

Representations to the East Devon Local plan Regulation 19 consultation by Baker
Estates Ltd

March 28th, 2025

These representations have been submitted online but are also being submitted by email to ensure safe receipt.

SD 05, SEAT_02

There does not need to be and should not be an assumption that the access will come from Poplar Tree Drive. An access from Lime Way should be very achievable with a suitable carriageway width and footpaths both sides to access a development of 40 houses safely and with no material impact on any existing junctions. Accessing via Lime Way in many ways could indeed be preferable and require less engineering than from Poplar Tree Drive and so will have better environmental and amenity consequences. The intention will be to produce more information on this for the examination but this representation seeks to ensure that a Lime Way access should not be ruled out and indeed could specifically be included in the allocation policy at least as an option.

SD05 SEAT_3

The reference to the 55 metre contour is an unnecessarily rigid requirement which does not take into account the type of housing (e.g. bungalows or houses), ridge heights, finished floor levels and potential landscaping proposals alongside. The assessment should be to work with a Landscape and Visual Assessment to produce an acceptable design and landscaping without unnecessarily rigid requirements being inserted into the local plan. A contour as a guide may be helpful but not a blanket requirement. Our preference is to delete the reference but an alternative may be to re-word so that it is a guide rather than a fixed parameter.

SD05 SEAT_3 and SEAT _05

This is unnecessary and is likely to be misinterpreted by some as requiring all to come together at the same time when that is not necessary or even desirable. All of SEAT_05 and part of SEAT_03 has a committee resolution to approve a development of up to 130 houses and a sports pitch. This should not be prevented from coming forward without the remainder of SEAT_03 although of course it must be ensured that the remainder of the allocation is capable of coming forward in conjunction. This part of the policy should either be deleted as being unnecessary and potentially unhelpful or it could be re-worded to make it clear that parts of the allocation may come forward at different times and that is acceptable.

Chapter 6

This is a general comment that applies to much of this chapter. National standards are being set along with a programme set by the Future Homes Standard. This is supported by more evidence and scrutiny than an individual local plan can ever have. It is not helpful and indeed counter productive for a local plan to set its own standards as a departure from the national requirements. This is also a continuously moving situation so anything in the local plan will become out of date very quickly. Developments should adhere to building regulations and national standards so this chapter is not necessary certainly in its current form to ensure a sound local plan. Local plans are best primarily to concern themselves with land allocation matters on a spatial basis rather than set individual standards or second guess the path of national policy requirements over a longer period.

Policy HN02

We have some overall viability concerns regarding the cumulative burdens being put on developments (BNG, Future Homes Standard, Building Safety Levy, CIL, section 106 requirements etc). It is likely that viability assessments will become more routine rather than an exception. At the very least, the policy should allow for discount market housing where a Registered Provider is not available. The discount can be set appropriately but, to support delivery, discount market should be routinely available as part of the mix and there should be a swift reversion to discount market if an RP is not available. Otherwise developments will not proceed or will stall because there is not enough certainty.

Policy HN3

The need to support provision for older people is definitely supported. This promotion does not need to be necessarily by age restricted housing and can be provided in part by housing mix on sites. For example, a proportion of bungalows supports potential downsizers in a way that is not possible if this type of stock is not available. This type of housing could be added as something that the council could support.

This policy also states that extra care schemes are a C3 use class. This is not necessarily the case and the use class will depend on the particular circumstances and level of care being provided. Extra care can be C2 as demonstrated in many applications and appeal decisions. This restriction should be removed from the local plan as it will stifle the sort of developments that are needed and the local plan is seeking to encourage.

Policy HN4

The “subject to site suitability and viability” is noted but this policy will often not be able to be complied with and so it will routinely delay or even stop developments. It is accepted that provision needs to be made as part of developments for people with specific needs but the extent of this requirement will regularly become something that is not able to be delivered.

Policy HN5

It is noted that this is another policy requirement that cumulatively adds to the difficulties of delivering and managing sites.

Policy PB05

A BNG requirement of 20% is excessive and will become a massive land and cost hurdle to delivering development. National standards have been set at 10% and, even at 10%, the site requirements can cause very large issues in restricting the amount of developable land that can be achieved as well as resulting in large off site credit purchases. 20% takes this even further and this is no proper justification to go above the

national requirement of 10%. The burden of delivering 20% has not been properly considered and the local plan should revert to 10% as per the national requirement.