

Cranbook Plan
Examination in Public

Matter 5

Hearing Position Statement

Boyer

**CRANBROOK PLAN
EXAMINATION IN PUBLIC
MATTER 5: TREASBEARE EXPANSION AREA**

BOYER ON BEHALF OF MR & MRS PYLE / HARROW ESTATES PLC

REP ID: 144

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1. INTRODUCTION

- 1.1 On behalf of our clients, Mr & Mrs Pyle/Harrow Estates Plc, Boyer has prepared this Statement in relation to Treasbeare Farm which is proposed to be allocated for development – Policy CB3.
- 1.2 Both parties fully support this allocation (save for the comments made in the representations made to the Submission Draft and those contained in the Hearing Statement to the Examination) and are working with the Council to prepare a Statement of Common Ground.
- 1.3 The site is subject to two separate planning applications currently held in abeyance (LPA Ref: 15/0045/MOUT and 17/1482/MOUT). These applications were made by Hallam Land and Taylor Wimpey UK Ltd. The Option Agreements prevailing at the time of these previous applications have now expired and Mr and Mrs Pyle (Landowners) have now agreed terms with Harrow Estates.

2. QUESTION 57

Is the proposed housing allocation deliverable and/or developable in accordance with the housing trajectory?

In particular, is it:

- a. Confirmed by the landowner involved as being available for the use proposed?
- b. Supported by evidence to demonstrate that safe and appropriate access for vehicles can be provided?
- c. Deliverable, having regard to the provisions of necessary infrastructure and services, and any environmental or other constraints?

Question 57a

- 2.1 The extent of the land controlled by Mr & Mrs Pyle is shown at **Appendix 1**, representing a significant proportion of the CB3 Expansion Area.
- 2.2 Two separate planning applications currently held in abeyance which demonstrate the willingness to make this land available for development. The option agreement pursuant to these applications has expired and the landowners have now agreed terms with Harrow Estates.
- 2.3 The site is evidently available for the use proposed.

Questions 57b

- 2.4 There are no concerns identified through the evidence base that safe and appropriate vehicle access cannot be achieved. The Masterplan [Cran052] identifies potential layout/access arrangements to provide high quality walking/ cycling infrastructure and the potential to deliver a looped bus service within the development area.
- 2.5 The specific details of access arrangements will be addressed through the planning application process. Notwithstanding this, the Masterplan provides the comfort that safe and appropriate vehicular access can be secured.

Question 57c

- 2.6 Whilst the development process is an early stage, the fact that two national housebuilders have been willing to enter into option agreement demonstrates that they consider residential development can be delivered on site. This supports the Council's view, which is based on a comprehensive evidence base that considers infrastructure, servicing and environmental constraints.

- 2.7 Our Regulation 19 representations raised specific concern regarding the apparent disproportionate distribution of infrastructure to this Expansion Area. Specifically in terms of sports provision, it is acknowledged within the plan (para 3.16) that the requirements for the Artificial Grass Pitch and 2.14ha of grass pitches are '*residual requirements from Cranbrook Phase 1*'.
- 2.8 There is a lack of justification to explain why this now falls within the policy burden of this Expansion Area. The infrastructure that is required to support the growth at the Expansion Areas should be expressly stated in policy and appropriately justified in terms of alternative provision that may also provide the benefits sought, with less land take, such as the provision of Multi Use Games Areas (MUGA).

3. QUESTION 58

Has full consideration been given to the impact of this allocation on:

- a. **Access arrangements**
- b. **Landscape Impact**
- c. **The relationship with the airport including flight path and the engine testing facility in respect of noise?**

Question 58a

- 3.1 The Masterplan [Cran052] and Transport and Movement Addendum [Cran065] provide a comprehensive overview of the potential access arrangements alongside the integration with the wider area.
- 3.2 Whilst the proposed access arrangements presented within the previous applications do not represent either or fixed or the only solution, both demonstrate that safe and suitable access to the site can be provided.
- 3.3 Representations were submitted in response to the live application at the Bluehayes (CB2), proving formal comments intended to ensure that the proposed access arrangements do not prejudice the ability to secure safe and appropriate access arrangements to serve the Treasbeare (CB3).

