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Our ref: 8286

Neighbourhood Plans
Planning Policy
East Devon District Council
Council Offices
Knowle
Sidmouth, EX10 8HL
FAO Claire Rodway

08 May 2017

Dear Madam

The Budleigh Salterton Neighbourhood Plan – Examiners Request for Further Information Regarding the Methodology Used to Identify Local Green Spaces

Bell Cornwell LLP act as town planning consultants on behalf of Clinton Devon Estates. In this capacity, we are currently acting as their agents in connection with an ongoing planning application which seeks approval for the development of two houses on land at Boucher Road in Budleigh Salterton (see application reference 17/0495/OUT). The land subject to the application is potentially affected by the provisions of the draft Budleigh Salterton Neighbourhood Plan (BSNP) which seeks to identify it, as part of a larger area, as local green space and identified in the draft BSNP as ‘*Site 7 Hospital Garden*’. Our clients own the whole of the land within Site 7.

We are aware from her letter to you dated 18th April 2017, that during her consideration of the BSNP, the Examiner has identified a number of concerns about the methodology used to designate the various open space areas, including Site 7, and has asked for confirmation that the process conforms with the provisions of paragraphs 76 and 77 of the NPPF.

We note that the town council have now provided a response to the Examiners request and we have had the opportunity to review this. As you will appreciate, our client’s interests have the potential to be directly affected by the proposals in the BSNP and therefore by the further information provided by the Council. For this reason, and given that there has never before been an opportunity to comment on their methodology, our client has asked us to provide some comments on the town council’s analysis as this will be relevant to the Examiner’s deliberations. In the circumstances, and for reasons of natural justice, we would ask that our observations be forwarded to the Examiner and the town council for information.

In their response, the town council provided further information on the rationale used to justify the designation of Site 7 as open space within the BSNP:

“7-Hospital Garden. Justification- historical, recreational and community significance, special to the local community as it became a garden at the same time as the Hospital in



1887, the time of Queen Victoria's Golden Jubilee, remained one ever since and over the years has been used as a memorial garden. The mature trees contribute to the setting of East Budleigh Road. The public have stressed that the garden should remain because of its historic and memorial nature. The Health & Well Being Hub on the hospital site has now been confirmed and users have already expressed their desire to use the garden for community health and well being recreational activities, in particular for Age Concern and users of the dementia memory cafe. It will be an essential part of the recreational value to the community health hub"

Our client asks the Examiner to note that each of the reasons identified as supporting the allocation of the site for open space could be addressed with the proposed scheme in place. For information, we have provided with this letter (see back page) a plan and a visualisation which form parts of the submitted scheme and which identifies the extent and form of the development. This shows that within Site 7, only the rear (southern) half is proposed for development. As a result, the remaining and more prominent half would be retained in its current role as amenity open space. In relation to the justification put forward by the town council, this means that:

- A substantial area of land within the Site 7 area would remain which can continue to be used in its current role as amenity open space and which would be unaffected by the proposed development;
- It is acknowledged that the trees on the site play an important role in contributing to the character of the area. The scheme has been designed specifically to ensure that all the mature trees would be protected whilst those within the retained area would be unaffected. In their comments on the application, the tree officer has not objected to the development. As a result, the trees within Site 7 would continue to contribute to the character of the area;
- Similarly, the wider character of the area would be protected by restricting development solely to the rear (southern) part of the site and thereby allowing a large area of land to be retained as open space on the East Budleigh Road and Boucher Road frontages;
- Users of the Health & Wellbeing Hub (which was formerly the Budleigh Hospital) will still have ready and uninterrupted access to the amenity space. It will be noted from the plan that the land retained for this purpose is more than adequate in size and form to fulfil any role as an amenity space for Hub users.

In relation to the provisions of the NPPF with regard to local green space designation, paragraph 76 of the NPPF notes that identifying land for such a purpose should be:

..."consistent with the local planning of sustainable development, and complement investment in sufficient homes, jobs and other essential services."

The East Devon Local Plan makes it clear that the provision of new homes is a core objective. In this regard, development of part of the site for housing would comply with all the key policies within the East Devon Local Plan including Strategy 2 (*Scale and Distribution of New Development*)



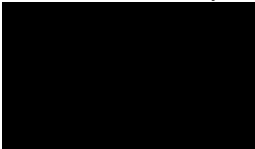
which makes provision for windfall housing development, Strategy 6 (*Development within Built Up Area Boundaries*) and notably Strategy 21 (*Budleigh Salterton*) which seeks to support 'modest new housing development' in the town. Furthermore, it has previously been shown through the Open Space Assessment provided as part of our client's application that the part development of Site 7 would comply with the Council's Policy RC1 (which governs development affecting open space) in that East Devon DC themselves note that there is an identified surplus of open space in the town and that this would remain even with the development in place.

Given that only part of the site is proposed for development, that this has been designed to respect the character of the area and that the scheme would align closely with East Devon's stated policy objectives, it is considered that designation of the whole of Site 7 as Local Green Space would conflict with the provisions of paragraph 76 of the NPPF. However, it is considered that the development of only part of the site and the retention of the remainder would represent an appropriate compromise which would be able to reconcile the competing objectives of the East Devon Local Plan and the draft BSNP. In this regard, our client has confirmed that they would have no objection to that part of Site 7 which is not affected by their planning application being designated as open space under the BSNP.

We trust that these observations will be of interest to the Examiner and that full and proper account will be taken of the points raised in her deliberations.

If there are any queries on the information provided, then please do not hesitate to contact us.

Yours faithfully



Iestyn John
Partner
For Bell Cornwell LLP

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