

# Cranbrook Plan –

## Proposed Main Modifications Consultation



17 January 2022 to 28 February 2022 closing at 5pm

For Office Ref:

### Representation Form - to be used as an additional part B form

Please email the completed forms to: [plancranbrook@eastdevon.gov.uk](mailto:plancranbrook@eastdevon.gov.uk)

Alternatively, you can post your completed form to: The Cranbrook Plan, Planning Policy, East Devon District Council, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

### Part B – Your representations continued

Please use this 'Part B only' form for the **second and subsequent** proposed Main modifications **or** documents that you wish to comment on. It must only be used in conjunction with an **accompanying combined Part A and B** form.

<b>Name or Organisation</b>	Hallam Land Management and Taylor Wimpey Developments (HLM/TW)
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1. To which part of the Cranbrook Plan does this representation relate?  
(Please identify only one reference per Part B form)

Proposed Main Modification (PMM)	MM 3	Policies Map Schedule (PMS)	Please select from the dropdown list.	Sustainability Appraisal (SA)	Select if commenting on the SA. Ref: Click to enter text.
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2. If commenting on the PMMs, do you consider that with their incorporation, the Cranbrook Plan is:

(a) Legally compliant	Yes
If answering 'No' please provide reasons	Click to enter text.
(b) Sound	No
If answering 'No' please provide reasons	See Below

For Office Ref:	

3. Please provide full details of your comments in respect of the Modification that you have identified and be as precise and succinct as possible.

HLM and TW wish to make comments in relation to a number of aspects of MM3 which in itself ranges across a number of issues that are set out in Policy CB2. The comments are made under a number of headings below. Section 4 of this form likewise addresses modifications to the Proposed Modifications under the same topic areas.

**A Parameter Plans**

HLM/TW welcome the deletion of references to the preparation of comprehensive development schemes and in particular the need for the agreement of such a scheme before any planning application could be determined for development within the allocation area. In detailed representations made previously such an approach could be considered to be neither justified nor effective and would have affected delivery.

The new wording in relation to detailed parameter plans, while probably not a fundamental concern, still appears unsound in that it unnecessary – particularly in the context of the Bluehayes expansion area where indeed the Lead developer controls well over 80% of the allocation and all of its key areas. A planning application has been prepared for this substantial majority (40 hectares) of the allocation (19/0620/MOUT) and includes a Parameter Plan(s) which addresses links and connectivity with peripeheral areas of the allocation and as is demonstrated in the DAS. If the wording of MM3 in para 3 of CB2 is simply intended to confirm that a parameter plan be confirmed in the principal application for securing the delivery of the Expansion area all is well. At present there remains an element of confusion as to whether duplicated processes/approval structures in place.

In the circumstances of Bluehayes there appears to be no need or benefit of producing a separate parameter plan. HLM/TW can see how this is relevant in CB5 (Grange) where there are many and various landownnerships but this seems to have been applied without justification across all of the Expansion areas.

**B Uses and Developments listed as Items 1-7**

The fourth para of CB2 is proposed to be modified by adding two additional sentences as introduction to items 1-7. Items 1-7 include general descriptions, e.g a mixed use area, land requirements, financial contributions. The new introductory senetence works in terms of accommodating uses and developments listed but not in relation to contributions or indeed delivery of specific land uses. It is therefore ineffective and not justified. It is not for the allocation to “deliver each in full”. In a number of instances it will make provision for – but not necessarily deliver – the final mix within the mixed use area being case in point.

**C Hot Food Takeaway**

MM3 proposes that hot food takeaways should not be located within 400 metres of a school. The reasoning is understood but justified and runs the risk of producing significant distortions in master planning and design if the 400 metres is to be upheld –

with the effect that schools are not located centrally or that local centres and not located close to schools where there are strong sustainability benefits. The difficulties are increased if there is an expectation of significant commercial floorspace in mixed use areas the demand for which may well be hot food outlets. The inflexible nature of the proposed wording does not allow for a sensible masterplanned process and the need to ensure a sustainable outcome rather than a somewhat distorted one.

#### D Ground Floor Adaptability

HLM/TW note the the intention that any residential uses within the mixed use areas be capable of future adaptation to business use.

