting to some units together with education to residents.
- The development will create a mixed use scheme including 2,900 houses and up to 24,200 square metres of retail and employment space, plus other non residential uses (e.g. community, leisure, hotel, restaurants) and, with a variety of house sizes and types and mixtures of tenures.
- Community development will be fostered through the distribution of a Welcome Pack on arrival, community extranet, appointment of a youth worker, on going consultation and education and training facilities on site.

- The scheme includes the provision of two primary schools, one secondary school and a special needs school.
 - The sustainability assessment shows that good or best practice is achieved for 98% of the categories and factors.
 - Delivery of sustainable elements will be monitored through the certification of EcoHomes and BREEAM.
- 6.6 **Analysis of the Sustainability Strategy** : Sustainability should be considered holistically and it is the overall package of measures proposed by the developers of Cranbrook that should ultimately be assessed and not merely individual sections. The overall package of proposals goes along way achieving the aims of the SPG, particularly in terms of the wide range of facilities and amenities planned for Cranbrook as well as education provision, community buildings and sports, recreation and open spaces. The site itself plays a key role in this as the flood plain allows for the creation of a Country Park.
- 6.7 That said there are some key aspects of the sustainability package that are fundamental to delivering the exemplar development set out in the SPG. These will be the standards against which Cranbrook will initially be judged but also the measures that will ensure Cranbrook is and remains a sustainable development through its lifetime.
- 6.8 The direction of travel for sustainable development standards is clear. Requirements will more stringent and quality thresholds higher. This is reflected in Government Planning Policy PPS1, PPS3, the emerging Climate Change PPS, the consultation document: Code for Sustainable Homes and the emerging Draft South West Regional Spatial Strategy (RSS). At the heart of the current raft of changes is the delivery of sustainable communities and not merely the anticipation that they may be delivered. Realistic and practical steps towards creating sustainable settlements should be committed to wherever possible but without risking the viability of the whole.
- 6.9 The Council is keen to deliver Cranbrook as a realistic and sustainable community. Through the negotiation period the Council has sought to encourage the developers to present at a range of measures that will achieve this. The Council is not seeking to place undue financial burden or disproportionate cost on the developers. Rather the Council has sought to secure the aims of the SPG where possible within a realistic and achievable framework whilst having due regard to policy requirements and the direction of travel.
- 6.10 It is against this backdrop that the Final Report of the Sustainability Strategy has been assessed. The strategy has progressed significantly in recent months and is now a far more comprehensive and rounded document than previous drafts. The developers should be commended for the progress that has been made.
- 6.11 **Eco Homes & BREEAM**
- In respect of EcoHomes and BREEAM the Council has secured:-
- EcoHomes 2006 'Very Good' standard for all dwellings; and
 - BREEAM 2006 'Very Good' standard for all non-domestic buildings.
- 6.12 The developers have committed to using the BREEAM 2006 standards for non-domestic buildings. This covers offices, retail, schools, industrial developments and also Bespoke BREEAM. This last standard is important as the assessment method can be tailored for non-standard building types such as the proposed multi-use building. In addition to this an assessment method for Cranbrook's proposed health buildings will need to be determined. BRE have developed NEAT (NHS Environmental Assessment Tool) for health trusts and NHS estates. This may be the developers preferred method of assessment but it will need to be agreed with East Devon PCT. Alternatively, bespoke BREEAM may be used for the Health and Well Being Centre. The DCC Education Service will need to agree to the use of BREEAM for schools.

- 6.13 The BREEAM assessment method is regularly updated. Although the developers have committed to working to the latest EcoHomes standards as of 2006 they do not propose to use the latest standards as they are revised and published by BRE. Their approach is to pin the standards to the 2006 version only. It is likely therefore, that EcoHomes/BREEAM 2006 'Very Good' standard may fall below that of any update to EcoHomes/BREEAM in the future.
- 6.14 Devon Sustainable Building Initiative, involving the World Wildlife Fund (WWF) and Devon Association for Renewable Energy (DARE), sustainability advisors to the Council during the negotiation period, state in a comprehensive response to the Sustainability Strategy that they share the concern of the Council with regard to static EcoHomes and BREEAM commitments. They believe Cranbrook could be building to out of date standards in years to come. They also believe the achievement of EcoHomes 'Very Good' does not satisfy the requirements of the SPG and that achieving EcoHomes 'excellent' is realistic at Cranbrook. They, Devon County Council and The National Trust are also concerned that the standards to be achieved are not high enough in relation to emerging policy.
- 6.15 During the course of negotiations the developers have been brought a long way from their initial offer of EcoHomes 'Pass' to the EcoHomes Very Good (an increase of two levels) to the 2006 standard. The resolution of the Development Control Committee in May 2005 was that EcoHomes 'Very Good' be achieved for this development and whilst the SPG has the aspiration of Excellent this has to be balanced against the other elements that have been achieved through negotiations. The references made by the County Council in its report to its Development Control Committee in November 2006 refers to some aspirational policy documents and it is important in judging this application that an equitable balance is achieved between the various elements the Council is seeking in the development of this new town. The Housing Corporation in giving its grant offer of in excess of £13m over the life of the development has required Eco Standard 'Very Good' for it is both the social rental and Homebuy elements (shared equity) and with the rest of the housing market being brought up to the same standard there will be equity across the settlement. No doubt standards will move on and indeed there has been a recent draft document out for consultation: Code for Sustainable Homes which has a five level standard to which the County Council has made frequent reference. However, this document is not yet a published document and whilst material in the sense that it reflects the Government's thinking on this subject it cannot be attributed weight or can any element of the development be required to be in compliance with the standards within it as these may change between the draft document and the final published version. It is anticipated that the next tranche of development i.e. to 3,500 houses will be submitted to the Council in the not too distant future and with the draft Regional Spatial Strategy suggesting a further expansion, there are going to be further planning applications for more development and as the town evolves and expands it is anticipated that the standard of sustainable construction will rise in line with current thinking at the time. Further, the recent and anticipated alterations to the Building Regulations are likely to drive the whole system into a regulatory and compulsory regime which will overtake the standards currently being suggested in this strategy.
- 6.16 **Renewable Energy:** To reflect the importance the District Council places on the need to achieve sustainable development and mitigate climate change, a very challenging renewable energy target of 30% has been included in the New Community SPG. The SPG for the New Community requires that the Strategy will seek to provide a community heating/combined heat and power scheme serving parts of the community and (if found to be viable) nearby employment sites and will progress towards delivering the equivalent of 30% of the communities energy needs within or in the vicinity of the New Community using renewable energy generation technology. Indeed a recent Town & Country Planning Association report¹ reveals just how challenging this target is. Of the Local Authorities that have set or are developing challenging renewable energy targets there are a number that seek 20% renewable energy but only two, Guildford and Kirklees, require more than 20%. They are seeking to secure 25% and 30% renewable energy respectively but by 2011. This allows time

¹ TCPA Using the 'Merton Rule', July 2006

for the local development industry to gear up for the change ahead. At this time neither requirement is adopted policy

- 6.17 Other Local Authorities have taken a stepped approach such as requiring 10% RE now, 15% by 2010 and 20% by 2020, for instance. This is essentially the approach taken by the EDDC in requiring work towards delivering 30% renewable energy for Cranbrook but without setting percentage or time targets.
- 6.18 The Sustainability Strategy states that 55% of Cranbrook's predicted energy demand will be supplied from renewable energy. On closer examination this figure is 16.4%, as the remainder is derived from a 'Green Tariff' or renewable energy supplied from a large national supplier of energy via the national grid. This form of renewable energy cannot be classified as contributing to Cranbrook's renewable energy supply as it cannot be guaranteed into the future as householders and businesses have the right to switch suppliers and move away from 'green energy' if they wish. This stance is supported by PPS22 and the draft RSS for the South West. It is however a welcome top-up and a very positive measure that the developers have committed to.
- 6.19 The 16.4% renewable energy aimed to be provided from renewable sources for Cranbrook reflects the requirement to work towards the 30% renewable energy set out in the Supplementary Planning Guide. The Strategy sets out how 16.4% of total energy is to be derived:
- 9.5% renewable energy from Solar Water Heating to 1000 dwellings; and
 - 6.9% renewable energy from non-domestic development (30-50% of total energy demand).
- 6.20 It should be noted however that 30-50% of total energy demand for non-domestic development from renewable energy is a significant burden for these projects to bear and it will need to be demonstrated whether they would be financially viable if this commitment is to be realised. In addition to this, selected non-residential buildings will reduce their carbon emissions by 50% - another welcome commitment and significant progress towards carbon neutral development.
- 6.21 One of the weaknesses, however, of setting a range of renewable energy percentages is that the lower end of the range may only ever be delivered. The Sustainability Strategy sets out that up to 50% renewable energy is achievable for non-domestic buildings. How this is achieved will need to be set out in greater detail in the Sustainability Action Plan that will flow from the Strategy.
- 6.22 The submission of Devon Sustainable Building Initiative, World Wildlife Fund (WWF) and Devon Association for Renewable Energy (which has worked with the Council on encouraging development of the strategy), contests the figures for renewable energy assumptions of the Strategies. It believes that solar water heating to 1000 dwellings will only produce around 3.74% - 4.49% renewable energy and not the 9.5% stated due to the assumed percentage of hot water demand that solar water heaters can provide. The alternate figures from the group are:
- 3.74% - 4.49% RE from SWH to 1000 dwellings depending on the energy demand assumptions used.
 - 6.9% RE from non-domestic development (as per the strategy); and therefore a total of 10.64% -13.36% of total expected energy demand from renewable energy depending on the assumptions used.
- 6.23 Clearly there is a difference of opinion as to the efficiency of the solar heating panels (each of which cost approximately £2,500 but this can be resolved by including clauses within the Section 106 Agreement fixing the specific target of 16.4% renewable energy being provided

within the Cranbrook development and then it remains for the developers to find the way of delivering this. For reference the nationally accepted Merton rule benchmark is 10% of renewable energy although there are a number now of Regional Spatial Strategies looking to drive the figure on between 20 and 30% and the Draft Regional Spatial Strategy for the South West is looking for 30% for 2026 (compared to 1990 levels) and again the point made above about the evolution and expansion of the development will allow the opportunity to move this standard on to meet the requirements of the Regional Spatial Strategy when it is adopted and forms part of the Development Plan.

- 6.24 This is an area where the developers will need to work alongside other agencies to take the technology and management of renewable energy delivery and carbon omissions forward and this will form part of the work that the East of Exeter Delivery Team will be tasked with facilitating.
- 6.25 **Carbon Emissions:** It is noted that the Sustainability Strategy does not state a carbon dioxide emissions target rate per building and in particular dwellings. During negotiations, the developers had committed to a dwellings carbon emissions rate of no more than 20kg/m²/per year, which scores 10 eco points in the EcoHomes rating system, but this has been removed with no justification. The Council is keen to have this reinstated in the strategy to help minimise Cranbrook's carbon footprint.
- 6.26 **Water Use:** An earlier version of the Sustainability Strategy contained a commitment to achieving a water use target of 43 cubic metres per bed space per year. This scores 6 Eco points and is in excess of the minimum standards set out in the Code for Sustainable Homes.² Again this specific commitment has been removed but the Sustainability Checklist refers to EcoHomes and BREEAM. The Council is keen to reinstate a minimum water use target of no more than 43 cubic metres per bed space per year. It is noted however that a target of 40 cubic metres per bed space per year scores 9 Eco points.
- 6.27 **Social Sustainability:** It is unusual in a report such as this to say that the developers appear to be underplaying what they are committing to but that does appear to be the case. Whilst there is reference to the funding of a Youth Worker and Country Park Ranger, for instance, there is no mention of a Community Development Worker or a faith worker.
- 6.28 The Council has secured funding for three specific community development posts (community development worker, youth worker and country park ranger) and the provision of accommodation for a faith worker. It is assumed that at this time the provisions set out in this regard are sufficient to assist in developing a sustainable community from the outset. However in addition, the Sustainability Action Plan should include the need to establish a dialogue with other service providers and voluntary groups to further assist.
- 6.29 The Council is concerned however, that the strategy does not actually represent any significant commitment to social or community sustainability and helping to develop the social fabric of the new town other than the funding of posts. There are some interesting ideas, such as the extranet and health promotion campaign but there is little detail at this stage.
- 6.30 Perhaps it is too early in the process to expect a greater level of detail in respect of these issues and it may not be desirable for the developers to specify what may be done at this time as it is best left to other organisations, such as the PCT for instance, to help develop some of the ideas alongside the developers.
- 6.31 The County Council's report makes reference to an aspiration for 100% Lifetime Homes and a percentage of wheelchair accessible homes within the New Community. The SPG requires that an unspecified percentage be delivered and in the negotiations the rented sector of the affordable homes package will have a 10% Lifetime Homes requirement for which the Housing Corporation will pay £10,000 per unit. This is a significantly higher figure than other research suggests that it costs to convert homes to Lifetime Homes but unfortunately the

² DCLG, 'Proposal for introducing a Code for Sustainable Homes – A consultation paper', Annex B, page 25

County Council came to the table very late in the negotiations with the suggestion and it would be necessary to unpick various elements to build this in at this stage. It is therefore suggested that this be taken forward in the next phase of the development up to 3,500 homes and beyond but not that it forms part of this particular application. There is however the question of sensory and inclusive design to be incorporated into this Strategy and it will need to commit to the development of the Strategy Action Plan to be used as the delivery tool.

- 6.32 Aside from the EcoHomes and BREEAM, the Strategy does contain clear methods for assessing the implementation of the sustainability commitments. It is important that all parties involved in delivering Cranbrook are clear about the role in developing a sustainable community. Key performance indicators linked to clear commitments are a method by which the successful implementation of Cranbrook can be measured. This needs to be incorporated into the Strategy and will overcome the caveats and lack of commitments within the main body of text although the executive summary is more specific. Energy, water and materials used in construction should be minimised for example and clear targets and means of recycling construction materials should be included and is likely to be found within the Construction and Environmental Management Plan (CEMP) that is required post-outline consent but pre-reserved matters submissions, by condition.
- 6.33 **Conclusion:** The total package of sustainability measures generally satisfies many of the requirements of the Supplementary Planning Guidance and the Council has secured EcoHomes and BREEAM Standard Very Good as required by the Development Control Committee in its previous resolution. The Section 106 Agreement will be used to peg standards and targets from this Strategy to reassure itself that these will be met by obligation.

