

Your Ref
Our Ref DS/SJS/2006
Date 13th January 2023



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Dear Sir/Madam,

EAST DEVON DRAFT LOCAL PLAN 2020-2040 DRAFT LOCAL PLAN CONSULTATION

Introduction

Thank you for the opportunity to comment on the emerging review of the current Development Plan (DP) – in particular the Regulation 18 Consultation Draft Plan (dated November 2022).

Whilst we support the basic strategic vision of the plan (policy S1), we do have some comments/objection points that relate to the detail of that strategy that we set out in this letter. For ease of presentation we have grouped the comments into generic comments, and site specific comments.

Generic

Western Side

To understand the policy the 'Western Side' needs to be defined on a map.

What is the difference between 'West End' (a term used in the existing Development Plan [DP]) and 'Western side'? To adopt the policy without such clarity would be contrary to the important principle of providing certainty in plan making and decision taking. Clearly the view is taken that significant development in the 'Western Side' of the district is sustainable. That rather begs the question about what is therefore the status of countryside policies in this part of the district (should it be the same as in the rest of the district?), and how important are the site boundaries? We consider that there should be some flexibility in the areas that adjoin, or are well related to existing settlement boundaries on the 'Western Side' of the district (such as adjacent to Cranbrook) to allow for growth that is plainly sustainable.

This is particularly true since no provision is made for growth at Cranbrook beyond 2031 (the end date of the recently adopted Cranbrook DPD). We

therefore consider that Policy S2 is presented in a confusing manner since it includes development provision at Cranbrook up too, but not beyond, 2031.

It appears that the preference is to commence development upon a second new town. However, experience demonstrates that any new town that is proposed now will not deliver before 2040 (Cranbrook was first allocated in February 1999. It then took circa 20 years to achieve occupations, post allocation). Thus, whilst not objecting to the principle of a second new town, per se, we do consider that it should be considered little more than a 'direction of travel' only and that the 2,500 units proposed should be revised down to 500.

This places emphasis on the importance of bringing forward the North of Topsham allocation as soon as possible, as well as allowing for some development adjoining Cranbrook.

Principal Settlement

We are pleased to see that the plan review recognises that 'Exmouth is by some way the largest town in East Devon and it contains the greatest number and range of services and facilities.' It is therefore correct, as the plan proposes, to identify the settlement as a principal centre.

Inadequate Level of Growth for Exmouth?

However, bearing that in mind, and the importance of meeting housing needs where they arise (i.e. that it is existing communities that grow, and the larger the existing community the greater the level of commensurate growth - assuming consistent birth and death rates across settlements and discounting migration).

Bearing in mind the level of proposed development makes little sense – it is too low and it fails to include any significant growth for the extended plan period.

The existing DP covers the period 2013 to 2031 (and was adopted in 2016) and provides for a minimum of 17,100 new homes. Of those, the plan provides for 1,229 new homes at Exmouth (some 7% - and that figure was arguably too low for the settlement). Of those 727 were already built, or under construction And 502 were not yet permitted (so were sites for allocation).

The lack of delivery of new homes at Exmouth has eroded social cohesion with many family groups being splintered and being forced to move to Cranbrook in order to access affordable housing.

We therefore consider that the planned level of provision for Exmouth is too low.

The Council/plan points towards environmental designations as being constraining but stops short of explaining/demonstrating how any of the proposed allocations actually produces a negative effect on those designations. We consider that a number of identified sites produce little/no negative impact on those designations and that there are no real environmental constraints that limit the level of growth at Exmouth to 7%. The plan should be amended to increase the level of provision at Exmouth to circa 10% of plan provision in order that the Town can meet a greater proportion of housing need where it arises and certainly to include both the 1st and 2nd choice sites in order to achieve this.

By contrast, Axminster, which is in an inherently less sustainable location (since it is not linked by rail or effective bus link to the sub regional centre of Exeter or any other major existing centre) is proposed to receive a similar level of growth to Exmouth despite being some 6 times smaller than Exmouth.

Strategic Policy 5 – Mix of uses

The proposed policy is misconceived. There is no good basis upon which it makes any sense to try and set 'hard and fast' thresholds for the provision on residential led sites.

Employment land provision needs to be opportunity/lack of constraint led i.e. well related to communication networks, able to accommodate buildings of scale in the landscape etc. The vast majority of sites that are proposed in this plan perform well from a residential perspective – that does not mean that they perform well from an employment perspective (and many that will be affected by this policy do not). Instead of being a way of delivering employment land is much more likely that the employment requirement will either:

- prevent the delivery of the site (thereby detrimentally affecting residential delivery) and/or;
- prevent the delivery of any reasonable quantum of affordable housing (due to the cost associated with providing for employment provision in the face of weak demand)

The policy will not work as a 'general rule' and should be deleted from the plan.

