

EAST DEVON LOCAL PLAN 2020-2040

PREFERRED OPTIONS REG.18 CONSULTATION DRAFT PLAN – AUTUMN 2022

REPRESENTATIONS ON BEHALF OF MR. B PENNY

Introduction

Bell Cornwell LLP acts as planning consultant for Mr. Bruce Penny, the long standing owner of land to the south of Courtlands Lane. Land registry details (DN548773) show that Mr. Penny is the freehold owner of the site.

His land currently benefits from a draft allocation for 12 dwellings under reference Exmo_23. The land is currently in agricultural use.

Our client, therefore, has significant interest in the future local plan for the district. Against this background, the following comments are made on the draft policies within the East Devon Local Plan Preferred Options.

The Vision for East Devon

The draft local plan sets out a proposed vision for East Devon. This seeks to provide better homes and communities for all, promote a greener district, which address climate change and supports the natural environment, and encourage a more resilient local economy. Mr. Penny supports this vision.

03. The Spatial Strategy of the Plan

1. Strategic Policy – Spatial Strategy

The overall strategy is to focus most development within the West End of the district. The settlement hierarchy then identifies one principal settlement (Exmouth), where significant growth is proposed. Below this are main centres, which are towns that are also able to accommodate significant growth, followed by local centres, where development will be supported.

A dispersed spatial strategy that increases the number of locations where some development can be accommodated is supported. This should ensure that local needs are met more adequately.

It is logical for the West End to play an important role, given the area's proximity to Exeter, but the settlement hierarchy is also correct to emphasise the potential other settlements.

The identification of Exmouth as the principal settlement is supported. It is a logical choice given excellent range of facilities and is less environmentally constrained than many other towns in the district. The scale and form of growth can be carefully controlled through local development management policies so that it complements the character of the area and helps meet local needs.

Similarly, it is important that the LPA meet their requirements under the NPPF to ensure that 10% of their allocations are delivered on small or medium sized sites as required by paragraph 69. Obviously small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare..."

Mr. Penny's site would represent such an opportunity and being located outside of the AONB it is an eminently sensible allocation to meet this requirement at just under 0.5ha.

2. Housing Distribution

2. Strategic Policy – Housing distribution

New housing will be distributed across East Devon in accordance with the table below. The housing numbers are gross and relate to the period 2020 to 2040, the new town has a longer term vision that takes into account the likely timescale for delivery and will see development of an extra 5,500 homes beyond 2040.

Settlement	Completions 2020-22	Commitments	Preferred Sites	2nd Choice	Total Allocations	Grand Totals
Western side	841	1,800	7,250	0	7,250	9,891
New town	0	0	2,500	0	2,500	2,500
North of Topsham	0	0	580	0	580	580
Cranbrook	543	801	4,170	0	4,170	5,514
North of Blackhorse	298	999	0	0	0	1,297
Other locations	0	0	0	0	0	0
Principle and Main Centres	691	1,559	1,712	1,515	3,227	5,477
Exmouth	269	654	287	746	1,033	1,956
Axminster	111	209	680	370	1,050	1,370
Honiton	167	272	182	289	471	910
Ottery St Mary	80	37	248	40	288	405
Seaton	32	216	147	70	217	465
Sidmouth	32	171	168	0	168	371

In terms of the housing distribution figures we note the focus of development proposed around the western side of East Devon. Whilst there is obvious logic to this given the geographical relationship of this part of EDDC to Exeter and its associated services and facilities, we would suggest that the overall number of houses delivered here should be balanced carefully against the rest of the district, particularly the principle town of Exmouth and other main towns such as Honiton where development can be delivered under single ownerships.