7.0 **STRATEGIC DESIGN GUIDANCE**

7.1 **Comments from Consultees**

Creating Excellence (CE) Mark Pearson, Head of Design South West and a Member of the Cranbrook Design Review Panel (29.11.06) with SDG critique attached. See Appendix 14.

Creating Excellence (CE) questions the relationship between the new settlement and the former A30. It seeks clarity about the roles of the Main Local Route and the former A30 as a driver for economic development, solar orientation and micro-climate.

CE has some concerns about the relationship of the Hamlets to the “social infrastructure” of the town. They would expect to see a mix of uses in the Hamlets, as a focal point, rather than just housing.

The issue of density is mentioned in their comments, and CE highlights the danger of over reliance of the ‘perimeter block’. It suggests that density can vary more greatly than that described with higher density areas nearer to the main route and lower density towards the edge.

CE is keen to see the green spaces more integrated into the design of the public realm to reinforce a sense of place and highlight the need to carefully incorporate existing hedgerows into the design it is to be successful.

Devon County Council (29/11/06)

Devon County Council are seeking several amendments to the Strategic Design Guide to provide a clearer structure and a greater focus for the implementation of design standards.

In particular the County Council are keen to ensure that sustainable forms of transport can be accommodated and that bus priority lanes can be retro-fitted if necessary. The County Council do accept however, that this may not be compatible with good urban design. They do not agree that the western gateway has been agreed and seek clarification as to the specific function of each street type including Homezones, the commitment to cycle parking across the

town and strategic design guidance for the Town Centre and car parking standards, an omission from the SDG at present.

In addition to this the County Council have queried the commitment to flexible and adaptable buildings, as the Building for Life standard has not been cited, and how the density range proposed accords with emerging RSS policy.

Devon & Cornwall Constabulary (28.11.06)

The Police Crime Reduction & Architectural Liaison Officer seeks to ensure that the SDG takes crime prevention design measures such as Crime Prevention Through Environmental Design (CPTED) and Secured by Design (SBD) into account. They go onto say that in their experience social housing developers are keen to have their developments SBD assessed to help crime reduction and promote safety and security.

7.2 For all other consultation responses, the relevant issues have been addressed in the analysis section of below.

7.3 **Summary of the Strategic Design Guide (SDG):** The development consortium and their consultants have developed the final submission of the Strategic Design Guide (SDG) in conjunction with EDDC and Devon County Council. This has been undertaken on the back of extensive consultations including the 2004 Stakeholder Workshop facilitated by Oxford Brookes and subsequent workshops including Exeter City Council.

In terms of design, the SDG essentially deals with several primary issues:

- The Vision for Cranbrook;
- An assessment of the distinctiveness of Devon settlements and how they can inform the design of Cranbrook;
- How to create or recreate this distinctiveness for Cranbrook; and
- Design principles.

7.4 In addition to this, the SDG also contains information about implementation, phasing and a housing Strategy. These are pivotal documents that will help to deliver a balanced and sustainable community at all stages of development.

7.5 The Cranbrook Design Manual Volume 1: Strategic Design Guide broadly satisfies the following criteria of Chapter 9: Urban design of the SPG in respect of:-

- creating an urban form appropriate to the needs of a sustainable 21st century community;
- creating an architecturally distinctive settlement;
- being informed by current best urban design practice;
- drawing upon the historic building traditions of the area;
- being set within a rural landscape;
- developing a vibrant town centre for the New Community and the surrounding area close to the physical centre of the New Community;
- incorporating a permeable network of clearly defined, direct routes encouraging pedestrian and cycle trips to the centre and ensuring easy access by public transport;
- developing high quality routes from the station to the town centre;

- greater density of development in the town centre and neighbourhood centre;
- having regard to the need flexibility and the adaptation of uses as needs arise and as the community develops;
- setting out the key principles for development;
- developing a broad palette of materials – although not agreed; and
- providing a wide range of housing types in terms of size, density, price and tenure including some specialist housing (including sheltered housing and/or retirement homes);

7.6 **Analysis of the Strategic Design Guide**

7.7 **The Purpose and Scope of the Strategic Design Guide (SDG):** There is a clear sequence of documents that relate to the planning application and delivery of Cranbrook. This sequence has 4 basic levels of detail ranging from the general to the specific. They are:

- Outline planning application and Development Framework Plan (drawing ref WCN028/AA/006B);
- Master Plan and Strategic Design Guide;
- Design Codes; and
- Reserved Matters Applications.

7.8 The SDG should be read in conjunction with the Master Plan to develop the Vision for the community and set out the basic information upon which to build the Design Codes, the next and more detailed level of design guidance for the development of Cranbrook. Therefore the SDG should set out community wide design guidance to provide a level of certainty as to the quality and character of development to be achieved.

7.9 **Mixed Use Development:** The Development Framework Plan which accompanies this application gives a clear indication of the intended disposition of land uses across the site, the alignment of the Main Local Route (MLR) through Cranbrook and the retention of structural landscaping etc. It sets out the basic disposition of uses across the community and contains the areas of mixed uses and single uses that one would expect in a settlement and typical of many if not all Devon towns. This makes facilities and amenities easily accessible although wide dispersal negates against the benefits that can be accrued from co-location of certain uses and indeed this is one way of reducing trip generation, especially by car although this may be reduced as walking and cycling route ways have been built in to the overall design for the settlement in an extensive way.

7.10 The neighbourhood centre west of the Country Park, will serve the immediate needs of the residents in this area and access to the town centre is provided across the Country Park or via the former A30. In time, given the Draft Regional Spatial Strategy indication that Cranbrook will be capable of significant expansion there is likely to be a need for at least one further neighbourhood centre east of the town centre. Therefore the flexibility of buildings to accommodate changes of use is important in this area as is the planning of any eastward expansion to deliver local facilities to support resident's needs.

7.11 **Design Codes:** The Strategic Design Guide makes reference to detailed Design Codes throughout and begins to set out their scope in the section on implementation. A great deal of emphasis is placed on the codes as a delivery tool for the high quality development aspired to. The SDG states that the codes are technical document and this is the agreed approach. The role of the codes is to define, in much greater detail and with varying levels of prescription, the strategic principles set out in the SDG.

- 7.12 In the experience of The Commission for Architecture & the Built Environment (CABE) and DCLG (formerly ODPM) design coding works best where it relates to a robust Master Plan that is flexible and capable of review over time. Community wide design guidance should be set out in the SDG/Master Plan and developed in detail through the Design Codes. This is the intended process agreed with the Development Consortium and the County Council and allows for the co-ordination of design approaches across the whole site and a consistency of approach through each phase of development. It is intended that the Design Codes will be reviewed as phases of development are completed to ensure that they remain the appropriate delivery tool for high quality development. This is not reflected in the SDG but will be fundamental part of the success of using Codes.
- 7.13 Whilst the SDG now contains a greater level of information about design, visual appearance, and materials together with the scope of the Design Codes they are yet to be agreed. The Council will require and need to approve the Design Codes for each phase prior to commencement of the work of that phase and not merely prior to the commencement of residential or commercial elements of that phase. The wording of the SDG appears to suggest that all other works excluding residential or commercial can be built out. This could include street and roads, open spaces, cycle routes, footpaths and all other types of development. It is intended that the Council will adopt agreed Design Codes as supplementary planning documents linked to the emerging Local Development Framework.
- 7.14 The Strategy identifies 10 strategic design principles that will help to create the character and sense of place in Cranbrook. These are:-
- | | |
|-----------------------------|------------------------|
| 1. Built form and townscape | 2. Sustainability |
| 3. Materials | 4. Density |
| 5. Building heights | 6. Movement |
| 7. Landscape | 8. Biodiversity |
| 9. Drainage | 10. Sport & recreation |
- 7.15 **The Built Form and Townscape:** The basic building block of Cranbrook is to be the perimeter block served by an intricate network of streets with animated frontages. Local distinctiveness will not be achieved simply by an architectural style but also by the public spaces created, the retention of the existing landscape features and by new planting. It is proposed to ensure that where possible the existing hedgerow structure of the site will be incorporated into the streetscape and that the whole layout will preserve a memory of the landscape morphology reflecting the general pattern of historic field boundaries.
- 7.16 The absence of the specific architectural style for this settlement still needs to be addressed. It has been the Council's position that it is looking for a modern interpretation of a market town with architecture redolent of the 21st Century rather than delivering a pastiche replica of an existing historic settlement. It is a key element that is missing from this Strategy and does need to be addressed. The clearly legible townscape with landmark buildings in prominent locations to assist with way-finding and the use of taller buildings and groups of buildings to differentiate between the built form of the town centre and the purely residential areas has also yet to be satisfactorily agreed. Nevertheless the Strategy has improved during the course of negotiations on it and overall on this aspect generally achieves the Council's aspiration for a high quality and well designed town. The interface between the high quality architecture expected on the main route way through the settlement and the rather more homogenous "Hinterland" behind it needs careful thought. The developers have suggested the use of five hamlets throughout the settlement and whilst there is justification for localised focal points the attempted replication of a settlement created from five former smaller settlements is less enticing.
- 7.17 **Sustainability:** The applicants have submitted a separate Sustainability Strategy and this is dealt with separately in this report. The applicants attitude to this important issue has developed considerably during the negotiation period and a clearer set of commitments has been included that better reflect the requirements of the adopted Supplementary Planning

Guidance document. There is a need to tidy up the relationship between this Strategy and the Sustainability Strategy in relation to references to BREEAM and energy conservation. There are identifiable links between sustainability and the design Strategy also it is believed that this is not yet gone far enough in that environmental sustainability does not appear to be one of the key drivers to design principles. It became clear during negotiations that the sustainability requirements in terms of sustainable construction have had to be bolted on to the design principles and it is unclear for example at this stage how orientation of the perimeter blocks is likely to deliver the quantum of renewable energy that the Sustainability Strategy promises i.e. putting solar water heating panels on suitable roof planes along the main Linear route.

- 7.18 **Materials:** This Strategy states that the dominant wall materials for Cranbrook will be rendered in a palette of colours ranging from old English white to Jurassic red together with red brick with the occasional use of re-constituted stone for buildings and natural stones for walls and Devon banks in the Hinterland. Roofing materials will predominantly be slate grey in the central area with terracotta elsewhere. The material range is fairly restricted although obviously this Strategy only acts as a guide. Nevertheless the mass use of brick in the Hinterland is of concern and more work needs to be done to breakdown the character of the various neighbourhoods that will emerge across the town.
- 7.19 **Density & Buildings Heights:** The application Illustrative Density Plan differs from the key plan within this Strategy document and it is considered that the former should be taken as the proposed density distribution indicator. It is agreed that the proposed net density range is acceptable for this sort of community in a rural area. The density range will broadly provide the urban character set out in the Council's Supplementary Planning Guidance Document and locate more housing in the most appropriate locations i.e. near the public transport route and in the neighbourhood and town centres. The County Council has referred to the Draft Regional Spatial Policy in its response and particularly to Policy H2 and the requirement for planned urban extensions to Strategically Significant Cities and Towns which requires that they and adjacent new communities achieve a density of 50 dwellings per hectare or more overall. This will require a step change in the approach to density at Cranbrook which presently has sought to balance efficient land use with the established rural setting within which Cranbrook will sit. The Draft RSS which has completed its first round of public consultation and is now submitted to the Secretary of State for consideration ahead of an examination in public it is a material consideration but does not carry the weight of adopted policy at this time.
- 7.20 Creating Excellence is the South West Centre for Sustainable Communities and it has queried whether the layout of Cranbrook is being used in the most efficient manner. It suggests that in order to differentiate character areas and to better reflect the character of Devon settlements greater density of development could occur along more of the Main Local Route (MLR) and slightly lower density areas be developed away from this towards the edge of the settlement. However, this appears to be the thrust of the current density plan with the majority of the development along the MLR being at the higher density. Alongside its approach it is considered that development of up to 5 stories high is acceptable in key locations, particularly the town centre which is at a lower contour than the edge of the settlement towards the former A30. This change in topography will help to disguise the higher heights deeper into the settlement.
- 7.21 **Movement:** The County Council as Highway Authority has advised this Council that much of the text in this document is acceptable in relation to highway issues in that it will provide safe attractive but adoptable highways within the development. There are tensions between various competing elements of design for the town from a movement and highway perspective. The desire to make any street a place incorporating good urban design, the needs of cyclists, the needs of busses to travel unimpeded throughout the community and the needs of pedestrians, all compete with each other and are not always mutually compatible. For instance if bus lanes were to be provided throughout the community the sense of good urban space could well be lost. Nevertheless from a highway point of view it is felt that the document now broadly has achieved the right balance subject to a number of detailed issues

that have been listed by the County as Highway Authority in the Development Control Committee report of 29th November 2006 referred elsewhere in this report.