If there are specific sites that perform well in terms of both residential and employment use criteria then they should be specifically allocated as mixed use sites (but that is not the vast majority of sites that will be afflicted by this policy).

Policy 40 - Affordable Housing

The level of affordable housing sought, at 35%, is reasonable if expressed as a target rather than a minimum figure. Dependent upon site circumstances

(abnormal costs) there will be reasons that figure cannot be provided in all circumstances – but in the most part it's a reasonable target figure.

The differential % requirements proposed demonstrate the viability problems with delivering the 2nd new town during this plan period. Cranbrook was only deliverable due to the injection of considerable amounts of Government grant (to the gas fired energy centre, and via affordable housing funding and the Help to buy scheme).

Since meeting social needs is a key element of sustainability this demonstrates the ineffectiveness of a new settlement as a way of meeting identified housing needs i.e. it will deliver a lesser quantum (20%) of affordable housing than if sites were allocated elsewhere (via urban extensions to existing settlements).

It also has the effect of displacing those in housing need and placing a strain on family ties (e.g. meeting housing needs arising in Exmouth at Cranbrook).

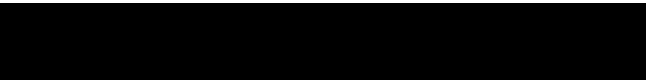
Site Comments

We object to the proposed allocation of Land at Douglas Gardens (Exmo_06). Development of this site would be significantly harmful to the character and appearance of the area, as set out in the objection letter to 22/1954 (copy attached).

Kind regards,



David Seaton, BA (Hons) MRTPI
For PCL Planning Ltd



Enc.

COPY

Your Ref 22/1954/MOUT
Our Ref DS/WJR/1999
Date 20th October 2022



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Dear Sirs,

OBJECTION TO APPLICATION REF. 22/1954/MOUT DOUGLAS GARDENS, EXMOUTH

This outline planning application (with all matters reserved apart from means of access) is for a backland residential development of 44 units located to the south east of Exmouth.

The site is adjacent to public rights of way, with these located to the south west and south east. This adjoins a wider rights of way network to the east of the site. There are also permissive footpaths to the south west and south east (ref. Appeal 3137880).

Planning History

An outline planning application was previously submitted on the site for up to 44 dwellings (with all matters reserved except for access) in March 2015 (ref. 15/0753/MOUT). An appeal for non-determination was made (ref. 3137880) which was subsequently dismissed.

East Devon Development Plan & Compliance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan (DP) unless material considerations indicate otherwise. These areas will be considered in turn when assessing the application.

The relevant DP Documents in this case are the East Devon Local Plan (LP) and the Exmouth Neighbourhood Plan (NP).

The LP was adopted in January 2016, and sets the policy until 2031.

The Exmouth NP was made in April 2019, and sets policies until 2031.

Built-up Area Boundary of Exmouth

Strategy 6 of the LP sets out a Built-up Area Boundary (BUAB) for the towns of East Devon. The application site is situated outside of the Exmouth boundary (in the countryside).

The NP has not promoted any development outside the BUAB.

Impact of development in the Countryside

Development in the countryside is only permitted when in accordance with specific development plan policies. Development must also not harm the distinctive landscape, amenity and environmental qualities. This includes the adverse disruption of a view from a public place which forms parts of the distinctive character of the area. This policy is echoed by Policy EN1 of the NP.

Within the 2015 appeal, the IR states that the site was considered to form

"... part of the wider agricultural landscape and can be seen from a number of vantage points both nearby and from some distance." (paragraph 15)

Continuing on regarding the impact on the countryside, the report states that

*"... the proposal would have a significant effect on the countryside altering it from a rural landscape to being part of the built-up area. This would be particularly noticeable from the public footpath passing to the southeast and southwest of the appeal site and would represent an adverse disruption from a public place and cause a significant visual intrusion, **significantly harmful to the character and appearance of the area.**"* (paragraph 17, emphasis by PCL)

The inspector then concludes that

*"Overall, the **proposal would be significantly harmful to the character and appearance of the area.** This would be **contrary to Strategy 7 of the EDLP** which restricts development in the countryside and seeks to protect the distinctive landscape of an area. It would **also be harmful to the intrinsic character and beauty of the countryside which should be protected in line with ... the Framework.**"* (paragraph 20, emphasis by PCL)

We concur with the inspector's conclusion, and consider that the points raised remain a significant concern.