Questions 58b

- 3.4 The plan (Paragraph 3.18) describes the key landscape constraints and refers to the landscape and visual impacts identified in the Masterplan [Cran052].
- 3.5 The ridge that runs north-south through the east of the area is an important feature. As such the capacity for the landscape to absorb change is markedly different to the west and south west of this ridge. Focusing development to the west of the ridge within the context of key landscape considerations will be an important consideration in the masterplanning of the site.
- 3.6 The definition of the Built up Area Boundary imposes a blanket restriction on development outside of this designation, with little or no regard as to the capacity of this area to accommodate development within the identified landscape constraints.

Question 58c

- 3.7 The Noise Impact Assessment [Cran015] identifies noise sources from the airport. It is necessary that suitable mitigation is built into orientation of the planned layout whilst ensuring that development does not restrict the airport's operation.
- 3.8 Figure 2 identifies noise sensitive areas, however, it is not the purpose to direct the approach or phasing of delivery.

- 3.9 Noise sensitivity varies and dictates mitigation levels across the site. This provides the opportunity to deliver early phases of development without the need for off-plot mitigation (that may be required to address noise issues in the more sensitive areas). This mitigation can be implemented in support of latter phases of development.
- 3.10 The Airport Engine Testing is identified within the Infrastructure Delivery Plan [**Cran30**] as a Category 2 Infrastructure requirement. The Masterplan [**Cran052**] recognises that the noise created by engine testing can be mitigated by a dedicated engine testing pen to a level that would facilitate residential development. This demonstrates that mitigation is capable of providing a suitable environment for new residents in the most sensitive areas of this site. Harrow Estates have had positive discussions with the airport and welcome the delivery of the engine testing pen.

4. QUESTION 59

What is the justification for development on land identified as green wedge within Strategy 8 of the adopted Local Plan?

- 4.1 Strategy 8 does not impose a blanket restriction on development within the Green Wedge, it seeks to prevent proposals that would add to sporadic/isolated development or damage the identity of a settlement.
- 4.2 It is within the scope and intention of this policy to enable development to come forward where it satisfies the provisions of this policy.
- 4.3 The Masterplan [Cran052] recognises that development within this Expansion Area has the capacity to deliver growth and maintain the visual separation of Rockbeare - the function of the Green Wedge designation. It concludes that such limited loss is unlikely to have a demonstrably harmful impact.
- 4.4 The integrity and function of the Green Wedge is not undermined through the Plan, specifically where this is informed by, and responsive to, detailed landscape assessments.

5. QUESTION 60

Strategy 7 of the East Devon Local Plan rules against development that would cause the adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusion. Would the allocation of CB3 result in the loss of open space and lead to settlement coalescence; would it conflict with the EDLP in respect of strategy 7 by proposing development which would impact on the skyline (the ridge)?

- 5.1 It is not justified to assert that the Built up Area Boundary should represent the physical extent of development, beyond which development would result in unacceptable impacts and conflict with Strategy 7.
- 5.2 It is through the detailed preparation of a planning application that the sensitivity of locations and potential adverse harmful impacts can be fully assessed and where appropriate addressed.
- 5.3 A high level, strategic Landscape and Visual Appraisal (LVA) has been undertaken by The Landmark Practice (TLP) in summer 2019 and identifies landscape parameters which would comply with Strategy 7 of the EDLP.

Avoid harm to landform and patterns of settlement

- 5.4 The LVA found that northern areas are influenced by the presence of the existing residential development, whereas areas to the southwest are influenced by Exeter Airport, Skypark and other commercial developments. Given the influence of existing development the LVA finds these areas to have Medium or Low sensitivity to the type of development proposed.
- 5.5 Remaining areas are located upon an area of steadily rising landform, which forms a locally distinctive ridgeline in the landscape. Open areas atop the ridge provide a continuation of the rural landscape to the south/southeast. The ridgeline also provides a visual connection to the areas of higher ground further to the north beyond Cranbrook.
- 5.6 In response development is proposed to be focused in the least sensitive areas in landscape terms. Built development will avoid outward facing slopes (i.e. to the east towards Rockbeare), thereby avoiding loss of visual connection to the higher areas of land in the surrounding landscape.
- 5.7 Furthermore, the Expansion Area aims to maintain a clear visual separation between Rockbeare and Cranbrook thereby avoiding coalescence.