- 7.22 **Landscape:** There is a separate Landscape Biodiversity & Drainage Strategy prepared by the applicants to support the outline application, and is addressed elsewhere in this report.
- 7.23 **Biodiversity:** Again this is addressed in more detail in the Landscape Biodiversity and Drainage Strategy which in respect of diversity seeks to achieve two main facets namely the protection measures and the enhancement and management of natural features.
- 7.24 **Drainage:** As above, the Drainage Strategy forms part of the Landscape Biodiversity and Drainage Strategy and the remarks and comments of the Environment Agency have been dealt with in that section. It has been suggested that water, the control of which will be a key feature in the future of this town, could be used in a more creative sense within the townscape of Cranbrook in order to reinforce the sense of place and distinctiveness and reflect East Devon settlements such as Beer and Otterton both of which have rills that run parallel to the street. When seeking to incorporate water into the townscape it can either form part of the SUDS Scheme, work with the natural contours of the site to channel water or act via a planned intervention such as a fountain. None of these is currently proposed but it is not considered essential to the development of Cranbrook. That said, relaxing the strict limitation on the current SUDS Scheme to the edge of the Country Park may add to the townscape at the western end of the high street and introduce green or indeed blue features further into the townscape.
- 7.25 It is a key principle of this Strategy that no building development will occur in the 1:1000 year flood plain of the site other than the station and its essential infrastructure. Where part of the secondary school campus is shown as within the flood plain there are limiting conditions attached to this report which would control the use of that land to those sensitive to the maintenance of a flood plain and pro-active in the creation of habitats.
- 7.26 **Sport & Recreation:** The location of sports and recreation areas has been considered in a wide sense and the disposition of the range of areas for leisure and sports activities across the New Community is considered acceptable. Of relevance to this is the Country Park at the heart of the plan, the Ecology Park to the north of the town centre, other formal and informal open spaces in the western area and the community playing pitches at the eastern end of the site adjoining the former A30. It is thought necessary to seek to secure temporary provision of recreation space as the community develops to ensure that active lifestyles are encouraged at all stages of the development in advance of the permanent provision being made which are likely to be at the boundary between the current application site and the future eastward expansion of Cranbrook. A welcome addition shown on the Development Framework Plan is the proposed skateboard park close to the education campus.
- 7.27 **Public Realm:** The SDG does not have any specific reference to public art and generally negotiations with the applicants have centred on a scheme for materials uplift. Public Art South West has indicated that it is concerned that this is a notable omission. It points out that this exemplar community could benefit from culture and creativity being built into the fabric of the settlement. It believes that integrating the work of artists into the design will help to create a sense of place particular to Cranbrook and that the social fabric of the community can be developed through community art projects. This is an area where this Strategy needs to rectify the omission to show that a holistic community wide approach to public art has been taken.
- 7.28 The SDG does not mention any specific measures in relation to crime prevention design measures such as Crime Prevention Through Environmental Design or Secured by Design. The Devon & Cornwall Police Architectural Liaison Officer would look to see these principles enshrined in the development. This needs to be clarified with the developers and the SDG amended accordingly. None of the Strategies and particularly this one sets out any specific measures that will be designed to ensure that the public realm will be a pleasing environment

for those who are physically disabled or who have a sensory impairment. The use of fragrant planting, colour and materials can all assist in creating an inclusive environment.

- 7.29 **Artificial Lighting:** This is an important issue and one that has the potential, if not properly controlled and implemented, to significantly increase light spill/trespass and sky glow (light pollution). The site sits adjacent to a relatively dark area to the north, National Trust land, and with significant areas of illumination to the south west i.e. Exeter Airport and the major road network. The SDG deals with street lighting in a discrete section only. There is no reference to other forms of lighting such as architectural lighting, way finding, landscape, display or sign lighting. The cumulative impact of lighting must be considered and this can only be done by taking a holistic, community wide approach. The information provided in the Environmental Statement is minimal and will need to be fleshed out in due course. Close collaboration with the Highway Authority will also be needed to ensure this. Artificial lighting must not conflict with Network Rail's train signalling system and the developers will be required to obtain Network Rail's approval of their design proposals.
- 7.30 **Parking Provision:** Car parking is an issue that has the potential to blight the development of a sustainable and attractive settlement if not handled in a robust manner. A balance will need to be achieved between reducing car use and dependency and the needs of a community in a rural setting. The principle of courtyard parking as one of the means of provision is considered acceptable. However the building layouts shown on the illustrative Master Plan are not at this stage an accurate representation of what might develop as the built form in the residential areas. The County Council as Highway Authority is also concerned about the lack of information on car parking and measures to ensure reduced car dependence. Further work needs to be undertaken to secure an appropriate solution. However a basic principle should be set out in this document and linked to the Sustainability Strategy to include encouragement of walking and cycling as the primary means of transport especially for short trips within the community, car sharing and car clubs (all of which is enshrined within the Section 106 Agreement). Creating Excellence suggests that the recent English Partnerships Publication about parking standards entitled "Car Parking: What Works Where" is an appropriate reference document. This will be reviewed as part of the on-going work.
- 7.31 **Conclusions:** The Strategic Design Guidance document provides a clear idea about the layout of the New Community and the position of the key land uses within it. The public transport route running throughout the community is regarded as an asset to it and the disposition of land uses relates well to it.
- 7.32 The Strategic Design Guidance has made significant progress during negotiations and has developed the ideas present in the Development Framework Plan. It is considered that the Council can have confidence that the SDG will provide the basis upon which the Design Codes can be developed providing the changes outlined above are made to the document.
- 7.33 The SDG will have to be completed before any outline planning permission is granted and the more detailed Design Codes will need to be in place prior to the submission of any Reserved Matters applications. On the whole the concept and many of the principles are considered appropriate but there are a number of areas where a greater certainty and commitment is required and also sections that are still inadequate for their intended purpose at this time particularly the sections on Housing and Phasing which are incorporated into this document but which are analysed elsewhere.

8.0 PHASING STRATEGY

- 8.1 **Comments from Consultees**
Devon County Council (27.11.06) – The recommendation in respect of the Phasing Strategy is that it is considered that it is insufficiently detailed for a New Community of more than 2,900 dwellings. The Strategy needs to be far more detailed on which facilities are being provided and when, by whom and to what standard. Addressing the concerns outlined above should help the development of a Phasing Strategy that delivers an exemplar New 'Community' that

encourages residents to adopt sustainable healthy lifestyles from the outset of the development.

Summary of Strategy

8.2 **Phasing Principles:** The Phasing Strategy can be found under Part 9 of the Strategic Design Guidance Document. The importance of the phasing proposals is summarised in four main principles to:-

- Ensure the smooth progression of development in a manner which will enable the development of the application proposals for 2,900 dwellings to progress at a rate consistent with existing policy expectations.
- Ensure the integrated and coherent delivery of development and associated infrastructure.
- Meet the expectations of sustainable communities in relation to access to services in each phase of development.
- Maximise market conditions and be able to respond to market forces.

8.3 **Phase 1:** The Strategy purports to reflect these principles and to take account of the ability to deliver, in a comprehensive manner the infrastructure related to each phase, thus 'discouraging the piecemeal provision of disparate and under utilised infrastructure'. The Strategy shows three broad phases of development commencing in the west and progressing eastwards. It is pointed out that some overlapping in the implementation of each phase will occur and that each phase specifically includes a full range of densities and housing tenures. The first phase includes up to 1,100 dwellings on either side of the first part of the Main Local Route (MLR) from the former A30 to the Country Park. The neighbourhood centre comprising a multi-purpose community building, first primary school and around 950 square metres of retail floor space, to include a substantial convenience store, with provision for a doctor's surgery and dentist will be the focus of phase 1. The town centre with integral residential units and an additional 500 – 600 dwellings in adjoining residential neighbourhoods will be delivered during phase 2. Sites will be released to the market to secure initial phases of development that include:-

- A medium sized supermarket.
- Provision for office development.
- 44.5 square metres (500 square feet) of High Street units to be constructed and made available to let on commercial terms for A1, A2, A3 or A5 uses.
- The construction of smaller office workshops.

8.4 **Phase 2:** The MLR will be extended across the Country Park through the town centre which will include shared and public parking in the public realm. A key element of this phase of development will be the opening of the secondary school for which construction will have commenced during phase 1. This will occupy a campus to the north of the town centre an important element of phase 2 will be the strategic landscape which will have been planted during phase 1 to mature during this stage of the development. An administration building housing the town council offices will also be provided during phase 2 together with land for a police station prior to the occupation of more than 1,500 dwellings.

8.5 **Phase 3:** The final length of the MLR will be constructed during phase 3 thus ensuring the completion of the strategic transport infrastructure of the development. The remainder of the residential units and all remaining landscape infrastructure will also be delivered. It is expected that the second primary school within the education campus will open at the completion of the 2000th dwelling.

8.6 **Transport:** The applicants intend to provide public transport with initial support for a bus running at 15 minute intervals operational from phase 1. A financial contribution will be made on completion of the 750th dwelling for the construction of a railway station on the Exeter to Waterloo line. The delivery timetable will be determined by Devon County Council.

- 8.7 The construction of the Clyst Honiton Bypass, a bus lane at Junction 29 of the M5 and funding for improvements to Station Road, Broadclyst, together with environmental enhancement of the former A30, will be carried out by the applicants as a demonstration of their investment in the existing highway network.
- 8.8 **Landscape:** Advance management works as set out in the Landscape Biodiversity and Drainage Strategy (LBDS) will be carried out prior to the commencement of each phase and advanced works including drainage basins, new hedgebanks, areas of woodland planting and ecological enhancement will be carried out prior to the occupation of dwellings within each phase. Flood compensation works shown in the Development Framework Plan will be implemented in advance of the construction of the MLR across the Country Park or the link to the station which constitute essential infrastructure in the flood plain.
- 8.9 **Provision for a Detailed Phasing:** The Phasing Strategy concludes by focussing on the detailed Design Codes for individual parcels of development as a tool for co-ordinating individual phases. References made to Section 7 of the SDG "Implementation" and the importance of the Design Codes in ensuring the co-ordination of the delivery of development and more refined phasing of the various elements of each phase.
- 8.10 **Analysis of the Phasing Strategy:** It had been expected that a more detailed phasing plan showing the succession of a development more closely linked to the major trigger points in the Section 106 Agreement would be submitted. Phasing will be critical to the success of the development, as is highlighted in the Local Plan Policies, and the SDG is correct in highlighting the importance of phasing. However, the section on phasing and its practical application is hampered by lack of detail. Residential completions (and sales) will be key to securing other facilities as residential sales will be the fundamental money generator to pay for such provision. The Strategy could be enhanced by setting out an indicative timeline diagram showing year on year projected residential completions and setting out against this data the various projected phases of development and facilities that will be provided. Service providers have repeatedly said that they require more certainty on information about housing numbers and projected demographics in order to programme and secure funding for their developments. In terms of road construction, start dates for each phase are required to assist traffic and transport planning.
- 8.11 Given that the Sustainability Strategy sets out a useful checklist of infrastructure provision required in line with phased development a cross reference to this document would be beneficial in identifying key facilities that would be required at each stage. It would be useful if there were far more details in respect of the component parts of the three phases that could reasonably be extended to illustrate sub-phases of development in both spatial terms and in respect to numbers/levels of residential development and other development in the sub-phases. It would be even more helpful if this could be shown graphically in the phasing plan. The Strategy makes reference to facilities/land that will be provided but does not make it clear how or when the implementation will be achieved.
- 8.12 Reference is made to "access to the Country Park" but the Country Park is not included at all on the phasing plan. The secondary school may be located within the phase 2 area but it will be built prior to phase 1 being completed. This should be shown more clearly on a 'gant' chart (i.e. a timeline diagram) and on the phasing plan. Additionally it is not stated how many dwellings are likely to be accommodated in the second stage of development.
- 8.13 It would appear that there is likely to be overlap between the commencement of the town centre in phase 2 and the completion during phase 3 according to the text. The town centre is shown as phased separately in the Employment & Retail Strategy (Section 11.0) it would need the phase 3 residential units to be delivered in order to make it more economically viable.
- 8.14 The advance/structural maturing landscape is not mentioned in the text or shown on the phasing plan. It is unclear whether this would be provided phase by phase or as its own phase regarded as "forward planting". Whilst it is noted that the landscaping infrastructure will

be completed with the occupation of the last phase of development, it is unclear when these works will be phased in.

- 8.15 The New Community will be one of a number of major developments in the western part of East Devon (see Local Plan Policy S1) and the Phasing Strategy could usefully address this issue. The Phasing Strategy could usefully set out how development of a New Community links with and can be co-ordinated with the development of these other facilities. This is especially important in respect to cases where a co-ordinated approach is required in respect to shared infrastructure provision such as roads. There is specific reference in the Phasing Strategy to three further issues:- Transport, Landscape and Provision for Detailed Phasing. No justification is provided for why these subjects are specifically highlighted and there are many other important subject matters and issues that could justifiably have been specifically addressed. For instance under Transport, it is not clear that the Phasing Strategy meets the Transport Policy considerations in terms of the delivery of the Clyst Honiton Bypass and the railway station. The reference to bus service provision does not clarify whether “*services will operational from the first phase of development*” means when phase 1 starts or ends or sometime in between. Neither the railway station nor the Country Park and Ecology Park are shown on the phasing plan although they are specifically referred to in the text.
- 8.16 Also absent is the temporary provision of playing fields etc in advance of the permanent provision.
- 8.17 **Outstanding Issues:** The Phasing Strategy is deficient in that it does not address the requirements set out for the applicants in advice for contents of the Strategy in May 2005 as follows:-
- Location of development phases over time.
 - Number of housing units to be built in relation to community facilities and infrastructure.
 - Number of expected vehicle movements (raises issues such as noise, dirt, dust, etc – see Sustainability Strategy).
 - Land parcels diagram (to inform the production of Detailed Design Codes).
 - Identify how phased development provides for needs of new residents and overcomes potential issues.
 - Trigger points for provision of facilities and implications/penalties for not meeting targets.
 - The New Community will grow beyond the completion of 2,900 dwellings and reference should be made to how this will effect expanded growth and how the first three phases will accommodate/relate to growth of an expanded community for example, the Strategy could usefully refer to user levels and land requirements generated by 2,900 dwellings and how these may change as more dwellings are built and occupied.

9.0 STRATEGIC LANDSCAPE BIODIVERSITY & DRAINAGE STRATEGY

9.1 Comments from Consultees

Devon County Council (29/11/06)

- The LBDS is considered to be generally useful information but lacks quantification to provide certainty of delivery. This information is required to help inform the Section 106 Agreement negotiations.
- Confusion over “advanced works” and the lack of commitment to identifying strategic elements for example, “forward planting”.
- Lack of detail in the phasing strategy also frustrates and confuses matters as this is critical to the success of achieving the appropriate mitigation measures.
- The CEMP is a critical strategic component and is required to cross reference many other strategies including the LBDS, phasing strategy and also the Section 106 Agreement. Protection measures are essential to be in place prior to commencement of work on site.