Housing Delivery in Exmouth

Strategy 2 of the LP allocates 350 dwellings in Exmouth for the plan period. These units have already been consented at Goodmores Farm, and work is beginning on site.

It is therefore clear that suitable provisions for housing delivery for the plan period in Exmouth have been made through the LP. Bringing this application site forwards at the current time will exceed the quantity of housing provision for Exmouth, to the detriment of the environment.

Affordable Housing

Within the LP, Strategy 34 informs that outside the BUAB, 50% of housing should be affordable.

The current application is for 25% affordable housing, which is not in accordance with the relevant provisions of the DP, and the applicant has not provided a viability report to seek to justify this reduced proportion.

Other Material Considerations

Emerging Local Plan

The Emerging Local Plan (ELP) underwent a Regulation 18 Issues and Options consultation draft in the start of 2021. This provided the public the opportunity to comment on questions and objectives to guide the local plan process. This did **not** provide the opportunity to comment on proposed allocations (nor policies).

A working draft ELP has been published in December 2021 (with a factual amendment in January 2022). This document contained numerous draft policies as well as “preferred allocations”, with the application site being one of them. The public have not been consulted on the contents of this document.

The ELP is yet to undergo a Regulation 18 draft plan consultation. There is no certainty that the application site will be included in the ELP post Regulation 18 consultation.

It is therefore clear that at the current point in time, so early in the ELP process, the draft “preferred allocations” status provided to the site, alongside any draft policies applicable, should carry **no** weight.

5 Year Housing Land Supply

The most recent Housing Monitoring Update was published in March 2022. This publication informs that there is an overall 5 Year Housing Land Supply (YHLS) of 4.68 years. The 5YHLS document also considers housing supply by splitting East Devon into two significant geographical areas. These are the "West End", comprising of land to the east of Exeter, including Cranbrook and the "Rest of East Devon" (RoED).

The 5YHLS calculated for RoED is significant, with 15.13 years (a surplus of 1,560 units). It is therefore clear that housing delivery is not a priority for the RoED. In the West End, the report deemed there to be a 5YHLS of 2.18 years (a shortfall of 1,888 dwellings). Whilst additional delivery in the RoED will contribute to EDDCs overall 5YHLS, this will not remedy the deficiency where it exists. Therefore, development to make up for this lack of 5YHLS must clearly be located in the West End.

Steps have been taken to rectify this under-allocation in the West End, with the Cranbrook Plan having recently undergone inspection, and considered that subject to modification, the plan has been found sound (paragraph 102, Cranbrook Local Plan Inspectors Report, 11 August 2022). In light of this, EDDC are now progressing the plan through committee. The strategic planning committee recommended adoption (subject to additions) on the 4th October, and this will go to a council meeting on the 19th October, where it is planned to be adopted. Once adopted, allocations (which include 4 expansion areas) in this document will help address the shortfall.

It is therefore clear that this is not a material consideration that supports the application.

Conclusion

It is clear that the proposed site falls short of according with the relevant provisions of the DP. In particular:

- unsuitable development outside the BUAB (Strategy 6 of the LP);
- exceeding suitable housing provisions (Strategy 2 of the LP);
- having an unacceptable impact on the countryside (Strategy 7 of the LP and Policy EN1 of the NP); and
- unacceptable affordable housing provisions (Strategy 34 of the LP).

The working draft of the ELP is at such an early stage that no weight should be accorded to its contents. Furthermore, whilst EDDC falls short of a 5YHLS, the 'sub-district' Exmouth is within has a 5YHLS in excess of 15 years. Clearly, delivery in East Devon to reach a 5YHLS would be mis-placed by locating this within the countryside surrounding Exmouth.

Therefore, it is clear that this application conflicts with the policies contained in the DP when read as a whole. Furthermore, no material considerations can be found to justify a decision that is not in accordance with the DP.

This is in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, this application for outline planning permission should be refused on the basis that:

(1) The proposed site is outside the defined Built-up Area Boundary of Exmouth, and lies in a part of the countryside that is open to views from a number of public rights of way. The proposal would cause significant visual intrusion, and result in significant harm to the character and appearance of the countryside. The principle of development in this location is therefore unacceptable. Development would be contrary to Strategies 6 and 7 of the East Devon Local Plan 2013-2033, as well as Policy EN1 of the Exmouth Neighbourhood Plan 2018-2031.

(2) The proposal fails to make provision for sufficient affordable housing in this countryside location. In the absence of a S106 agreement securing the provision of 50% affordable housing the proposal is contrary to Strategy 34 of the East Devon Local Plan 2013-2033.

Kind regards,



David Seaton, BA (Hons) MRTPI
For PCL Planning Ltd