Avoid harm to features that contribute to local landscape character

- 5.8 Initial work focusses on defining a series of high level design parameters, which accord with the landscape guidelines in East Devon and Blackdown Hills Landscape Character Assessment, Devon County Council (March 2019). These are summarised at Appendix 2.

Avoid adverse disruption of public views which form part of the distinctive character of the area / otherwise causes significant visual intrusions

- 5.9 The site does not lie within an area designated for landscape value but the areas of landscape sensitivity atop a local ridge provide visual separation between Cranbrook and more rural areas together with providing connections to the higher areas of land in the surrounding landscape to the north and west.
- 5.10 For the LVA, accessible viewpoints (receptors) were selected to provide a representative sample and spread of typical views (Appendix 3). As an indication, views from new homes along London Road will have clear and direct views of the development whereas views from the village of Rockbeare would be predominantly restricted by intervening mature vegetation.
- 5.11 Careful consideration has also been given to the views out of the site. It is proposed that these would be captured within multifunctional green corridors that could also contain the infrastructure connections, together with opportunities for drainage and habitat creation. The view corridors from the higher areas of the site would aim to connect the development to the surrounding. This, together with appropriate design, layout, materials and planting (to be agreed at the planning application stage), will enable the proposed development to be 'bedded' in the landscape.

6. QUESTION 61

What is the justification for the scale of the neighbourhood centre proposed?

- 6.1 We support the principle of the Neighbourhood Centre in that it will serve residents in the Expansion Areas but not act as an alternative to the Town Centre.
- 6.2 However, we are concerned at the prescriptive scale of the Neighbourhood Centre at Treasbeare. There is no evidence to demonstrate a centre of this size is required for local residents. It is noted that Bluehayes does not specify the need for a ‘neighbourhood centre’ while Cobdens, which is larger than Treasbeare, only has to provide a centre of at least 1,250sqm.
- 6.3 The Economic Development Strategy [Cran014] identifies a need for the provision of some employment land within the Neighbourhood Centres, However, there is no justification of how this is to be provided and whether such an approach is viable and appropriate.
- 6.4 It is considered that the neighbourhood centre is not adequately justified as appropriate in scale to meet the needs of local residents, while the requirement to include a mix of uses is ill-defined. There is no clarification as to what would constitute a ‘compatible’ mix of uses. Consequently, it is not possible to provide any certainty as to how adherence to this policy can be achieved.

7. QUESTION 63

What is the Visual impact of the playing fields at Treasbeare on the green wedge and on the proposed SANG?

- 7.1 There will be an impact from the proposed lighting, built form and fencing associated with the playing fields but this will be detailed and assessed as part of the planning application process.

8. QUESTION 64

Does the Masterplan represent the only strategy for the development of this site? Would it be appropriate?

- 8.1 It is not appropriate for the Masterplan [Cran052] to pre-determine delivery of the sites. It does not form part of the Plan, as stated in the Sustainability Appraisal [Cran057 – paragraph 6.1]
- 8.2 The Masterplan (Figure 8) is replicated in the Policies Map thereby elevating its status from an evidence base document, to a specific component of the Plan.
- 8.3 Moreover, Policy CB3 states that '*where land is allocated for specific uses on the policies map, the uses will fall on and within the designated areas*'. This imposes a policy framework that makes the masterplan determinative in the development of the Expansion Area.
- 8.4 Within CB16 it is a requirement that Design Codes and detailed proposals 'must demonstrate how they have had regard to the Masterplan shown at Figure 8.'
- 8.5 The disposition of land uses within an Expansion Area should not be forced to strictly adhere to the Masterplan. To do so pre-determines the extensive site-specific assessments/investigations that will inform any future planning application which will far exceed the masterplan prepared for the Cranbrook Plan.
- 8.6 The Masterplan [Cran052] explains its purpose as being to: '*help guide, inform and set the standard and disposition of land uses around the town.*' The Masterplan demonstrates how the Expansion Areas could be delivered. However, its inclusion within the Cranbrook Plan and Policies Map means that it has moved beyond its intended purpose and is presented as the only strategy for development. There is insufficient flexibility to allow for feasible development proposals to emerge during the application process.