Environment Agency (27/11/06)

- The Environment Agency is seeking changes to the new ‘Development Framework Plan’ in respect of the education campus and an area of the Cranny Brook and floodplain that

is indicated to be within it. The EA indicate that only “flooding-compatible development” be included within the floodplain.

- The EA considers the LBDS to be acceptable in terms of flood risk management and conservation/recreation and it recommends that the advice of the County Ecologist, Peter Chamberlain, is followed.
- The Agency are keen to offer further advice in respect of advanced works and highlight the need for separate consent for some the work.
- The Agency seeks clarification on a number of points: stream side new tree planting; and the inclusion of footpaths through wetland areas. Confirmation of footpath alignment through the Country Park is required as this conflicts with Ecological enhancement interests.
- The Landscape Biodiversity and Drainage Strategy is considered acceptable from flood risk management perspective and in terms of conservation/recreation and the EA have no further comments to add to those made on earlier versions of the strategy (incorporated into informal response dated August 2006). If the final LBDS now fulfils this Council’s requirements for the design and layout principles for the country park and open space, then it is recommended that the advice given by Devon County Council’s Ecologist, Peter Chamberlain, to secure the detail of these particular measures is followed.
- Comments on detail contained within the final LBDS: Section 3.0 – LBDS advanced works (page 32): With respect to the works described in paragraph 3.1.5 (points 1 and 2), it should be noted that some of these works require separate consent from the EA who would like to advise on other aspects of such works. There is some concern regarding the wording in this section since the EA have agreed a policy of minimum interference with the vegetation along the watercourse.

Natural England (30/11/06)

- Welcomes the link from the Country Park through to the strategic landscaping and drainage basins at the eastern end of the site and then out into open countryside is positive, but regrets the consequent loss of an area of Country Park alongside the Cranny Brook. As long as this area is managed for landscape and biodiversity it will continue to act as a wildlife corridor. This approach should be confirmed with the applicant.
- There are 5 “borderline” veteran trees identified with the intention “to be retained if possible”. These should all be retained without question.
- In our last submission we raised the issue of the veteran tree group and pond alongside the “main local route” at the eastern end of the site which will be left totally isolated from any linking habitat once construction is completed. As a consequence its ecological value will be severely reduced. We therefore recommend that you seek a commitment from the applicant that they will create a hedge bank linking to the retained hedgerows and trees to the east.
- The principles set out in the LBDS are generally sound and we acknowledge that some progress has been made. The action lists are helpful in confirming what it is intended to deliver.
- Concerning the detail of the delivery. “The LBDS does not set out detailed design proposals”. Some indication of how much of whatever habitat, nest box, bat box, badger set, otter holt etc. must be provided overall and also apportioned to the different phases of the development. Without this level of detail it will be impossible for the LPA, to enforce.
- Regarding ecological supervision during the construction phase, it is vital that the equivalent of an “ecological clerk of works” is on site to oversee the day-to-day operations and to ensure that the proposed mitigation and enhancement measures are implemented correctly.

- With regard to more specific comments on the LBDS reference is made to the informal response from English Nature on an earlier draft (18-8-06). Many of the principles remain unchanged though, unfortunately, the numbering of the document has been revised.

National Trust (29/11/06)

- The aims of the Landscape Strategy to respect the landscape character of the area, and commitments and objectives to retain landscape features are welcome.
- However it is critical to ensure that this is translated into practice and that the best efforts are being made to retain landscape features and time depth in the landscape.
- Tree removal should only be considered at detailed design stage where it is clearly demonstrated that this is unavoidable.
- In their letter in April 2005 the NT raised the issue of the need for landscaping outside the development site to assimilate the development into the surrounding landscape and given the predicted landscape and visual impacts. This does not appear to have been addressed in the strategy, and is further justified by the need to compensate for the harm to biodiversity on the development site. Policy ENV1 in the Draft RSS makes clear that where there is loss or damage to environmental assets that this should be compensated through offsetting actions.
- As tree roots extend 15x the diam of the tree a 10m buffer zone should be a minimum.
- Para 2.4.15 Further information is needed on how the ecology buffer zones be managed.
- Para 2.4.29 Cattle grazing would be a better form of management.
- Para 2.4.40 The retention of existing waterland features is welcome
- Para 2.4.51 The species enhancement measures for bats are considered important and supported.
- Clarification within the drainage section is requires as to whether the flood modelling or flooding assessment parameters take account of projected influences of climate change.
- The management of scrub and grassland would be better managed by grazing with cattle.

Summary of Strategy

- 9.2 The primary objective of the Landscape Biodiversity & Drainage Strategy (LBDS) is to set out strategic commitments which will be undertaken as part of the build out for Cranbrook. The secondary objective is to provide technical details to supplement the outline planning application which might otherwise be sought via conditions. The general objective of the Strategy is to incorporate biodiversity, conservation and sustainable drainage proposals into the open space and landscape network and to make use of the flood plain for open space, leisure and biodiversity uses by creating a high quality Country Park for use by residents and visitors.
- 9.3 Turning specifically to look at the strategic commitments for each of the three elements of the Strategy these are as follows:-

Landscape

- Provide strongly defined and clearly understood landscape structure for the site.
- Conform to local landscape character guidance and utilise local landscape materials.
- Provide a defined hierarchy for open space and public areas in accordance with Local Plan requirements and the Section 106 Agreement.
- Provide adequate and appropriate open space for both formal and informal use.
- Provide access to and circulation between, recreation or open spaces.
- Retain good quality hedgerows, hedgebanks, tree groups and individual trees where agreed, thereby retaining and enhancing the landscape character and providing a memory of the land's former use.
- Minimise the loss of hedgebanks and trees, instead utilise them as key features of the layout and as habitat corridors. Where losses are unavoidable, the position of former hedgebanks will be recognised by building lines, walls or street patterns.
- Enhance the presence and condition of mature and veteran trees.
- Retain green lanes and provide appropriate space adjacent to green lanes for the purpose of setting, route protection and buffer zones.

- Frame and enhance views and vistas and create visual entrances by means of gateways and a clear hierarchy of space.
- Create high quality town squares urban areas and open spaces which respect the landscape vernacular whilst utilising modern principles and design.
- Utilise the hard and soft landscape elements of the town as unifying and distinctive features for the new settlement, co-ordinating with buildings to form a cohesive whole.

9.4 Biodiversity

- Secure the long term nature conservation value of the site.
- Maintain the favourable conservation status of those species which were important in a National and Regional Context.
- Ensure where possible, that the site continues to support similar species assemblages as those currently present.
- Enhance the level of biodiversity and to promote habitat connectivity within the site and with adjacent habitats.

9.5 Drainage

- Replicate the natural means of surface water discharge from the site.
- Utilise the existing water courses to continue to convey water from the site.
- Create an appropriate Sustainable Urban Drainage Scheme (SUDS).
- Ensure that peak surface water flows from the site do not exceed the pre-development conditions.
- Ensure that the down stream flooding situation will be status quo or better.
- Improve water quality by removing suspended solids and dissolved materials associated with urban drainage.
- Where possible detain water at source or infiltrate into the ground rather than utilise site sewers.
- Use ponds, swales and basins across the site to provide a system for extended surface water retention times within the wider River Clyst catchment, to alleviate downstream flood risk.
- No building development except for essential infrastructure, to be located within the 1 in 1000 year flood plain.
- Approved landscape and biodiversity proposals will be incorporated within the flood plain, in order to enhance and protect the existing site features and to achieve the aims of the Strategy.

9.6 The Strategy covers the need to ensure that strategic planting works are undertaken in advance of phases construction. The advance works will comprise management to site wide hedgerows and trees. It also includes the planting of tree copses at the edge of the site where they can be implemented without later detriment to construction or infrastructure work, the Country Park tree and shrub planting to take place beyond a suitable construction buffer zone at the edge of the development areas, putting up of bat and bird boxes, protective fencing and other tree protection measures, the protection of existing and newly created habitats, the planting and other landscape works of entrance areas associated with the Main Local Route, the setting out and reservation of lighting and service trenches along the route to enable tree planting to take place and strategic drainage systems to be implemented.

9.7 Finally the Strategy deals with management and highlights the fact that a Service Level User Agreement specific to Cranbrook will be required to provide the basic specification standards for the long term maintenance of all open spaces and the public realm.

9.8 **Analysis of the LBDS:** Much of the detailed work required to deliver successful landscaping and biodiversity enhancement will be secured through the Construction and Environmental Management Plan (CEMP) and other action plans associated with the submission of reserved matters for this application. The purpose of this document is to provide the over-arching principles that will inform the later more detailed work.

9.9 The County Ecologist recommends that the LBDS is now acceptable subject to quantifying biodiversity enhancements and improved co-ordination with the Phasing Strategy. The

County Ecologist has highlighted the fact that the Strategy now provides the relevant information on the proposed environmental gains that will accrue from the development of this site such as the creation of new wildlife habitats, including species rich grasslands, ponds, wetland features and woodland/tree planting, particularly within the Country Park and Ecology Park. As pointed out above the detail of this work will be contained within other documents submitted later in the process. There is particular concern that although the LBDS does illustrate what it refers to as “advanced landscape and ecology works” there is ambiguity about precisely when the various elements of these works will be undertaken. The detail therefore of the relevant phasing needs to be established clearly prior to the commencement of the development in a way that can be readily enforced by the District Council. The County Ecologist also believes that the LBDS helpfully indicates that monitoring will be undertaken although there is no clarity on the timing of this monitoring. What is required is a clear mechanism for ecological supervision at the appropriate times throughout the construction phases (to ensure that the proposed mitigation and enhancement measures are undertaken correctly), supplemented by ecological monitoring to demonstrate that the Consortium are delivering the intended gains.

- 9.10 The Strategy is considered acceptable by the Environment Agency in respect of the flood risk management perspective and in terms of the conservation/recreation aspects the EA has nothing to add. There has been major concern throughout the course of the allocation process through the Local Plan and indeed the planning application itself on the implications of the construction of a new town close to a flood plain. Much work has been undertaken by the Developers with the Environment Agency in order to secure the principles of the drainage scheme that will be designed to accommodate the surface water run off and drainage systems associated with it. The Environment Agency has been clear at all stages that no development will take place below the 1:1000 flood plain contour and this has been enshrined in both the Strategy and in a condition attached to this report. The use of a Sustainable Drainage Scheme (SUDS) throughout the development is welcomed and has the potential to ensure that no adverse effects in terms of surface water run off and drainage implications are felt from this construction of Cranbrook.
- 9.11 From a landscape perspective the majority of the commitments within the document are now acceptable although again clarification as to how these commitments are to be delivered is important as the principles laid down in this document will inform the detailed work on landscape, the Design Coding documents and the Reserved Matters submissions. The principles were used in a test exercise for the design of the Country Park which produced a successful outcome to the satisfaction of all the consultees involved in the negotiations on the Strategy.
- 9.12 **Conclusions:** Overall this document is comprehensive in its approach and sets out the appropriate principles needed to guide the development of Cranbrook and as a settlement respects its environment and delivers ecological enhancements without adversely affecting the drainage systems either on the site or downstream.

10.0 HOUSING STRATEGY

10.1 Comments from Consultees

Head of Housing & Social Inclusion – Has addressed the issue of affordable housing (attached at Appendix 12).

Summary of Strategy

- 10.2 **Housing Provision:** The Housing Strategy can be found under Part 8 of the Strategic Design Guidance Document. The Strategy is far briefer than had been expected and in many ways reiterates in four brief paragraphs the information set out in more detail in the original report to Committee (May 2005). It quotes Planning Policy Guidance Note 6 “Planning for Town Centres” which suggests that a broad range of housing should be provided within new developments by type, size and affordability “*for example for family, single person and multi-person households*”.

- 10.3 **Affordable Housing:** 40% of the total number of dwellings in Cranbrook (i.e. 1,160 of 2,900) has been secured as affordable housing. This will be delivered in the form of social rented housing, intermediate housing including shared ownership, and 'affordable by design' open market housing, a substantial proportion of which will be smaller units. The affordable housing provision is described in more detail under the heading Section 106 Agreement of this report. The Strategy points out that the proposed mix of affordable housing for Cranbrook is not generally found within established towns and communities. It will be integrated within each phase of development and will be grouped (for management purposes) with up to 30 affordable units in one location. The affordable and other market housing should be indistinguishable in terms of form and design principles. A proportion of affordable housing units will be uplifted to life-time homes standards.
- 10.4 **Variations in the Proposed Densities:** It can be seen from the density and buildings heights plan at Appendix 4 submitted with the application that a wide variety and range of house types is ensured. The higher density areas, such as the town centre and other most accessible locations, will have a significant proportion of flats and apartments that will maximise the number of people with good access to, and able to support, local services and facilities. The strategy suggests that the proposed densities mean that there will not be a preponderance of any particular dwelling type.
- 10.5 **Analysis of the Housing Strategy:** It had been anticipated that "*the precise mix of tenures, dwelling sizes and housing types will be detailed in a Housing Strategy to be submitted by the applicants and secured via a Section 106 Agreement*" (paragraph 5.5 of the original report May 2005). The applicants have advised that they are unable to be more precise at this stage but have undertaken to provide further guidance within each Design Code, particularly on the specific locations and form of affordable housing. The applicants have been advised in writing that organisations, particularly service providers such as the Primary Care Trust and the Police, have requested more certainty on information about housing numbers and projected demographics in order to programme and secure funding for their developments within Cranbrook.
- 10.6 The report "Healthy Planning Policy and the Determinants of Health for the Proposed New Community East of Exeter" prepared by Becky Jenkins, Public Health Specialist, for the Council in January 2003 explained how an understanding of the likely demographic and socio-economic characteristics of Cranbrook will assist in service planning, physical design and community developments. It found that the balance of tenure will significantly affect these elements. The report outlined the demographic context within which the New Community will develop and presented a provisional modelling of demographic and socio-economic assumptions which would influence and challenge an understanding of what constitutes a "balanced" community. The Housing Strategy is disappointing in that it does not deliver any commitment to achieving these aims.
- 10.7 **Outstanding Issues:** The Housing Strategy is deficient in that it does not address the requirements highlighted in the Supplementary Planning Guidance and set out for the applicants in advice for contents of the Strategy in May 2005 as follows:-
- Mix of house types, size and tenure in order to achieve a demographic and socio-economic mix to create a diverse and 'balanced' community.
 - Trigger points and constraining points (see other strategies including Phasing and Town Centre).
 - Density in relation to services, facilities (particularly in the town and neighbourhood centres) and public transport stops.
 - Life-time homes standard (proportion to be agreed)
 - Affordable housing strategy
- a. details of affordability levels, tenure, types and opportunities
 - b. grouping and location

- c. partnership working
- d. sources of funding
- e. phasing of delivery
- f. mix of house types to cater for a variety of age groups, mobility levels and economic status.
- g. key worker housing provision
- h. design to be tenure blind in terms of location, style or materials
- Alternative housing provision
 - a. Self-build opportunities from early stages
 - Individual
 - Group (e.g. co-housing)
- Live work units

11.0 EMPLOYMENT & RETAIL PROVISION STRATEGY

11.1 Comments from Consultees

SWERDA – Has just one comment to make – under Clause 8.9 it questions why the supermarket is unlikely to be marketed, although it does note that a competitive situation will be considered if appropriate.