For example, the North of Topsham allocation can make meaningful contributions toward housing (580 dwellings are suggested), however we note through a search of land registry details that land ownership is extremely fragmented. The policy aspirations for this location suggest a need for a masterplan approach to deliver development in this location, but it is unclear if ownership issues have been taken into account. Paragraph 4.3 of the Local Plan confirms that, “To date detailed Assessment has not been undertaken of sites on the western edges of East Devon where close to the Exeter City Boundary. Assessment work will be undertaken in the coming months though in this plan we do show suggested allocations.” It is therefore unknown whether the levels of housing proposed can be accommodated in this location.

We raise this as around the towns and villages of East Devon there is clearly a role for landowners who own significant holdings in a single ownership to deliver meaningful contributions toward

housing delivery. This can give the LPA greater certainty over delivery. Clearly Mr. Penny could assist with this, and we would suggest his allocation should be upgraded to a preferred sites, although we consider the concept of 2nd choice sites should be removed from the plan in their entirety. The two-tier system currently being advocated does not help understanding of the plan and adds confusion for the general public. All allocations are required to meet housing need figures and should therefore all be classed as 'preferred' sites.

3. Strategic Policy – Levels of future housing development

The new local plan should plan for at least the minimum housing requirement proposed (946 homes per year) in order to introduce greater flexibility into the district's housing supply and ensure a properly robust supply of housing. It is crucial that the words 'at least' remain in the policy.

The Local Plan also differentiates between 'preferred sites' and '2nd choice sites'. It is clear to us that given the overall level of need required, all sites should be classed as preferred sites. Whilst 2nd choice sites may not be "ideal" from the LPA's perspective, they are required to meet housing need. The tiering system currently set out is not helpful. All sites are needed to deliver housing numbers.

Paragraph 3 of the draft policy states that provision will be made for a supply headroom of approximately 10% to provide housing supply flexibility in the district in the plan period and this is supported. However, it is noted in the supporting text (paragraph 3.17) that the potential housing sites being considered in this draft local plan only provide about 8% headroom. This surely suggests that additional sites need to be considered for housing development, otherwise the new local plan will be at risk of not providing sufficient supply flexibility. The LPA need to therefore look at their 2nd choice sites in a very positive light.

Increasing the overall supply of housing will help to increase the amount of affordable housing that is provided for the district. The draft plan requires an affordable housing requirement of 4,070 dwellings but the current evidence indicates realistic prospects of delivering just 3,551 dwellings in the plan period. This is a shortfall of 519 dwellings and, of course, there is the possibility that some of the planned for 3,551 affordable homes will not come forward. Rather than relying on qualifying sites to be able to deliver a higher percentage of affordable housing, a safer approach would be to allocate additional sites in the local plan, or expand existing allocations.

The provision for at least 10% of housing supply over the plan period to be met on small and medium sized sites (which the NPPF defines as sites no larger than one hectare) is supported. With small-scale sites, housing is more likely to be provided in locations where it is really needed and to be delivered quickly. Smaller sites are also more likely to achieve wider objectives relating to housing need and contribute to delivery in a more timely manner (e.g. less infrastructure etc. is required on the ground to deliver smaller sites – see delays of housing delivery at Cranbrook as an example).

Paragraph 8 of the draft policy will set out the housing provision requirements for designated areas in East Devon. It is not possible to comment on the approach at this stage as the data on housing provision requirement is not yet available – the draft policy states this information will be completed following consultation on the methodology for identifying the scale of housing provision requirement in Designated Neighbourhood Areas. The right to comment is reserved for when this data is publicly available. We note that the current NDP for Exmouth is over 3 years old and allocates no sites – therefore this Local Plan should be the vehicle for future allocations in Exmouth.

A key element of the draft Local plan's strategic approach is to deliver a new settlement on land to



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the east of Exeter, around the A3052 corridor. Three different options are presented. The final choice of option, presuming that the delivery of a new settlement is carried forward into the final version of the local plan, could have significant implications on the overall housing strategy, both in terms of numbers and locations. In this regard, the LPA will also have learned lessons from Cranbrook in terms of the implications that creating a new town (and the time this takes) has on ensuring the council can maintain an appropriate 5 year land supply – delivering a new town takes time and requires significant infrastructure. Therefore, to ensure the council can maintain a healthy supply of housing sites it would be sensible to allocate a number of smaller sites like Exmo_23 to maintain delivery numbers in the early years of the plan before housing at any 2nd new town becomes available.

