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East Devon Local Plan 2020-2042 (Reg 19 Consultation)

The following submissions and objections are made on behalf of Mr Warren Spokes, site owner of Nursery Garage, Courtlands Lane, Lymington.

The objections relate to:

Policy SP02 – Levels of future Housing Development
Policy SP03 – Housing requirement by Designated Neighbourhood Area
Policy SP05 – Development inside Settlement Boundaries
Policy SP06 – Development beyond Settlement Boundaries
Policy SD01 – Development Allocations at Exmouth
Policy OL05 – Green Wedges
Policy PB05 – Biodiversity Net Gain
Consultation Map Inset - Exmouth

General Points

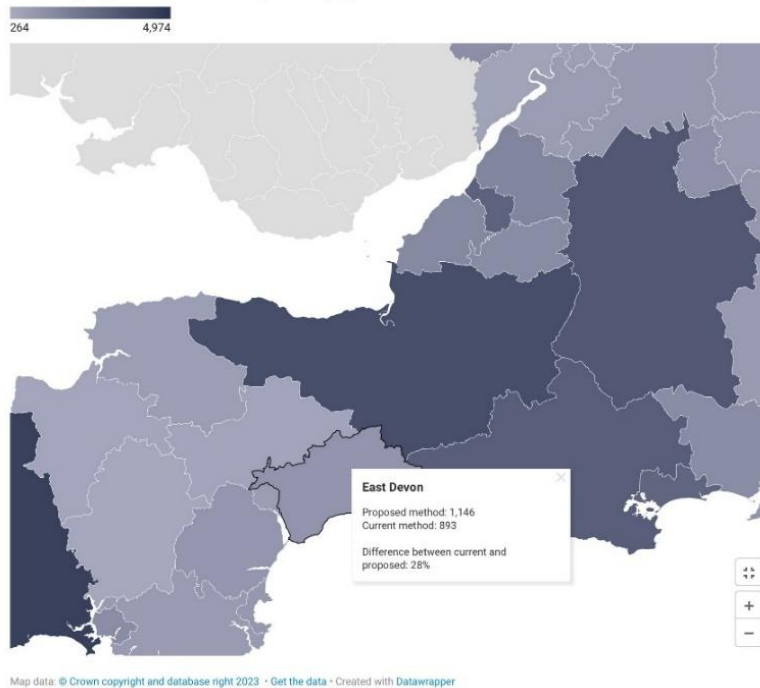
The draft plan has progressed to consultation under Reg.19 against the backdrop of a change of Government with the incoming administration making a clear declaration of intent to reform the Planning System and prioritise delivery of housing; and the introduction of a statutory requirement to achieve an uplift of 10% in Biodiversity in relation to development proposals.

Housing Delivery

Since Consultation under Reg.18, under the Updated NPPF, the housing requirement for East Devon increased by 28% from 893 to 1,146 equating to an increase of 5,060 over 20 years (an additional 253 per year). Faced with a significant level of increase over the same period, nearby Bath and North-East Somerset Council has announced a new call for sites as part of a 'resetting' of the local plan.

Housing targets under new method

The housing targets for each local authority under the proposed new method



In the EDDC Regulation 19. Draft, Strategic Policy SP02 states that:

“Housing provision will be made for at least 20,909 dwellings (net) to be delivered in the plan area between 1 April 2020 to 31 March 2042. The housing requirement will be delivered through a stepped trajectory, with an annual target of 850 homes from 2020/21 to 2031/32, increasing to 1070 homes per year from 2032/33 to 2041/42.”

First, this represents a shortfall of more than 2000 dwellings over the plan period against the NPPF figure.

Secondly, the subsequent paragraph 3.12 states:

“In recognition of the complexities inherent in delivering major development sites, particularly the proposed new community provision of new homes will come forward under a stepped trajectory that will provide an annual average of 850 dwellings per year from 2020/21 to 2031/32 and 1,070 per year from 2032/33 to plan end at 2023/24...”

Notwithstanding the fact that we are now four years into the plan period, the draft plan proposes site allocations which, for the first ten years of the plan period, fall short annually by 296 dwellings. The ‘stepped trajectory’ involves effectively ‘kicking the can down the road’ for another seven years until 2032 before the shortage can begin to be addressed.

The approach of the Reg.19 consultation version of the EDDC plan is ineffectual and insufficiently robust to contribute to meeting need and addressing the housing crisis, which is current, rather than seven years or more in the future. This is unconvincing and unrealistic, and furthermore lacks a robust evidence base demonstrating that the allocated sites and the numbers suggested can indeed be delivered in time to address need.