9. QUESTION 65

Is the siting of a 5 pitch Gypsy and Traveller site at the eastern extent of Treasbeare appropriate?

- 9.1 We consider that the justification for a specific site within this Expansion Area is not adequately explained within the evidence base.
- 9.2 The Plan is not supported by any consideration of this location in terms of the consistency with Policy H7, which remains an extant policy.
- 9.3 To justify this location there should be evidence that there are no adverse impacts in terms of the landscape character and that it would have a satisfactory relationship with other land uses. There is no considerations as to the capacity to provide for such sites in manner that does not result in amenity harm to these residents, specifically the absence of measures to mitigate issues such as noise, given the nature of the structures involved.
- 9.4 It is noted that H7 requires any proposal outside of Built up Area Boundaries (relevant in this case) to be based on evidence that this need cannot be met elsewhere. No such consideration is provided.
- 9.5 EDLP (paragraph 16.34) explains that until such time as the DPD is finalised, decisions on sites will be determined in accordance with national policy and Local Plan Policy H7. No adequate justification has been provided to explain why Policy H7 should not continue to be the policy basis upon which proposals for traveller sites are assessed.
- 9.6 There is no consideration of the appropriateness of off-site financial contributions to assist the planning authority in addressing the accommodating needs of the gypsy and traveller communities.

10. QUESTION 67

Has full consideration been given to the impact of this development on air quality and its' proximity to the airport?

- 10.1 As noted in the Sustainability Appraisal [Cran057 - para 3.58] there are no Air Quality Management Areas within or near to Cranbrook. Within the adopted East Devon Local Plan, Policy EN14 seeks to resist development that would result in acceptable air quality conditions for residents.
- 10.2 Policy EN14 is not be superseded, it therefore forms part of the policies against which development in the Expansion Areas will be assessed.
- 10.3 The Health Impact Assessment [Cran011] also notes that the absence of air quality management areas in Cranbrook or within the vicinity of Cranbrook, whilst recognising that developers will be required to consider air pollution affects arising from their development and the impacts will need to be assessed, the significance identified and mitigation measures provided.
- 10.4 Accordingly, we consider that the matter of air quality can be adequately addressed by information supplied as part of any planning application submission.

11. QUESTION 68

Is the employment allocation at Treasbeare justified? What is the rationale for the extent and location of this allocated land?

- 11.1 There is no objection in principle to deliver employment land as part of the mixed use development.
- 11.2 The Economic Development Strategy [Cran014] identifies the need for 18.4 hectares of employment land comprising 8.7ha of offices and industrial land and 9.7ha of retail and leisure. As explained in the Masterplan [Cran052], the town centre being delivered within Phase 1 represents around 12ha of the 18.4ha of the employment land. It does not however clarify what proportion of the 8.7ha of office and industrial land requirement is being provided within the town centre.
- 11.3 The strategy also recommends including a buffer of 8.6ha to allow for changing circumstances or unpredicted opportunities, which could be released for housing or other development is not required.
- 11.4 Policy CB3 only refers to 4.9ha of ‘employment land’, it is not clear whether the specific provision of 4.9ha of employment land is required to address identified needs (i.e. 8.7ha) or whether it is identified in response to the suggested additional buffer of 8.6ha.
- 11.5 Moreover, the Masterplan [Cran052] identifies that the employment land at Treasbeare is to include space for community and studio workshops, as this space is adjacent to Skypark it will provide a ‘stepping stone’ for growth. However, this is not specified in Policy CB3 whilst the requirement to provide for incubator space is – in any event - will limit the potential marketing opportunities
- 11.6 It is considered that the nature of the use should reflect the site and surrounding uses and provide flexibility in terms of future end users.
- 11.7 As stated previously, the Masterplan, through the policies map, is too prescriptive and precise in terms of land use designations and site requirements, providing no flexibility to respond to site specific circumstances.
- 11.8 Moreover, if the overall quantum of employment land required relates either in full or in part to the suggested buffer, then it must be recognised in policy that should such opportunities not materialise then this land can come forward for alternative uses, including residential. An overly prescriptive masterplan/policies map would prevent this from happening.