6. Development within Settlement Boundaries

Policy states that within the settlement boundaries defined on the Policies map development will be supported in principle. This approach is supported.

7. Strategic Policy – Development beyond Settlement Boundaries

Whilst it is important to protect the landscape, amenity and environmental qualities of the East Devon countryside, there must be sufficient flexibility in the new local plan to allow windfall development to come forward and be judged on its own site specific merits to ensure that the needs of the rural communities can be met.

06 Strategy for development at Principal Centres, Main Centres, Local Centres and Service Villages

20. Strategic Policy – Exmouth and its future development

Our client currently has 1 site allocated within Strategic Policy 20. This is:

- **Land to the South of Courtlands Lane (Exmo_23) – this land south of Courtlands Lane will form a small-scale development on the northern side of Exmouth to accommodate around 12 new homes.**

Our client is clearly supportive of this allocation and the site is available for immediate development.

The housing allocations which the LPA have given under Exmo_23 is supported. However, we note that prior to consultation on this version of the Local Plan, and prior to the last SHELAA submission on this land, the site was allocated for 6 houses under Exmo_11. This was half of the site area fronting onto Courtlands Lane.

For the avoidance of any doubt, our client would be supportive of either a 6 dwelling or a 12 dwelling allocation, but we trust the information we submit in support of this representations, demonstrates that a 12 dwelling site is suitable for the site.

We note the site is identified as second choice sites, but ultimately it is required to deliver housing numbers and should therefore be a preferred site.

AT THIS POINT WE WOULD ASK OFFICERS TO CONSIDER THE ADDITIONAL INFORMATION SUBMITTED WITH OUR REPRESENTATION WHICH CONFIRMS THE TECHNICAL DELIVRABILITY OF THIS HOUSING SITE. WE TRUST THIS INFORMATION CAN ALLOW THE LPA TO SUPPORT EXMO_23 IN ITS CURRENT FORM, AND MOVE IT TO A PREFERRED SITE. WE DISCUSS THE SUBMISSIONS BELOW:

Land to the south of Courtlands Lane, (Exmo_23) – Allocation for around 12 homes

To assist officers, Mr. Penny has provided additional information to confirm the deliverability of the allocation as shown. The information submitted includes an indicative site layout for 12 dwellings:

- **Illustrative masterplan for site (achieving 12 dwellings)**
 - The site equates to 0.47ha
 - Perimeter hedgerows retained with ecology buffers retained as required
 - Additional planting proposed to provide structural planting in the landscape as mitigation for development – see landscaping plan produced by landscape architect
 - Suitable and safe access is available to serve 12 dwellings
 - Historically DCC have looked at this site and asked for a vehicle pull-in to be delivered with this scheme – the client proposes to deliver this as part of any

Development which will be a benefit to all users along Courtlands Lane – see accompanying transport report.

- Client owns wider land holding (see location plan) and connectivity could be delivered to the Estuary Trail if required.
- Communal open spaces and play areas can be provided.
- The site is excellently located to benefit from public transport (bus services) at the end of Courtlands Lane which run frequently (every 15 minutes) between Exmouth and Exeter.

The current layout has been informed by the following technical information:

- Highways Technical Note – provided by Bellamy Transport Consulting
- LVA – produced by Redbay Design
- Illustrative Site Layout – produced by ARA Architects

The proposed allocation is supported and justified, and we would ask officers to note that the current settlement boundary as drawn could comfortably provide for 12 dwellings.

We would also ask officers to note that Mr. Penny has further land within its control that could be used for the other potential benefits, including the delivery of biodiversity net gain which will become a legislative requirement in due course and will no doubt be a key part of the LPA's Local Plan (see the site location plan submitted with this application).