HLM/TW does not object in principle to adaptability but questions the evidence base to support the amendment that ALL ground floor residential uses are capable of adaptation. It is proposed that AN ELEMENT of Ground floor uses only should be capable of ground floor adaptability.

#### E Primary School Provision

HLM/TW support the Proposed Modification insofar as it spells out the agreed mechanisms for the delivery of any primary school at Bluehayes – namely by direct delivery by the developer or as serviced land together with financial contribution equivalent to the cost of the school provision – this is on the basis that the costs of school provision is equalised in terms of other payments.

HLM/TW have made provision for a primary school site at Bluehayes and expect to deliver the school proposed.

Again the principle of this requirement being superceded in the event of certainty of provision being secured at Treasbeare is supported. However the wording in relation to the duration of the requirement, if provision were to come forward at Treasbeare, is not completely clear. Rather than – as presently appears to the case – the requirement for education provision at Bluehayes being released only when school land has actually been transferred and finance secured at Treasbeare, or “school delivery has occurred” at Treasbeare, HLM/TW consider that it is necessary only to retain the school land at Bluehayes (in the alternative Treasbeare scenario) until arrangements have been secured to deliver a school at Treasbeare and NOT that such arrangements have been completed. In particular the wording might imply that, in the developer- delivery model, the school at Treasbeare should be complete and open before the land at Bluehayes is released. It is only necessary for the Council to have secured certainty of provision (e.g the letting of contracts) rather than actual provision. See suggested rewording below.

#### F Financial Contributions

HLM/TW note the Modification which inserts the following wording into CB2 and each of the expansion area policies in the DPD: “Financial contributions will also be required towards town centre facilities and community facilities serving Cranbrook as listed in CB6(4A and B) and will be secured via section 106 agreements”.

Much of the examination into the Cranbrook DPD has focussed around the costs of infrastructure delivery and the scale of section 106 obligations. Whilst HLM/TW note that the policy, as proposed to be modified, make no reference to specific scales of

provision or infrastructure sums, HLM/TW remain very concerned regarding the level of provision that accords with NPPF guidance in relation to the deliverability of development and section 106 contributions.

In particular HLM/TW reserve the right to present a viability case, employing proper valuation methods and processes, and based on actual rather than assumed circumstances that some of the viability evidence has employed. Any such case must be capable of being raised and heard in relation to planning applications for Bluehayes (and indeed other expansion areas). This basic requirement is reinforced by the limited and high level consideration given to viability in the DPD, notwithstanding the amount of time devoted to it in the examination.

HLM/TW comment further on this matter in relation to MM9 and CB6.

#### G Contributions towards London Road Improvements

MM3 proposes to add a requirement into CB2 such that Bluehayes makes contributions towards London Road improvements. MM6 seeks to do the same in relation to the Cobdens (CB4) and MM8 to the the Grange(CB5). MM5 does NOT do so in relation to the Treasbeare Expansion Area (CB3).

CB25 (now CB24) provides the overarching policy in respect of London Road Improvements. Indeed it is titled: "London Road Improvements". Policy CB24 is not proposed to be modified, nor changed as a consequence of the modifications to CB2, 4 and 5. CB24 is a universal policy in that it applies to all "development that fronts onto London Road" and in stipulating that "Development proposals within the Cranbrook Plan Area will be required to make a proportionate financial contribution to the cost of delivering the London Road improvements...". This is presumably ALL development proposals. It therefore appears inconsistent that 3 of the 4 expansion areas (only) are required to contribute to such improvements. HLM/TW consider that CB24 provides a coherent policy basis to allow contributions towards London Road improvements to be considered and that the references in CB2 (MM3), CB4(MM6) and CB5(MM8) to contributions towards London Road improvements should be deleted. The reason for doing so is further underlined by the lack of reference to the nature of such improvements that contributions are being sought. That purpose is already and better set out in CB24 and hence is confused by the additional references in CB2 et al.

4. Please set out what modification(s) you consider necessary to make the "Cranbrook Plan Modifications" legally compliant or sound, having regard to the reference you have identified at Q1 above where this relates to soundness. You will need to say why this modification will make the Cranbrook Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For the reasons set out in section 3 above the following suggested amendments to the Proposed Modifications are proposed.