Devon County Council – Its recommendation in respect of the Employment and Retail Strategy is that it is considered broadly acceptable, subject to definite phasing, mixed use development in phase 3, promoting independent retailing and integration with Exeter's growth prior to planning approval being granted.

Summary of Strategy

11.2 This Strategy is introduced by stating that its task is to outline the strategy for the maximum deliverability of the key employment and town centre elements of the New Community proposals and that consideration has been given to the capacity of the town and neighbourhood centre to accommodate the commercial elements of the application proposals. Throughout the Strategy, whilst the principle of early provision will be encouraged, this will not be at the expense of compromising quality thresholds by perhaps encouraging too many lower value uses that may be the only commercially deliverable developments at lower population thresholds. A key objective therefore of the Strategy is to ensure the quality of the development and that this will require a number of measures including flexibility and careful consideration to the timing of the release of sites for development.

11.3 Employment within the New Community falls into four broad categories:-

1. Employment arising from those working from or based at home.
2. Employment generated by the services and facilities within the New Community such as the schools, the multi purpose community building and the administration building together with health facilities.
3. Employment in the towns' retail related facilities and employment in purpose built employment space.

Reference is made to the related and inter-dependent developments at the Intermodal Rail Freight Terminal, the Skypark development, the Airport and the proposed Science Park.

The town centre is proposed to have an area of 12.1 hectares and the neighbourhood centre 0.6 hectares and within these the application seeks consent for:-

- Up to 17,500 square metres of employment floor space (Use Classes A1, A2 and A5); and
- A3 and A4 uses.

It is estimated that Cranbrook will deliver between 1,050 and 1,200 jobs not including employment at or based from home. Of these between 700 – 830 jobs will fall within the general office B1 Use, 100 – 115 as small businesses/workshops/general industry type jobs, 120 education jobs, 200 – 250 retail jobs and the rest within the community leisure field.

- 11.4 **Capacity of the Town Centre:** The form and scale of the town centre proposed for Cranbrook anticipates a larger range of facilities than is necessary for an application of 2,900 dwellings which could by scale be supported by a neighbourhood centre. However, by planning out the town centre the applicants have taken into account the future growth potential of Cranbrook. Consequently the applicants intend that land within the town centre which might otherwise be developed within the early years for residential use is instead safeguarded to provide retail opportunities at a later date. However, the potential is there for temporary uses either on the land or within buildings which can be used flexibly. Future proofing of the settlement also suggests that a second neighbourhood centre and additional employment allocations will be required for any expansion plans for the town. At this stage therefore, it must not be assumed that the town and its future is dependent solely on the capacity of the town centre.

The vision for the town centre is that of a mixed use and vibrant area focussed around a high street that will be implemented incrementally. High density uses including building heights of up to 15 metres have been assumed within the application. Other assumptions are that all retail development is on the ground floor, commercial offices are developed primarily over 3 floors, any hotel development will comply of 3 stories, generally but not exclusively flats rather than office employment will be delivered over shops, that the town centre will include some purely residential parcels with town houses built to high densities of around 60 houses per hectare and that there will be shared parking provision.

- 11.5 The aim of the applicants for Cranbrook is that it will function as an Area Centre as defined by the Devon Structure Plan and recognising its role in relation to existing nearby settlements and the patterns of its local expenditure that occur within them. Further the applicants believe that Cranbrook should not detract from the importance of Exeter as a sub regional centre.

- 11.6 **Capacity of the Neighbourhood Centre:** The neighbourhood centre at the western end of the settlement is located adjacent to the primary school and expected to benefit from shared parking within the public realm. The neighbourhood centre is proposed to accommodate:-

- 930 square metres of A1 – A5 retail development.
- A medical centre of 350 square metres.
- A multi purpose community building.

- 11.7 The retail space may include a quality convenience store of 300 – 350 square metres plus 3 – 6 additional retail units. It is anticipated that the neighbourhood centre will be constructed on 3 floors with residential on the upper 2 floors.

- 11.8 **Delivery:** The Strategy has looked at the issue of delivery of the commercial elements within Cranbrook, addressing parcelation of land, phasing of land release, marketing and securing information.

- 11.9 The Strategy believes that there will be strong demand for both the retail and the employment based allocations particularly from office based employment. This is on the basis that Cranbrook presents unique employment opportunity for potential employers and employees because of the high quality environment together with the relationship to the town centre and residential development and the availability of public transport. The Strategy shows in the appendices that the developer's applicants have been approached by a wide range of commercial providers with strong interest in, particularly, a supermarket of 3,500 square metres gross and large scale office use.
- 11.10 **Analysis of the Employment & Retail Provision Strategy:** This Strategy was required as part of the formal resolution of the Development Control Committee in May 2005 when it resolved to be "Minded to Grant" planning permission for the new settlement. The need for this particular Strategy hinges on concern that the town needs to ensure that it is self sufficient in terms of, in this case, access to jobs and retail facilities. Obviously the provision of the Skypark development to the south west of Cranbrook which has always been seen as the main employment base to support the new town has a critical role to play in the delivery of employment opportunities and Cranbrook should not therefore be looked at wholly in isolation. Nevertheless, within the town itself the Council has always had ambitions to ensure that there is sufficient provision for employment and that the retail demands of the local population are served. Further it was key to ensure that these uses were delivered and did not remain simply as allocations on a plan. To that end the purpose of the Strategy is to focus on how and when these facilities will appear as active land uses. At this stage the actual location of some of the employment is not critical as this outline application deals with the principle of the uses rather than the detail. The only objective that needs to be established at this stage is that the uses will be integrated. This is not explicitly stated as part of the vision for this strategy and will need to be incorporated before the Strategy can be signed off.
- 11.11 The Strategy has addressed the issue of future proofing the provision of employment and retail development in the light of the anticipated growth of Cranbrook. This application is for 2,900 houses, the Devon Structure Plan allows the potential for the settlement to grow to 3,500 but beyond this the further allocation (to 6,500 dwellings) proposed within the Draft Regional Spatial Strategy is still at an early stage and the numbers involved have been the subject of challenge by this Council. The Draft Regional Spatial Strategy itself, whilst a material consideration, does not carry the weight of the adopted Development Plan and therefore making provision for such an expansion can only be addressed in general terms at this stage. Nevertheless it is clear that the town centre provision is a significant over provision for a settlement of 2,900. However its presence and delivery must be regarded as a key element for a free standing settlement and the allocation of 12 hectares to it is judged more than satisfactorily. The timed release of land is shown diagrammatically on a phasing plan but not linked to either years or numbers of houses being constructed. Clearly there is the element of market demand and commercial viability to be taken into account in the growth of the town centre which at this stage are difficult to predict. Rigid delivery targets fixed to housing number triggers for retail development are therefore hard to pinpoint. However, the commencement of marketing activity could be regarded as a necessary component to the Strategy and this could be linked to population figures/housing occupations and this should be incorporated into the Strategy. The suggestion within the Strategy of temporary uses in the early days to be replaced by better quality, more permanent uses appears a sensible approach and the commitment to quality is clearly specified in the Strategy. For employment type development a link between housing numbers and delivery of necessary speculative development may be appropriate.
- 11.12 Cranbrook has an important part to play in the future of the Exeter Sub Region and its development both for housing and for commercial and retail development will be influenced by the strength of the market in the area. The Strategy already shows a notable level of demand for commercial and retail floor space although less for workshop/small business space. Concern has been expressed by consultees that a supermarket of 3,500 square metres (gross) may influence travel patterns to the detriment of the traffic model predictions and that it may not be a catalyst for small 'unique, local, quality-branded retail opportunities. However such a store must be seen as a valuable anchor store for a town centre which could either

help to subsidise small units (subject to an agreed legal agreement) or act as a focus for retail spend which would allow smaller independent traders to latch on to that spend i.e. the feederfish principle. Equally, a town of the possible ultimate size Cranbrook could grow to will need to ensure it provides for all the needs of its residents and the (weekly) grocery shop is an important component of that need.

11.13 Finally, Devon County Council has highlighted an important missing element of that Strategy and that is a commitment to initiating training/skills development as part of the employment opportunities of Cranbrook and this needs addressing. (It is referred to in the Sustainability Strategy but needs linking access)

11.14 **Conclusions:** This Strategy is broadly in line with expectations of the Supplementary Planning Guidance document and provides a level of reassurance that the delivery of commercial and retail development can be realised in parallel to the housing development. There are a number of detailed elements yet to be addressed before the Strategy can be signed off but nothing fundamental.

12.0 **ARCHAEOLOGICAL STRATEGY**

12.1 **Comments from Consultees**

Devon County Council (27.11.06) - The submitted archaeological mitigation strategy is considered to be acceptable.

12.2 **Summary of Strategy:** The strategy summarises the results of a programme of archaeological investigations which have been undertaken across the site and provides a mitigation strategy based on the illustrative Master Plan and development proposals. The archaeological deposits recorded are detailed with an interpretation of their probable date, condition, nature and consequent importance. Suitable mitigation of potential development impacts on these deposits is outlined in accordance with PPG 16 Archaeology and Planning, Local Plan Policies and in consultation with DCC's Planning Archaeologist.

12.3 **Archaeological Assessment:** The potential nature, importance and survival of archaeological and cultural heritage remains within the area of development was assessed. There are a number of listed buildings within the site and areas that would require further evaluation prior to any development were identified. These were:

- 2 sites of farms at Tillhouse and South Whimble which may have origins in the medieval period.
- The line of a roman road following the present line of the former A30 road (parts of the road are visible on air photographs)
- A crop mark feature thought to be a ring ditch and probably dating from the pre-historic period, observed on air photographs.

12.4 **Geophysical Survey:** A geophysical survey was undertaken which indicated that the site has low archaeological potential, given the absence of features across the entire site despite variations in underlying geology. However, it was concluded that further evaluation would still be required to confirm the validity of this survey's findings and to investigate the possible archaeological features recorded.

12.5 **Trial trenching:** A trial trenching evaluation was undertaken by Exeter Archaeology in May 2004 to gain further information relating to potential archaeological deposits or to test areas nearby for hitherto unidentified sub-surface archaeological deposits, thereby checking the accuracy of the geophysical survey results. This evaluation report, including a detailed description of the findings in each of 25 trial trenches, is appended in full to the archaeological strategy.

12.6 **Interpretation of Results:-** Although there has been a comprehensive programme of archaeological evaluation across the site, using a variety of different techniques, it is possible that further sub-surface deposits may lie within the site. However, the investigations to date

were widespread and failed to recover any significant level of archaeological material. The report concludes that any hitherto unidentified archaeological deposits are unlikely to be extensive or to rate greater than local importance.

- 12.7 **Mitigation of Development Impact:** In accordance with PPG 16, any features identified during the course of development need to be recorded to preserve the information they hold for the evolution of the area's settlement pattern. The areas for which conservation by record is considered to be the appropriate mitigation is shown on a plan within the Strategy. In relation to the area of land to the east which is now included within the revised application boundary, together with the market garden business which has not been subject to evaluation, it is suggested that a number of trial trenches are excavated once the site ceases its current use and access becomes available. The results of these archaeological investigations will be subject to adequate post-excavation analysis and reporting. The additional two fields to the east are ancient enclosed medieval strip fields where the proposals for the development indicate that the boundaries are to be mainly retained within the scheme.
- 12.8 **Analysis of Archaeological Strategy:** The Strategy suggests the imposition of conditions requiring a programme of archaeological work and a written scheme of investigation to accord with the agreed mitigation measures set out in the strategy document. This condition together with a condition requiring access to be given to an approved archaeological adviser is appended to this report. The Archaeological Strategy is therefore considered to adequately address the need for further archaeological evaluation within the site.