This representation is supported by a highways technical note which confirms a 12 dwelling scheme would be appropriate in this location. Whilst officers will obviously review this in due course, headline issues include:

HIGHWAYS

- The traffic surveys conducted on Courtlands Lane provide robust evidence and confirm that Courtlands Lane is a lightly trafficked public highway accommodating, on average, less than one vehicle per minute during the AM and PM peak hours.
- The allocation of 12 dwellings is predicted to generate no more than six additional vehicular movements on Courtlands Lane during the AM/PM peak hours, such that even with the development scheme in place, the number of movements on Courtlands Lane would still average less than one per minute at the busiest times of the day.
- The proposed means of access to the development scheme will be designed to full standard incorporating the appropriate visibility splays as informed by the traffic speed survey conducted along the site frontage.
- The development proposals would include the provision of a new passing place along

Courtlands Lane to help mitigate the minimal traffic impact of the scheme, which would also benefit all existing users of Courtlands Lane.

LANDSCAPE IMPACT

- A landscape framework strategy has been devised for the site and wider ownership that seeks to assimilate potential housing development into its rural surroundings in a way that follows local character and the pattern of the landscape. This work has been shown on the submitted layout.
- The landscape strategy would seek to secure the reinstatement of lost historic hedges throughout the wider field (which is in the same ownership) and would restore the original field pattern. This planting would bring significant positive benefits in landscape structure and ecology. As well as assisting to assimilate development within its surroundings.

HERITAGE IMPACT

- Within the site assessment work undertaken that underpins the draft allocation which the site benefits from, the possibility of inter-visibility between the site and the Grade II listed Lympstone Manor (formally listed as Courtlands House) is noted. The assessment states:

“Impact on historic environment - summary of findings: To the west of the site and close by (around 70 metres away) is the Grade II listed Courtlands House. Inter-visibility between the house and the site is, however, compromised to some degree by more recent development, though glimpses can be seen through. Closer to the site, to the north west, is the Grade II listed Garden Wall to Courtlands House.”

Whilst this issue is being investigated by the client’s own heritage consultant, it is clear that the proposal can be designed to provide a sympathetic layout to fully ensure that there would not be any harm to the setting of the adjacent listed Lympstone Manor.

The current layout has considered the relationship of the site to the neighbouring listed building and ultimately there is very limited visibility between the application site and the setting of this neighbouring listed building. We would suggest that the intervening buildings which are already presently neighbouring Lympstone Manor have a far greater impact on the setting of this building than any development proposed here. As such this is not considered to be a constraint to development.

OTHER ISSUES FOR CONSIDERATION

- Amenity - The proposal would be designed to a high standard and would enable a high standard of amenity with gardens and parking provided for all dwellings. They would be designed to allow good standards of light and space standards for the living areas and large gardens and designed to not overlook neighbouring gardens.

- Affordable housing - proposal could provide a policy compliant level of affordable housing (subject to viability considerations) and it is envisaged that this would be delivered at 25%. This proposal is therefore an ideal opportunity to provide significant number of a range of housing types for families within the town and this affordable housing offer weighs heavily in favour of the scheme.
- Ecology - A full suite of surveys would accompany any forthcoming planning application. This work has commenced and we know there are no protected species on site that would prevent the site coming forward in a timely manner.
- Drainage and flood risk – The proposed housing is in flood zone 1 and therefore not at risk or a constraint. Given the number of dwellings proposed a flood risk assessment would accompany any forthcoming application. Further information relating to drainage would also be presented.
- Trees - Any submitted application will be accompanied by an appropriate tree survey and impact assessment that ensures all boundary trees can survive.

We trust officers will continue to support Exmo_23's inclusion as an allocation for housing development in the local plan. This is an accessible location, where development can be delivered with minimal impact upon heritage assets and landscape impact. Work undertaken to date clearly demonstrates that the site is deliverable, and as such the Council's inclusion of this site as a housing allocation is sound and justified.