

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

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.

Name or Organisation	RPS Group on behalf of Persimmon Homes South West
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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)	Please select from the dropdown list	Policies Map Schedule (PMS)	PMS 10	Sustainability Appraisal (SA)	Select if commenting on the SA. Ref: Click to enter text.

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	Unjustified

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.

The revised policies map now excludes land within the north western corner of the Cobdens Built-up Area Boundaries (BUAB) defined under policy CB8 that was previously identified for development (see accompanying figures 1 and 2). No explanation or justification is provided for this. As shown circled in red land previously included in the BUAB has now been removed with the corner of this land now excluded.

Furthermore, land adjacent to this which the Council had previously verbally indicated would be included in a revised BUAB has not been included. This land was proposed for development by Persimmon on the basis that it sat outside of flood zones 2 and 3 as shown on Figure 3.

On the basis of the advice previously received the land was also proposed for development as part of the pre-application submission made by Persimmon Homes South West on 13/11/20 (see land circled in red figure 4). Due to the significant level changes along the northern edge of this area just before the treeline as shown on Figures 5 and 6, the area of land that Persimmon are seeking inclusion within the BUAB avoids the steeper area between this land and the treeline along the stream corridor.

No reference is made to excluding this land from the developable area in the Council's subsequent pre-application advice issued on 29/01/21.

While it is acknowledged that at the time of issuing the pre-application advice the Council had been unable to undertake a site visit as a result of the January 2021 National Lockdown, an accompanied site visit was undertaken by officers of the Council with representatives of Persimmon Homes South West on 09/03/21. Concerns about including this land within the BUAB were not set out in writing by the Council until 03/12/21. It is noted that the only comment made in explanation was that the Council considered landscape visual impact would result. We are not aware that any formal assessment of landscape and visual impact was undertaken to inform this advice.

In contrast the author of the Landscape and Visual Impact Assessment (LVIA) recently submitted as part of the planning application for the land at Cobdens under the control of Persimmon is a Chartered Member of the Landscape Institute with over 18 years relevant professional experience. The LVIA was prepared in accordance with the 'Guidelines for Landscape and Visual Impact Assessment Third Edition' (2013, Landscape Institute and Institute of Environmental Management and Assessment) and has been submitted with this consultation response.

In terms of potential landscape effects the LVIA notes at paragraph 3.6 that the site is within an undesignated landscape with no special protected status. Paragraph 4.2 goes on to state that:

"...whilst the site and immediate landscape is pleasant and includes some attractive attributes it does not convey any pronounced or substantial sense of scenic quality,

certainly not in comparison, for example, to that that can be found within the East Devon AOND.”

At paragraph 4.85 the LVIA states:

“... the site and the immediate area is not a landscape of high value nor is one that is considered to be a “valued landscape” in the context of the NPP (para 109), especially when reviewed against the range [of] factors that help identify valued landscapes in [sic] as expressed in GLVIA3”

Paragraph 4.86 states:

“Based upon the LVIA methodology, it is assessed that the site and the immediate landscape is of no more than medium landscape value (i.e. a landscape receptor of medium importance based on the factors of quality, rarity, representativeness, conservation, interest, recreational value, perceptual qualities and associations. Capable of substitution – potential for landscape improvement and creation). Localised features of the stream corridor and category A trees are judged to be of high value. Localised features of the stream corridors and category A trees are judged to be of high value.”

In terms of visual impact and in particular views from Southbrook Lane paragraph 4.101 notes that there are occasional transient close-range views of the site, although generally views across the site and surrounding local landscape are prevented by the tall roadside hedgerows that contain and enclose these routes. The LVIA assesses these views as being of Medium/Low sensitivity. It also assesses views for users of the railway running along the north of the Site to be of Medium/Low visibility. As set out at paragraph 4.102 the railway line is enclosed in places by tree belts and occasional embankments affording passengers filtered transient views towards the Site, but notes that railway users will also experience views of other settlements adjacent to the railway throughout their journey including the existing built-up areas of Cranbrook and Whimble.