SUPPLEMENTARY REPORT
SECOND AMENDMENT

PART THREE

LEGAL AGREEMENT (SECTION 106)

13.0 LEGAL AGREEMENT (SECTION 106)

- 13.1 Throughout the handling of this application, care has been taken to ensure that forward planning has been built into the thinking for the settlement and that facilities, services and layout have been future proofed for a larger settlement than we are currently dealing with. Nevertheless, this application relates specifically to 2,900 dwellings and demands of it in the Section 106 Agreement can only relate directly to that scale of development. Nevertheless, in some cases, provision has been made for a greater scale of provision than is warranted by this number of dwellings, e.g. a town centre of 12 hectares and a secondary/second primary school campus also of 12 hectares. Where such extended provision is made at this stage, this will be taken into account in subsequent applications for the expansion of the town.
- 13.2 Members will recall when they previously considered this matter that they resolved to grant planning permission subject to prior completion of a Section 106 Agreement, the broad Heads of Terms of which were contained in the previous report. Since that resolution, detailed negotiations have taken place in respect of the various obligations to be contained in the Section 106 Agreement. Although negotiations have yet to be concluded and the Agreement finalised, much of the detail has been agreed. Set out below is a summary of the various obligations to be contained in the Section 106 Agreement. These comprise items which have been agreed or which Officers are still looking to secure.
- 13.3 General Obligations**
- 13.4 The Agreement will bind landowners and successors in title. Appropriate security mechanisms, step in rights and bonds are being negotiated to ensure delivery of the various obligations.
- 13.5 The various strategies which have been submitted in connection with the application also form part of the Section 106 Agreement. There is an obligation on the Applicants to ensure that they comply with the measures laid down in those strategies.
- 13.6 Affordable Housing**
- 13.7 It has been agreed that 40% of the total number of dwellings will comprise affordable housing. The following mix has been negotiated:-
- 16.5% of the total number of dwellings shall be transferred to a Registered Social Landlord for social rent (478).
 - 13.5% of the total number of dwellings shall be transferred to a Registered Social Landlord on a Homebuy (shared equity) basis (393).
 - 10% of the total numbers of dwellings are to be affordable by design (290).
- 13.8 We are seeking to ensure that the affordable by design element is related household incomes. We are also seeking to build in provisions to require a local connection. Members should be aware that PPS 3: Housing was published on 29th November 2006. This seeks to refine the definition of Affordable Housing and excludes "low cost market housing". However the document specifically states that LPAs are not required to have regard to this statement as a material consideration when making decisions on planning applications until 1st April 2007. Nevertheless it says this statement may be capable of being a material consideration, in particular circumstances [undefined], prior to this date. Given the nomination arrangements, local connection clauses and the possible cap on purchase price (related to average household salary) are still being negotiated it is considered that this form is more tightly controlled than the Government envisaged would be covered by this category. As such, it is considered that the range and mix of housing provided through the negotiated deal is acceptable. Removal of permitted development rights through condition will also ensure that the housing remains small and affordable.

- 13.9 The Applicants are currently negotiating with the Housing Corporation to secure grant funding. The terms of funding are yet to be finalised but we have a firm commitment from the Housing Corporation that funding of £13M to 2011 will be available. Part of this funding will allow for 10% of the (social rented) housing on the site to be built to Lifetime Homes Standard, which essentially means that they are designed to be flexible enough to allow the properties to be adapted to meet the needs of most households whatever comes along in life.
- 13.10 Provision of the affordable housing will be controlled through the phasing of the development and the approval of reserved matters. The Applicants intend that affordable housing will be provided in clusters of no more than 30 dwellings. It should be noted that there is no requirement to provide any affordable housing as part of the first 150 dwellings.
- 13.11 In line with the remainder of the housing provision, there is an obligation in the Section 106 Agreement that the affordable housing be built to Eco-Homes Standard Very Good.
- 13.12 As will be expected, the Section 106 Agreement will control the mechanism by which tenants are nominated to the affordable housing. In this regard, it should be noted that a small percentage of nomination rights are likely to be given to Exeter City Council and Mid-Devon District Council as part of the grant funding being awarded by the Housing Corporation.
- 13.13 Education**
- 13.14 Primary Schools**
- 13.15 The developers are under an obligation to provide the first primary school prior to the occupation of more than 500 dwellings.
- 13.16 A second primary school is also to be provided and is to be built by way of a financial contribution (equivalent to the construction of the first primary school) paid to Devon County Council. The second primary school will be provided within the larger secondary school campus, the land for which will be made available to DCC at 500 occupations.
- 13.17 Secondary School**
- 13.18 DCC will commission the design of the secondary school (at the Applicant's cost) and will then fund the secondary school by way of a financial contribution (securing 600 places which future proofs the provision of 3,500 dwellings) paid by the Applicant to Devon County Council. The timetable of delivery therefore rests with DCC.
- 13.19 Temporary Measures**
- 13.20 In the interim period (i.e. from occupation of the first dwelling until the first primary school has been brought into operation), three temporary classrooms are to be paid for by the Applicants. Once the first primary school has been brought into operation, those temporary classrooms will be used at the existing Clyst Vale Secondary School to provide pupil accommodation until the secondary school is operational.
- 13.21 The Section 106 Agreement allows for the secondary school to be used for the purposes of community activities and there is a requirement that an agreement between the County Council and District Council be entered into for such use.
- 13.22 Highways**
- 13.23 Prior to occupation of any dwellings, construction work on the Clyst Honiton Bypass must commence. This must be completed and opened for use prior to occupation of 500 dwellings.
- 13.24 In a similar way, works on the bus lane at Junction 29 of the M5 must commence prior to occupation of any of the dwellings and the bus lane must be completed and open to use prior to occupation of more than 500 dwellings.

- 13.25 A contribution is being negotiated in respect of improvements to Station Road and other minor highway improvements surrounding the development site. A contribution towards slip roads and circulatory improvements at Junction 30 of the M5 is also being included within the Agreement and will be payable before the occupation of 1500 dwellings.
- 13.26 There are a number of monitoring requirements contained within the Agreement in order to establish the number of vehicles entering and leaving the development. Depending upon the level of trips identified depends on whether any mitigation measures need to be carried out.
- 13.27 Members will recall that beyond the construction of 2,200 houses, junction improvements to junction 29 of the M5 are required. There is an unresolved issue in relation to the upfront provision of this infrastructure. This issue is yet to be fully resolved but it is understood that a way forward is currently being agreed with the Highways Agency and is likely to involve a financial contribution towards the cost of the works. It is also likely to future proofed to 3,500 dwellings.
- 13.28 Footpaths and Cycleways**
- 13.29 Contributions are being made by the Applicants to the cost of Devon County Council delivering footpath links to the development site. There is also an obligation on the Applicants to construct shared footways and cycleways outside the land for cyclists and pedestrians between Devon Smithy and Red Hayes.
- 13.30 Public Transport**
- 13.31 New and improved bus services are covered by the Agreement. Contributions in excess of £1.5 million are payable in annual instalments. These contributions are to be used by Devon County Council in respect of new bus services. There are also obligations on Devon County Council, so far as possible, to procure improvements to bus/transit services in respect of the development through submissions for funding.
- 13.32 Railway Station**
- 13.33 The Applicants must pay for the design and provision (up to £3 million) of a railway station and then transfer the land to the District Council prior to the occupation of 750 dwellings. Devon County Council is then obligated to build the railway station.
- 13.34 Travel Plans**
- 13.35 As would be expected in relation to any development of this nature, the Section 106 Agreement contains detailed provisions in connection with the submission and approval of travel plans which are designed to encourage residents, employees, visitors and customers etc utilising the development to adopt environmentally friendly modes of travel.
- 13.36 Open Space Provision**
- 13.37 There is an obligation on the Applicants to agree details of and lay out of Open Space, Neighbourhood Equipped Areas of Play, Locally Equipped Areas of Play and a Skateboard Park. The developers need to maintain these areas and replace or repair any equipment that becomes damaged or destroyed and replace any grass or plants etc which fail or die.
- 13.38 The Section 106 Agreement provides that either the various open space etc facilities are adopted or that the Applicants maintain the facilities themselves. If adoption is elected, there will be mechanisms in the Section 106 Agreement to allow the District Council to tender for the maintenance of the open space (the cost of the tender exercise to be covered by the Applicants) and a maintenance contribution paid which will be paid to the organisation carrying out the maintenance, whether that is the District Council or another company.

13.39 **Sports Pitches**

13.40 There is an obligation on the applicants to provide various sports pitches for community use in addition to those provided for community use within the Community Campus. The NPFA "6 acre standard" requires 7.9 hectares of community play pitches.

13.41 Section 106 Agreement provides, in a similar way to the open space, that either the sports pitches are adopted by the District Council (with payment of a maintenance contribution) or that the Applicants maintain the facilities themselves. Again, there will be mechanisms in the Section 106 Agreement to allow the District Council to tender for the maintenance of the sports pitches and the maintenance contributions to be paid to the organisation carrying out the maintenance.

13.42 **Country Park and Nature Reserve and Country Park Resource Centre**

13.43 The Section 106 Agreement provides for a Country Park and Nature Reserve to be laid out in three phases and ultimately either be maintained by the Applicants or transferred to the District Council (together with a maintenance payment and a tendering payment) to allow the District Council to tender for its maintenance. A Country Park Resource Centre (a classroom sized room to be located adjacent to the Country Park) is also to be provided and which shall be transferred to the District Council on completion.

13.44 There is an obligation within the Agreement that the Applicants fund a Country Park and Nature Reserve Officer for a five year period.

13.45 **Off-Site Highway Landscaping**

13.46 There is an obligation in the Section 106 Agreement for the Applicants to carry out and complete off-site highway landscaping. These negotiations are continuing but are presently seeking to secure landscaping on the southern side of the A30 within the highway verge. A commuted sum for the maintenance of this landscaping will also be paid to the County Council. A fund of £5,000 has also been offered for other off-site planting e.g. on National Trust land to the south.

13.47 **Cemetery and Allotment**

13.48 The location of a cemetery and allotment is to be identified and completed. The cemetery and allotment is then to be transferred to the District Council prior to occupation of 1500 dwellings. A contribution to the maintenance of the cemetery and allotment is also to be paid.

13.49 **Drainage**

13.50 Details of drainage are dealt with by conditions. However, the Agreement recognises that if the District Council, at its absolute discretion, wishes to adopt and maintain the Sustainable Urban Drainage System, which is to be provided by the Applicants, then it may enter into an Agreement to do so in return for a maintenance payment.

13.51 **Public Conveniences**

13.52 The detail of these are yet to be agreed, however the Agreement will require the location and construction of public conveniences, together with payment of a commuted sum.

13.53 **Recycling Contribution**

13.54 On the advice of DCC, a sum of £210,000 is to be paid to the County Council towards the provision of a new recycling facility to be located on a site east of Exeter prior to occupation of 1500 dwellings, rather than an on-site facility.

13.55 Public and Street Scene

13.56 The detail of this is yet to be determined and will actually form part of the various Design Codes which will be submitted to the District Council prior to the commencement of any phase of the development. The facilities will need to be provided in accordance with those approved Design Codes. Prior to occupation of 1500 dwellings, the Applicants must construct and complete a Street Scene Services Depot and transfer that to the District Council.

13.57 New Community Officer

13.58 The Applicants have agreed to fund, through the Section 106 Agreement, a New Community Officer for a three year period. A New Community Officer will be a senior planning officer who shall be responsible for assisting with facilitating the planning aspects and delivery of the New Community.

13.59 Youth Centre and Youth Worker

13.60 Land for a Youth Centre (0.2 hectares) is to be transferred to Devon County Council for this use. The Applicant must also pay the sum of £42,000 towards the costs of a temporary Youth Centre provision and an annual contribution of £13,200 indexed linked for the provision of a Youth Worker (to be employed by Devon County Council). This payment will continue at 500 occupations or within 3 years of commencement whichever is the sooner continue until such time as a permanent Youth Centre has been provided.

13.61 It should be noted that there is no obligation under this Agreement to provide a permanent Youth Centre, as this would be considered in respect of any future application for expansion of the New Community.

13.62 Community Development Worker

13.63 The Agreement provides that the Applicants must contribute towards the costs incurred by the District Council in securing the services of a Community Development Worker. Such worker would work directly with rural communities and with partner agencies to develop and improve quality of life and vibrancy of the community. The contribution would cease when the Town Council offices become operational.

13.64 Administration Building/Town Council Office, Library Provision

13.65 Prior to occupation of 1500 dwellings, the Applicants must build an administration building and transfer that building to the District Council.

13.66 At the same time as transfer, the Applicants must pay to the District Council a sum of money (yet to be agreed) towards the setting up of a Town Council for the New Community and associated activities including operation of a website and publications and notices etc together with an annual contribution from which the community can draw. It is intended that this annual sum cease on the setting by the Town Council of its own precept. A permanent library building will be provided and in the interim the Applicants have also agreed to pay a mobile library contribution of £10,000 per annum.

13.67 Police and Ambulance Facilities

13.68 Land will be made available early on in the development for the stationing of two police vehicles and for the stationing of two ambulances. This will be made available next to the Multi-Purpose Building (see below). This land must be kept available until land for a police station and for the permanent stationing of ambulances has been provided and transferred to the District Council. So far as the police station is concerned, the obligation in respect of this Application is only to make the land available and not to provide the police station. That will again be dealt with in the next phase of the community.

13.69 **Community Care Campus**

13.70 There will be provisions in the Agreement to provide land for community facilities. This is likely to be 1.3 hectares and is likely to accommodate a Children's Centre, Health and Well Being Centre (for the PCT) and Extra Care Housing (50 units). So far as the Children's Centre is concerned, a contribution towards the capital cost of providing the Children's Centre will be included within the Agreement. The County Council and the PCT are looking at ways of working together to jointly procure a single building to cover all three functions and therefore negotiations and discussions on these aspects are continuing.

13.71 **Place of Worship**

13.72 Prior to the occupation of 500 dwellings, the Applicants must transfer 0.5 hectares of land within the New Community for a Place of Worship. There is also an obligation, prior to occupation of 150 dwellings, to complete and transfer to the District Council residential accommodation for a Christian faith worker. The Christian Churches Together in Devon are committed to funding this worker and have specifically requested that no Church building should be provided at this stage.

13.73 **Multi-Purpose Building**

13.74 Prior to occupation of 150 dwellings, a Multi-Purpose Building must be completed and transferred to the District Council. It is intended that this will house such things as a temporary police station, an internet café, temporary health facilities and a community hall which can be used for an assembly hall for the temporary primary school. External funding for this project has been secured by this Council through the New Growth Point Funding.

13.75 **Town and District Centre Retail Facilities**

13.76 The Employment and Retail Strategy and the Strategic Design Guidance outline the main town and neighbourhood centre retail facilities that will be provided. The Section 106 Agreement will seek to regulate delivery of these insofar as they are not covered by conditions. It will also seek to put in place any constraints the District Council feel are appropriate in relation to such facilities. The key issues are:-

- To secure the construction, sale and letting (on commercial terms) of retail and high street units in respect of the town centre and neighbourhood centres.
- To regularise the size and use of the proposed food store.
- To ensure land for other town centre uses (e.g. hotel, pub, restaurant, takeaways, commercial, leisure, civic) is made available.
- To ensure a parking strategy for the town centre and neighbourhood centre is put in place.