**A Parameter Plans**

A1 While the modification of paras 2 and 3 of CB2 through MM3 are welcome in their removal of the previous references to prior approval of comprehensive development plans, HLM/TW propose that – at Bluehayes- there is no need for reference to Paramet plans either. As such paragraphs 2 and 3 could be safely deleted and should be so.

A2 In any event the proposed additional reference in the last sentence to para 3 stipulating that parameter plans should be changed ony in eexception is not sound – being neither justified or effective. There are many circumstances and processes in place to allow for amendments of parameter plans and development proposals – especially where they are to be delivered over many years. The suggested wording in effect removes the ability to amend an approved application where there is good and agreed reason to do so. There should be no exceptional circumstances test. Irrespective of the conclusion in respect of A1, there should be no stipulation that parameter plans cant sensibly change.

**B Uses and Developments listed as Items 1-7**

The first sentence of the PM of para 4 of CB2 should be modified as follows:

The Bluehayes allocation will accommodate the uses and developments listed as items 1-7 and make provision as stated, unless otherwise agreed.

**C Hot food Takeway**

Delete “Hot food takeaways will not be permitted within 400 metres of a school” or amend to provide flexibility to do so where this results in more sustainable outcomes. .

**D Ground Floor Adaptability**

Amend as follows: “Any proposals for residential development within the mixed use area must demonstrate AN ELEMENT OF ground floor adaptability to allow conversion of SOME UNITS to units that could be used for business activities”.

**E Primary School Delivery**

Amend as follows: “the requirement exists until ARRANGEMENTS HAVE BEEN SECURED to ensure that the school land will be transferred and funding delivered OR that the school delivery (if this is by a developer) is committed”.

**F Financial Contributions**

See comments above and in relation to MM9 and CB6.

**G London Road Improvements.**

For the reasosn set out above delete “contributions towards London Road Improvements”.

***Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification.***

**Representations by both post and email must be received by 5pm Monday 28 February 2022**

# Notes to accompany Representation Form

## General notes

The representation form and this accompanying guidance note is designed to help you comment on the Cranbrook Plan – Proposed main modifications.

Please return this representation form to East Devon District Council by 5pm Monday 28<sup>th</sup> February 2022. Representations received after this time will not be accepted. We cannot accept anonymous responses. If you wish to submit documentation in support of your representation it should be submitted in electronic format and be no larger than 5 MB in size to allow it to be uploaded to the Council's web site. Representations will be published on the council's website, including your name but contact details and signatures will be redacted.

## Procedural guidance

A supporting procedural guide has been produced by the Planning Inspectorate to provide practical advice on aspects of the examination of local plans. This can be found on their website at: [Procedure Guide for Local Plan Examinations - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/103442/Procedure-Guide-for-Local-Plan-Examinations-2018.pdf). It explains the different stages of examination, the roles of the various parties and specifically for this part of the process, the purpose of proposed main modifications (section 6).

## Data protection

Any personal information which you provide will be held and used by East Devon District Council in its continued progress of the Cranbrook Plan and may inform other planning policy work. All duly made representations will be forwarded to the Planning Inspectorate and specifically the appointed Inspector who is conducting the independent examination of the Cranbrook Plan. Your information may also be shared within East Devon District Council for the purpose of carrying out our lawful functions. Otherwise your personal information will not be disclosed to anybody outside East Devon District Council without your permission, unless there is a lawful reason to do so, for example disclosure is necessary for crime prevention or detection purposes. Your information will be held securely and will not be retained for any longer than is necessary. There are a number of rights available to you in relation to our use of your personal information, depending on the reason for processing. Further detail about our use of your personal information can be found in the relevant Privacy Notice which can be accessed at: [eddcc-privacy-notice.pdf \(eastdevon.gov.uk\)](http://eastdevon.gov.uk/eddcc-privacy-notice.pdf) Further detail about data protection more generally can be seen on our website: <http://eastdevon.gov.uk/privacy/>. The Planning Inspectorate with whom data is shared with for the purpose of this examination have issued their own Customer Privacy Notice which can be access at: [Customer Privacy Notice - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/103442/Procedure-Guide-for-Local-Plan-Examinations-2018.pdf).