12. QUESTION 69

Should Suitable Alternative Green space provision (SANG) only be brought forward in accordance with the needs of a specific development and not to address failure to deliver elsewhere?

- 12.1 Policy CB15 aims to ‘safeguard’ 100ha of land for SANG. A significant component of which is to be provided at Treasbeare, although the actual amount is not quantified in Policy CB3.
- 12.2 There are concerns as to whether this approach is justified and effective, in terms of the extent of safeguarded land to be provided at Treasbeare and the approach to accommodating SANG provision from other sites within Cranbrook.
- 12.3 The SANGs Strategy [Cran021 – para 2.4] recognises that Expansion Areas ‘*are only required to “deliver” SANGs that are necessary for their developments.*’ It explains that if additional land is required, it will be made available at a realistic price for purchase by third party developers via a S106 agreement. This is a clear approach but one that is not explicitly stated within Policy CB3. The policy should be revised to avoid conflation of the wider safeguarding requirement and the level of provision which is needed to meet the needs of Treasbeare.
- 12.4 Policy CB3 should identify either a specific quantum or the formulaic calculation for SANG, against which development proposals will need to be consistent.
- 12.5 It should be made clear that the delivery of the Treasbeare mixed use development is not dependent upon the safeguarding of SANG land.

13. QUESTION 70

Do the provisions of the allocation accord with the Rockbeare Neighbourhood Plan?

- 13.1 A key objective of the Neighbourhood Plan is to maintain separation and protect the local environment and character of settlements and communities of the Parish.
- 13.2 In respect of Treasbeare, development located to the west of the north-south ridgeline, avoiding outward facing slopes thereby minimises the effects on the landscape and maintaining the separation to Rockbeare.
- 13.3 It is not considered that CB3 undermines the objectives of the Neighbourhood Plan.

14. QUESTION 72

How has the figure of around 915 dwellings for this allocation been arrived at? Is the allocation capable of accommodating a larger capacity of new housing?

- 14.1 The concern with the Council's capacity figure of 915 dwellings is that this is artificially constrained by the application of Built up Area Boundaries, which in themselves represent a blunt tool that is not informed by the detailed and site specific studies/investigations that will support a planning application.
- 14.2 Site specific work is underway to determine the precise development capacity of this site, taking into account the constraints identified. Whilst this work is on-going, it suggests that 915 dwellings would be a minimum that could be achieved, with emerging proposals indicating development capacity in the order of 1,050 dwellings.

15. QUESTION 73

What is the purpose of a Comprehensive Development Scheme in relation to this allocation?