These provisions are all still the subject of negotiation.

13.77 **Sustainability Provisions**

13.78 A Sustainability Strategy has been provided and the Section 106 Agreement will seek to draw out and ensure the relevant measures outlined in that strategy are put in place. The key features of the Section 106 Agreement is to ensure that sustainable construction techniques are employed and sustainable buildings are delivered. This includes:-

- Dwellings will achieve Eco-Homes Standard 'Very Good' as set out in the 2006 Building Research Establishment Environmental Assessment Method (BREEAM)
- A 'Very Good' BREEAM rating will be achieved for all commercial, non-residential and educational buildings.

- That 16.4% renewable energy will be secured.
- Over 10% improvement on Building Regulations for insulation standards.
- Reduction in carbon emissions by 50% on selected non residential buildings
- Monitoring arrangements.

13.79 Monitoring of Pebble Beds Heath Special Protection Area

13.80 As part of the Appropriate Assessment under the Habitats Directive, the Applicants have agreed to carry out monitoring on key areas of the Pebble Beds Heath Special Protection Area to ascertain any increase in visitor numbers/patterns in this area. This will be dealt with in the Section 106 Agreement.

SUPPLEMENTARY REPORT
SECOND AMENDMENT

OVERARCHING
CONCLUSIONS

14.0 OVERARCHING CONCLUSIONS

- 14.1 The proposed changes to the outline planning application submitted as part of the Second Amendment, the key points of which are described in Section 2 of this report, have been examined and overall the assessment is that these are minor alterations relative to the application as a whole.
- 14.2 Since the application was presented to Committee in May 2005, a number of important issues have emerged upon which some progress has been made, but on which some factors remain that will be resolved before the decision can be issued upon the signing of the Section 106 Agreement. Notably, these issues include the Crannaforde Level Crossing, Phase II Highway Works, and items raised by Sport England in their consultation response.
- 14.3 The notion of requiring Strategies to inform the major elements of an application as complex as Cranbrook is an innovative approach, drawing on the requirements of the Supplementary Planning Guidance document for the New Community. It is unrealistic to expect that every aspect of each Strategy will be perfect, but the process has proved to be a penetrating exercise examining each subject in great detail and drawing out the key principles that will guide the future of Cranbrook. Mitigation measures identified and suggested within each Strategy, together with the details that will be contained within the future Action/Business/Management Plans and the Legal Agreement plus the proposed monitoring process, will result in a soundly negotiated settlement within which every element will be delivered with as much control as can be exercised within the remit of an outline planning application.
- 14.4 Service providers, Parish Councils and other stakeholders have been involved in extensive and ongoing negotiations to ensure they are in their turn including budget provisions for delivery of their services/facilities in tune with the Cranbrook programme (expressed as occupation trigger points) for the provision of 2,900 dwellings. Some elements have been future proofed beyond the limit of this application to ensure that the town is designed to accommodate the inevitable expansion already indicated in the Devon Structure Plan and the Draft Regional Spatial Strategy, whatever the final agreed target population might be. It is considered that the Committee can have every confidence that “the whole will be greater than the sum of its parts” and that the outline planning application has the capability to enable the delivery of a well designed, active and sustainable settlement where people will choose to want to live and work.
- 14.5 The application is however recommended for Delegation to enable the final details to be ironed out, the Strategies signed off once amended as recommended above and the Section 106 Agreement to be completed. The overall package now proposed is a balanced one which achieves a significant proportion of the requirements of the Supplementary Planning Guidance for the New Community.

SUPPLEMENTARY REPORT
SECOND AMENDMENT

RECOMMENDATION

RECOMMENDATION

1. That subject to the satisfactory completion of all the Strategies and the consideration of the Secretary of State under the Town & Country Planning (Shopping Direction) (England & Wales) Number 2 Direction 1993, the Town & Country Planning (Residential Development on Greenfield Land) Direction 2000 and the Town & Country Planning (Development Plans and Consultation) (Departures) Directions 1999, East Devon District Council Development Control Committee having considered Environmental Information under the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 delegated authority be given to the Head of Planning & Countryside Services to grant **OUTLINE PLANNING PERMISSION** subject to:-
 - (a) The conditions set out below.
 - (b) The applicants entering into a Section 106 Agreement in accordance with draft Heads of Terms set out in the report.
2. That the Head of Planning and Countryside Services be given delegated powers to add to or amend the conditions and clauses set out in this report as appropriate.

CONDITIONS

Reserved Matters

1. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters for each phase [the term "phase" to be defined] of the development in keeping with the phasing strategy") shall be obtained from the local planning authority in writing before any development is commenced and that development shall be carried out in accordance with those approved details.
Reason - The application is in outline with one or more matters reserved.
2. Details submitted in compliance with Condition 1 shall include finished floor levels and existing and proposed ground levels in relation to a fixed datum. Development shall then be carried out in accordance with those approved details.
Reason - To ensure that adequate details of levels are provided to enable assessment of the relative heights of ground and buildings in relation to the landscape, the proposed development and existing structures.
3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of five years from the date of this permission.
Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.
4. The development hereby permitted shall be begun either before the expiration of ten years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.
5. The submission of all reserved matters and the implementation of the development hereby permitted shall be carried out in accordance with the mix and disposition of land uses and major highway network contained in the Amended Development Framework Plan reference WCN028/AA/006B, supporting Revised Planning Statement dated November 2006 and

Strategic Design Guidance (dated November 2006), or in accordance with any subsequent amendment to the Development Framework Plan which may subsequently be approved in writing by the local planning authority.

Reason - To define the scope of this permission.

6. The development of the New Community will be carried out in accordance with the following approved strategies and their associated action/business, and management plans including the Construction Environmental and Management Plan:-

- a) Sustainability Strategy
- b) Strategic Design Guidance
- c) Phasing Strategy
- d) Landscape, Bio-diversity & Drainage Strategy
- e) Housing Strategy
- f) Employment and Retail Provision Strategy
- g) Archaeological Strategy

Reason – To ensure that the New Community is a balanced and sustainable settlement and to ensure a high standard of design is consistently delivered throughout.

Construction, Environment & Management Plan

7. Prior to the submission of Reserved Matters, a Construction Environmental and Management Plan (CEMP) to manage the impacts of construction, including traffic and the phasing of flood alleviation measures, and to ensure minimum adverse effects are caused by the development shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CEMP shall include measures to regulate the routing of construction traffic and the times within which that traffic can enter and leave the site.

Reason - To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area.

Master Plan & Design Codes

8. A detailed Master Plan and Detailed Design Codes setting out the principles and requirements of good urban and architectural design for all building types, as well as all formal and informal open space and all forms of external lighting within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason – To ensure a high standard of design is achieved.

Archaeology

9. No development shall take place until the applicant, or their successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. This scheme shall accord with the agreed mitigation strategy document (ref. WCPM H1173_08c).

Reason – In the interests of archaeology.

10. The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him or her to observe the excavations and record items of interest and finds.

Reason - To afford the opportunity of archaeological investigation and proper recording of the area.

Sewage Treatment

11. No more than 500 dwelling units shall be commenced until a sewage treatment works to serve the development has been constructed and brought into use.
Reason – In the interests of amenity and to avoid pollution of the environment and/or any water supply.

Flood Alleviation

12. The flood alleviation measures identified within the Landscape, Biodiversity and Drainage Strategy must be implemented in accordance with the mitigation details specified therein and regulated through the Construction Environmental Management Plan (CEMP) required by Condition 7 above.
Reason – To ensure the provision of a hydrologically acceptable flooding and drainage scheme that also brings further landscape, amenity and biodiversity enhancements.

Drainage

13. No development shall take place until details of a Sustainable Urban Drainage System (SUDS) for the disposal of the surface water from the site has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied in each agreed phase of development until the relevant phase of works for the disposal of surface water has been completed.
Reason - To avoid pollution of the environment and/or flooding.
14. No development shall take place until details of the foul drainage system have been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details for each agreed phase of development no dwelling in that phase shall be occupied until the relevant phase of works has been completed.
Reason - To avoid pollution of the water environment.
15. No oils, fuels or chemicals shall be stored on the site unless details of the storage facility, including measures for containing accidental releases to the environment, have been submitted to and approved in writing by the local planning authority, and until such a storage facility has been implemented in accordance with the approved details.
Reason - To protect the environment from pollution and to safeguard the amenities of the area.
16. Any material required to raise ground levels, shall be restricted to clean, inert, uncontaminated soil and spoil.
Reason - To prevent pollution and safeguard the amenities of the area.
17. No sewage or trade effluent (including cooling water containing chemical additives, vehicle washing effluent and steam cleaning effluent) shall be discharged to the surface water drainage system.
Reason - To prevent pollution of the water environment.
18. Vehicle loading or unloading bays and storage areas involving chemicals or other polluting matter shall not be connected to the surface water drainage systems.
Reason - To prevent pollution of the water environment.

Landscaping/Open Space

19. No development of each phase [the term “phase” to be defined] shall commence until details of the Structural Landscape Master Plan (including highway trees) and Reserved Matters Landscape Details and approved Landscape Phasing Plan for each agreed phase of development have been submitted to and approved in writing by the Local Planning Authority. In respect of the Structural Landscape Master Plan, the ‘forward structural planting’ shall be provided prior to the commencement of the phase of development. The remaining

landscaping works shall be undertaken in accordance with the approved scheme within 12 months of completion or during the next planting season following completion of the phase whichever is the sooner. All landscaping shall be carried out in accordance with the approved details and if within a period of 5 years from the date planted any tree, plant or shrub dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with other(s) of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason - In the interest of amenity and the proper planning of the area.

20. Prior to any development taking place within 7 metres of the Cranny Brook, Rockbeare Stream and all water courses (including hedgerow ditches), details of a buffer zone alongside the brook/stream shall be submitted to and agreed in writing by the local planning authority and the development shall be carried out in accordance with the approved details. Thereafter, no development other than land drainage works, underground services where required to cross watercourse(s), landscaping, footpaths, crossing points and associated works shall take place within such buffer zones.

Reason - To protect flora and fauna dependent on the aquatic environment and to protect the riverine environment in general.

21. Prior to the commencement of works in each phase, all existing open watercourses, other aquatic features and associated vegetation within that area shall be retained and protected from physical and chemical disturbance or pollution by measures details of which shall be submitted to and approved in writing by the local planning authority, unless otherwise agreed first in writing by the local planning authority.

Reason - To protect flora and fauna dependent on the aquatic environment and to protect the riverine environment in general.

22. No existing tree shown as being retained on site in the Landscape, Bio-diversity and Drainage Strategy shall be lopped, topped, felled, destroyed or wilfully damaged including any damage to root(s), without the prior written consent of the Local Planning Authority. Furthermore, no burning of materials shall take place where it could cause damage to any tree or tree group on the site or land adjoining.

Reason - To protect trees on the site in the interests of preserving and enhancing the amenity of the area.

23. No existing hedgerows shown as being retained on site in the Landscape, Bio-diversity and Drainage Strategy shall be topped, uprooted or destroyed (including severance of roots), or otherwise wilfully damaged without the prior written consent of the local planning authority. Any part of any retained hedgerow which is uprooted, dies or becomes diseased, shall be replaced before the end of the next available planting season with a species, details of which shall first have been submitted to and approved in writing by the local planning authority.

Reason - To ensure minimum interference with the hedgerows on the land.

24. Any existing, replaced or newly planted hedgerows identified in the Landscape, Bio-diversity and Drainage Strategy, shall thereafter be permanently retained. Furthermore, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order, no fence or other means of enclosure shall be erected within or closer to any hedgerow other than as shown on the approved plans or as shall first be agreed in writing with the local planning authority.

Reason - To ensure minimum interference with the hedgerows on the land.

Environmental Mitigation

25. Before the development hereby permitted is commenced, a scheme for the provision of Ecological Protection and Enhancements, in accordance with the Devon and East Devon Biodiversity Action Plans and mitigation measures required by the most recently approved Environmental Statement shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall thereafter be implemented in accordance with the approved scheme and the approved Phasing Strategy

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Reason – In order to generate a net increase in biodiversity by the protection, conservation and enhancement of the landscape and ecological features within it.

Protected Species

26. The Environmental Statement shall be reviewed and updated every three years from the date of this permission and shall be submitted to and approved in writing by the Local Planning Authority. This process shall be repeated until the completion of the development hereby approved in order to identify the presence of any protected species within the site at that time.
Reason – The review must be on going because the permission hereby granted is likely to extend over a long term during which the ecology of the site could change.

Removal of Permitted Development Rights (Low-cost market housing)

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no works within Schedule 2 Part 1 Classes A, B, C or D for the enlargement, improvement or other alterations to the low-cost market dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.

(Reason - The space available would not permit such additions with detriment to the character and appearance of the area or to the amenities of adjoining occupiers.)

Walls/Fences

28. Before the development hereby permitted is commenced on each phase [the term “phase” to be defined] of the site, details of the walls and/or fences or other forms of enclosure to be erected shall be submitted to and approved in writing by the local planning authority. Any walls and/or fences shall be erected in accordance with the approved details before it is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), these walls and/or fences or other means of enclosure shall not thereafter be altered, removed or replaced 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.

Provision for Refuse Storage

29. Detailed plans for the residential and commercial development shall include provision for internal and external refuse and recycling storage facilities. Such provision to be implemented in accordance with the approved plans.

Reason – To ensure this amenity is satisfactorily integrated into the design of the development.

Schedule of Phasing of Road, Services and Facilities

30. No occupation of any dwelling after the construction of the first 2,200 dwellings shall take place until one of the Phase II options in the Access Strategy [define] for the proposed developments to the East of Exeter in the Exeter Area of Economic Activity or an equivalent is in place.

Reason – In the interests of ensuring that the highway infrastructure is in place to accommodate the additional traffic movements predicted post 2,200 dwellings at the New Community.