With regards to the susceptibility of the landscape to change the LVIA concludes at paragraph 6.5 that this landscape is tolerant of the change in the form of new development. It also notes that the proposed development of the Cobdens site would be set within the context of the current newly built and expanding wider Cranbrook development, which is an inherent part of the landscape.

The proposed development of the Cobdens site retains high value landscape features such as the stream corridor and associated vegetation, minimising adverse effects on landscape character. The development of the land that Persimmon are seeking to be included within the BUAB would not have an adverse impact upon these high value features.

At paragraph 6.28 the LVIA notes that with the exception of the raised mound in the north eastern corner of the Site (which is not proposed for development) which provides a visible feature within the context of the Site, that the remaining fields are of limited overall value in landscape terms, being commonplace elements within this landscape and being rather unremarkable in nature. It goes on to conclude at paragraph 6.31 that factoring in the mitigation that will be provided through proposed Green Infrastructure which will mature over time, that the residual landscape effects of the proposed development would be at worst Minor Adverse. As noted at paragraph 6.32 such effects would not result in unacceptable long-term harm to the landscape.

The LVIA also includes an assessment of potential visual effects. With regards to the potential impacts of the whole development upon residential receptors at properties located off Southbrook Lane paragraph 6.45 notes that effects are considered to be at worst Moderate Adverse upon completion of the development, reducing to Minor Adverse in the longer term as the proposed Green Infrastructure matures. Importantly this assessment is for the whole development, not specifically the area of land in the north west of the Site.

It has not been possible to obtain views from these private residential properties, but photo's have been obtained from Southbrook Lane itself. Figure 7 shows photos taken during winter from Southbrook Lane in the upper image and from Cockerams Road in the lower image. Figure 8 shows the locations from which these photos were taken at points 2 and 3 respectively.

As can be seen from the upper photo in Figure 7 there is a limited view of this area of land currently from Southbrook Lane. Furthermore, as shown on Figure 9, which is taken from looking in the opposite direction to this, shows that this particular property is well screened by existing vegetation. As is shown by the lower photo in Figure 7 the Site cannot be seen from further afield to the north due to the intervening topography and vegetation.

Figure 10 goes on to show the view from the entranceway to the holiday cottages located further south along Southbrook Lane. The area of land that the Council do not agree should be within the BUAB is located to the right of the pylon. As can be seen it is well shielded by dense vegetation and is not visible. It is therefore expected also not to be visible from the holiday cottages.

Figure 11 shows the view towards the area of land that Persimmon are seeking for inclusion in the BUAB from further south along Southbrook Lane at the next gap in the hedgerow. The land in question sits behind and to the left of the pylon. As can be seen it is again well shielded from view by existing vegetation.

Figure 12 also shows the view from within land proposed for SANGs. Notably the existing barn in the middle of the picture is partially visible, and it is clear that any houses on the land proposed for inclusion on the BUAB which is to the right of the barn would also be only partially visible at worst due to the vegetation which is proposed to be retained as part of the development. It is noted that the Council have included the land to the left of the barn behind the tree's within the BUAB.

The findings of the Council's own landscape evidence are also worth considering. Notably Cran039 which is a plan showing landscape features and habitat for the Cobdens area does not extend to include this part of the Site, suggesting that there can not have been any significant features to note. Cran043 is a visual analysis plan, which indicates that the only part of the Cobdens area which is visually prominent is the land to the north east. It also shows that the landform blocks long distance views from the north as well as the presence of the tree belt along the railway line which also prevents views from the north. Cran047 shows an analysis of residual visibility of a slightly different development area, but clearly indicates that any views from Southbrook lane would be partial while views from the railway line would consist only of glimpses.

On this basis we would suggest that the Council's decision to exclude this area of land from the BUAB is **unjustified** and is not supported by the Council's own evidence.

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.

The BUAB for the Cobdens area should be amended in the north western part of the allocation to include the full extent of the land proposed for development by Persimmon Homes on the basis that this is justified

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 28th 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/474249/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/474249/Procedure-Guide-for-Local-Plan-Examinations-2018.pdf).