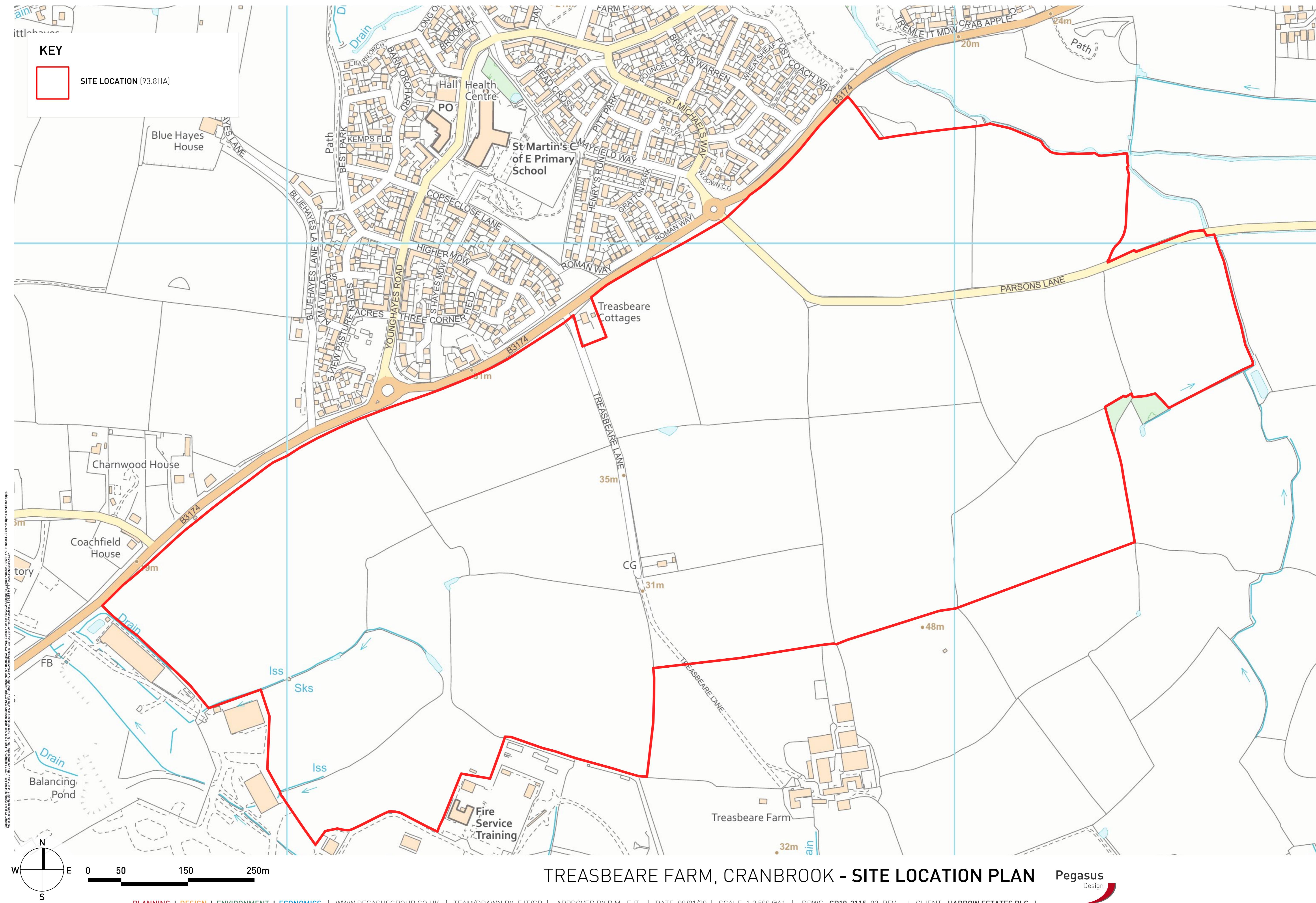
- 15.1 We would draw the Inspector's attention to our response on this issue contained within our Hearing Statement on Matter 3.

16. ADDITIONAL QUESTION AQ8

Are any Main Modifications proposed in relation to Issue 8?

- 16.1 It is proposed that we would work with the Council on preparing suitable Main Modifications during and following the Examination.

APPENDIX ONE – SITE LOCATION PLAN



APPENDIX TWO – EAST DEVON LANDSCAPE GUIDELINES

The landscape guidelines in East Devon and Blackdown Hills Landscape Character Assessment, Devon County Council (March 2019) can be summarised as follows:

- Wherever possible retain and enhance existing hedgerows and consider opportunities to reinstate historic hedgerows on their approximate original line to restore landscape structure (where appropriate) and ensure habitat connectivity with existing wildlife corridors;
- Create informal green spaces off London Road to soften development in views approaching Cranbrook and provide opportunities for sustainable drainage and biodiversity gain;
- Consider opportunities to reinstate orchards on their approximate historical locations to restore landscape structure;
- Provide SANG of an area that is appropriate to offset the effects of development and to include a palette of parkland and wood pasture tree planting to reflect the existing landscape character;
- Ensure the retention of the green character of local roads and lanes through incorporation of suitable development offsets and mitigation planting as appropriate; and
- Respect the landscape setting of the existing buildings on and adjacent to the site which contribute to the rural character, through development offsets and retention of garden spaces.

APPENDIX THREE – ZONE OF THEORETICAL VISIBILITY, LANDSCAPE DESIGNATIONS AND VIEWPOINT LOCATIONS PLAN