31. Notwithstanding the details of the Development Framework Plan submitted with the outline application the reserved matters submissions shall include provision for a public transport corridor to accommodate special buses or trams/light rail between the new railway station and

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the proposed Exeter Airport Terminal where such a route falls within land within the ownership or control of the developers.

Reason – To protect the potential to integrate these strategic transport sites with quality public transport.

32. No works shall be commenced on any phase of the development until details of all the following matters in respect of that phase have been submitted to and approved by the Local Planning Authority:-

- (i) The matters listed in Part 1 of the Schedule annexed hereto (hereinafter called “the Schedule”). (See Schedule Annex to this condition)

Reason – To ensure adequate information is available for the proper consideration of the detailed proposals, the site is developed in a proper manner, adequate access and associated facilities are available for all traffic attracted to the site, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining and future residents.

33. No buildings shall be commenced until the relevant facilities/services described in Part I of the Schedule have been constructed in accordance with the requirements of Part IIA of the Schedule and no dwelling shall be occupied until the said facilities/services have been provided and completed in respect of such dwelling in accordance with the requirements of Part IIB of the Schedule.

Reason – To ensure adequate information is available for the proper consideration of the detailed proposals, the site is developed in a proper manner, adequate access and associated facilities are available for all traffic attracted to the site, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining and future residents.

Railway Station

34. Full details of the design of the proposed railway station shall be submitted and approved in writing by the local planning authority. The railway station shall be constructed in accordance with those details.

Reason - To ensure satisfactory provision of the railway station in accordance with the Development Plan requirement.

35. Details of the bus lay-by, cycle storage facilities and car parking in connection with the Railway Station shall be submitted to and approved by the Local Planning Authority. The bus lay-by, cycle, storage facilities and car parking should be provided in accordance with those details, which shall be no later than the opening of the railway station to members of the public.

Reason – To ensure the railway station has adequate provision for buses, cycles and car parking.

Railway Safety

36. As part of the reserved matters relating to any parcel of land adjoining the Exeter-Waterloo railway line, details of the proposed fencing shall be submitted to and approved in writing by the Local Planning Authority. The fencing works shall then be carried out in accordance with the approved details.

Reason – In the interests of public safety and amenity.

37. Within the vicinity of the railway there shall be no excavations near railway embankments, retaining walls or bridges and no surcharging of cutting slopes or retaining walls.

Reason – To ensure the on-going safe operation of the railway.

Prevention of Lighting Pollution

38. Prior to the commencement of the development, details of the design and ongoing management of any temporary or permanent external lighting, including road lighting, shall be submitted to and approved in writing by the local planning authority. The lighting shall then be installed and operated in accordance with the approved details, unless otherwise first agreed in writing the local planning authority.

Reason –To safeguard the amenities of the area and in the interests of air safety, having regard to the proximity of Exeter International Airport throughout the operational period of the development and not just at the initial design stage.

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Parking

39. Details of both on-street and off-street parking provision for each phase of development are to be submitted to and approved by the Local Planning Authority and are to be provided in accordance with those approved details. Thereafter all off-street parking provision shall be retained for that purpose. For the avoidance of doubt, the single domestic garages shall be designed with a footprint of at least 6m x 3m.

Reason – To ensure required parking standards are adhered to.

40. Unless otherwise agreed no part of the town centre shall be occupied until a Car Park Management Scheme regarding the operations of the town centre car parks have been submitted and approved in writing by the Local Planning Authority. The town centre car park management shall be implemented in accordance with the approved Scheme.

Reason – To ensure adequate provision of public car parking.

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Cycle Parking

41. Reserved Matters to be submitted for all non residential developments shall ensure provision of cycle parking facilities, these to be installed and available for use on first occupation of the building.

Reason – To achieve modal shift from private car to other forms of transport in accordance with the transport assessment.

Noise Pollution Measures

42. Construction work on any residential building shall not begin in the western part of the application site, defined as “Land subject to restriction due to engine testing” on the Inset Map 24 (PUA 1) in the Local Plan, until a noise control scheme for protecting the proposed noise sensitive development has been submitted to and approved by the local planning authority. The scheme shall ensure that:-

- (a) no residential building shall be forecast to be exposed to greater than 65dB LAeq, (5 minutes) at night from engine test noise at Exeter International Airport.

OR

- (b)? where this cannot be achieved, the building envelope of the bedrooms of any residential building shall be constructed so as to provide sound attenuation against external noise, by having a building envelope sound insulation of 30dB(A), with windows shut and other means of ventilation provided between 2300 and 0700 hours.

Reason – To safeguard the amenities of future occupants.

Changing Facilities

43. Before any works are commenced on each phase of the site, details of the siting, phasing and design of the changing facilities to be provided in association with the sports pitches shall be submitted and approved in writing by the Local Planning Authority. The facilities shall then be

constructed in accordance with those details. For the avoidance of doubt, the changing facilities shall be available for use to coincide with the provision of the sports pitches.

Reason – In the interests of the character and appearance of the locality and to ensure that appropriate amenities are available for all uses of the sports facilities.

Details Required for Commercial Premises

44. Unless otherwise agreed in writing with the Local Planning Authority no commercial/employment development shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority.:-

- a) A shop front/advertisement design.
- b) The route lines of all services both on and off-site.
- c) Proposed opening hours of the Class A3 (restaurants and cafes); Class A4 (Drinking establishments); Class A5 (Hot food takeaways) units/uses as defined by the Town & Country (Use Classes) (Amendment) (England) Order 2005.
- d) Proposed hours of operation for Class B (Business) Uses.
- e) All external lighting and signage and display lighting.
- f) Pollution protection measures, to include the provision that extract ventilation equipment with filters shall be installed and maintained within all units operating within Class A3, (Restaurant and Café), Class A4, (Drinking Establishments), Class A5 (Hot food takeaway) of the Town & Country Planning (Use Classes) (Amendment) (England) Order 2005. The development shall be carried out in accordance with the approved details.

Reason – To ensure a satisfactory appearance and implementation of the development and in the interests of local amenity.

External Plant or Machinery

45. No external plant or machinery shall be installed on any building within the site without the prior approval of the Local Planning Authority.

Reason – In the interests of local amenity.

Public Realm

46. No buildings shall be erected within 17 metres of the 250mm High Pressure Transmission gas pipeline that is routed through the site or as shall otherwise have been agreed in writing with the Local Planning Authority.

Reason – In the interests of public safety.

47. Prior to the commencement of each phase of development, details of ground gas protection measures shall be submitted to and approved by the Local Planning Authority. These measures shall be implemented in accordance with the approved details.

Reason – To prevent gas pollution of the environment.

INFORMATIVES

1. SCHEDULE ANNEX TO CONDITION 29

Introduction – As Local Planning Authority the East Devon District Council, with the co-operation of the Devon County Council who are the local Highway Authority, have produced this schedule to secure the proper development of residential estates in the public interest. The Schedule specifies the information required at the detailed planning stage and prescribes the phasing of roads, services and facilities in relation to the construction.

PART I

(Details to be submitted and approved by the Local Planning Authority prior to the commencement of any part of the development.)

Details of the proposed estate roads, footways, footpaths, junctions, street lighting, sewers, drains, retaining walls, service routes, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture, such details to be provided by way of plans and sections indicating as appropriate the design, layout, levels, gradients, materials and methods of construction.

PART II – General

(Phasing of the Road Construction and Completion)

For the purposes of this Schedule the expression “phase” shall mean a phase of comprehensive development shown on a phasing plan approved in writing by the Local Planning Authority and, except as may otherwise be agreed in writing by the Authority, no phase shall exceed such part of the said development as is likely to be completed within two years. Where no phasing plan has been so approved the expression “phase” shall mean the whole of the said development.

(NOTE: The above definition of “phase” can be changed in due course to match the definition yet to be agreed referred to in the note for Condition 1.)

PART II A

(Works required prior to commencement of construction of any building in a phase)

Except as may otherwise be agreed in writing by the Local Planning Authority, all the following works shall be carried out within the phase prior to the commencement of construction of any building within the phase:-

- (i) The carriageways shall be laid out, kerbed, drained and constructed up to and including base course level and thereafter maintained free of obstruction to the free passage of vehicular traffic. All ironwork shall be set to the base course levels and all sewers, manholes and service crossings within a phase shall be completed.
- (ii) The footways and footpaths shall be laid out, kerbed and constructed up to and including sub-base material level and thereafter maintained free of obstruction to the free movement of pedestrians.
- (iii) The verges, service/vehicle clearance/maintenance margins and visibility splays shall be laid out and constructed to their final level.
- (iv) Where within a phase a cul-de-sac as constructed does not include a vehicle turning facility, a temporary vehicle turning facility shall be provided to the satisfaction of the Local Planning Authority.

- (v) Where within a phase a carriageway, footway or footpath is not directly connected to an existing highway maintainable at public expense (or a street which is the subject of an agreement under section 38 of the Highways act 1980) all intervening carriageways, footways and footpaths shall be constructed in the same way and subject to the same requirements as those set out in (i) to (iv) above.

PART II B

(Works required (a) prior to occupation of each building in a phase and (b) within twelve months of the occupation of the first building within such a phase)

Except as may otherwise be agreed in writing by the Local Planning Authority, the works described in (i) to (v) below shall be carried out prior to the occupation of each building in a phase and the works described in (vi) below shall be carried out within 12 months of the occupation of the first dwelling within such phase:-

- (i) The footways and footpaths that provide the building with direct pedestrian routes to an existing highway maintainable at public expense (or to a street that is the subject of an Agreement with the County Council under Section 38 of The Highways Act 1980) shall be surfaced up to and including base course level and thereafter maintained free of obstruction to pedestrian traffic.
- (ii) The street lighting for the carriageways, cycleways, footways, footpaths and for the pedestrian routes referred to in (i) above shall be provided, erected commissioned and thereafter maintained.
- (iii) The car parking, lorry parking and any other off-street vehicle movement provision required by the planning permission for the building shall be completed.
- (iv) On shared surface roads the verge, service/maintenance/vehicle clearance margins and any vehicle crossing on the road frontage of the building shall be completed with the highway boundary properly defined.
- (v) The street nameplates shall be provided, erected and maintained thereafter.
- (vi) Within twelve months of the occupation of the first building within a phase, all carriageways, cycleways, footways, footpaths (including any such intervening carriageway, cycleway, footway or footpath as is mentioned in PART II A (v) above), drainage, statutory undertakers mains and apparatus, junction, access, retaining wall and visibility splay works shall be wholly completed.

In Circular No 79/74 the Department of the Environment advised Local Planning Authorities as follows :-

“It is important that when new streets are created they should be planned to be made up as soon as possible and adopted as highways maintainable at public expense, not left as private streets which may be made up at some time in the future at the discretion of the street works authority.”

The street works authority for the East Devon District is the Devon County Council. The developer has prepared a Strategic Design Code and Detailed Design Codes which deal, inter alia, with street layouts. Where streets are in accordance with those Codes the developer can enter into agreements with the County Council for the adoption of proposed new highway works and the District Council strongly recommend all developers to enter into such agreements before the development commences.

Having regard to the advice in Circular 79/74 the District Council will operate the following development control policy:-

Detailed Plans – No detailed plans of a new street will be approved for the purposes of planning permission unless such plans meet the County Council's highway requirements. The District council will liaise with the County Council in this respect to ensure that plans approved pursuant to planning permission will be acceptable to the County Council for the purposes of an adoption agreement. (NB – Negotiations between the County Council and developers in respect of road adoption agreements will only take place after the approval of such plans.)

Construction Programme – Planning conditions will require provision of certain highway facilities before commencement of building construction commences and will require completion of all relevant highway works before occupation of buildings.

With regard to the highway facilities required before building construction commences, the District Council will for example require the construction of new roads to base course standard (see next section) and the provision of all new visibility splays and other traffic movement facilities etc.

Where appropriate the District Council will agree to the orderly phasing of development, but such phasing must incorporate the provision of adequate highway facilities in respect of each phase. However, piecemeal development unrelated to an agreed orderly phasing programme is not acceptable.

All phasing arrangements must be agreed by the Council in writing.

Enforcement – The District Council will monitor compliance with all planning conditions relating to the subject matter of this note and when breaches occur enforcement action will be put in hand and, in appropriate cases, serious consideration will be given to the service of stop notices, especially where building construction work proceeds whilst requirements of an enforcement notice remain outstanding.

With regard to standards of construction of highway works, the District Council will require all works to be constructed in accordance with the County Council Specifications.

The District Council will obtain the County Council's advice on construction standards in all cases where the developer has entered into an adoption agreement which provides for supervision and inspection by the County Council. In cases where there is no such agreement the District Council will require the developer to provide conclusive evidence to satisfy the Council that the highway works have been constructed in accordance with the County Council guide.

The Council will in all cases call for a report from the County Council before confirming that the relevant planning conditions have been complied with. However, the issue of any such confirmation by the District Council will not be binding upon the County Council as the statutory street works authority and will not guarantee the release of any monies or security held by them against the making up of a private street.

2. LEGAL WATER INTERESTS

- It should be highlighted that it remains the responsibility of the applicant to ensure that the development does not affect any existing legal water interests in the area.

3. RAILWAY SAFETY

- For the avoidance of doubt with regard to excavations and surcharging, Network Rail should be consulted on any alterations to ground levels or any works that may cause surcharging of cutting slopes or retaining walls. Network Rail can accept no liability to maintain support to the adjoining land other than for its existing use.

4. **THIS DECISION RELATES TO THE AMENDMENT APPLICATION DRAWINGS SUBMITTED WITH THE SECOND AMENDMENT**

- Application site Boundary Plan WCN028/AA/005
- Context Plan WCN028/AA/002
- Development Framework Plan WCN028/AA/006
- Building Heights and Residential Density Plan WCN028/AA/007

SECTION 106 AGREEMENT DRAFT HEADS OF TERMS ARE AS DESCRIBED ABOVE IN THE MAIN BODY OF THE REPORT AT SECTION 13.0

List of Background Papers

The file containing all letters, consultations, and documents referred to in the report.

SUPPLEMENTARY REPORT
SECOND AMENDMENT

APPENDICES