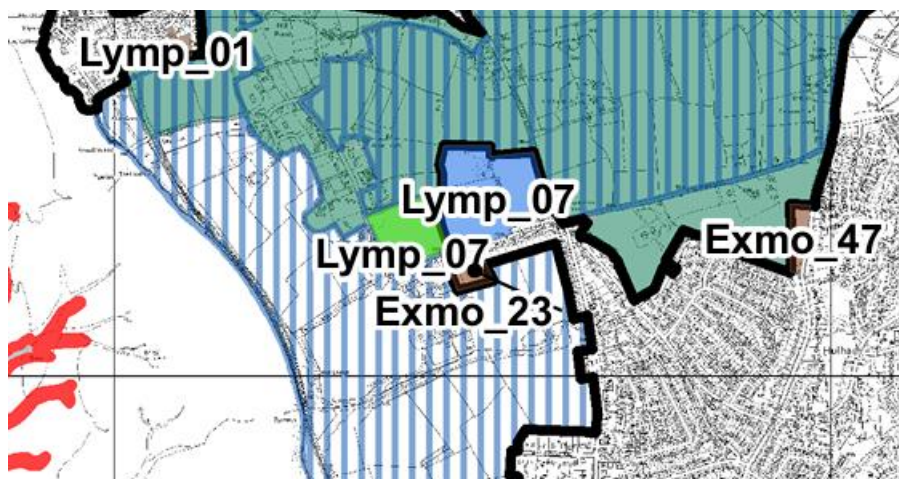
The new Government's forward-looking approach and methodology has been informed by many years of failure by the Planning system and previous Governments to address the growing housing crisis by achieving and facilitating sufficient housing to meet existing and proposed demand. Habitual allocation of sites where delivery is problematic because of ownership and infrastructure and citing them as evidence of a five-year housing land supply is an out of date and nebulous approach geared more towards developing a strategy for defending appeals against refusals of planning permission for residential development elsewhere, than to the actual delivery of housing. This approach needs to change. In particular a more pragmatic and supportive approach is needed to maximising and realising the potential for smaller sites to contribute to the delivery of housing, including a more rigorous examination of the potential for sustainable delivery on Brownfield land.

The now statutory requirement for the achievement of BNG in relation to new residential developments has potential implications for the housing numbers and densities of residential development within planned allocated sites. BNG must be achieved within these sites or by way of purchasable BNG credits elsewhere. Unless each allocation is preceded by an audit in this respect and supported by evidence that the required uplift can be achieved and delivered, the Plan will not enable the LPA to demonstrate adequate provision of land where housing can genuinely be delivered in sufficient numbers.

Pursuant to Regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017, the LPA is under a statutory obligation to identify and publish annually a register of brownfield land and to update it at least once a year. The register on the EDDC website states it was 'recently' updated in December 2021. It is therefore more than three years out of date.

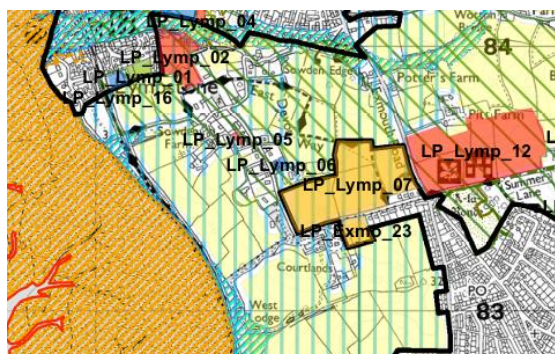
Land at Nursery Garage, Courtlands Lane

The site within the respondent's ownership is shown on the Exmouth Inset Map forming part of the Reg. 19 Consultation. It lies to the west and north of Housing allocation site Lymp_07 between that site and the north-south section of Courtlands Lane. On the extract below it is immediately to the west of the letter 'L' of Lymp_07



Exmouth Proposals Map Reg 19 Consultation

In the previous Reg.18 version the Lymp_07 site and nearby Exmo_23 sites formed a larger Lymp_07 which was identified as a 'Second Choice' Housing Site.



Reg 18 proposals map. Green denotes first choice, yellow second choice, red- rejected, blue – permission granted

The 2022 HELAA study identified Lymp_07 as capable of delivering 150 dwellings

Lymp_01	Little Paddocks, 22 Underhill Crescent, Lympstone, Devon., EX8 5JF	Lympstone	0	0	6	0	0	0	6
Lymp_02	Land lying to the north of Clay Lane, Lympstone,	Lympstone	0	0	0	0	0	0	0
Lymp_03	Lympstone Nurseries, Church Road, Lympstone, EX8 5JU	Lympstone	0	0	0	0	0	0	0
Lymp_04	Land to the south of Meadowgate Cottage, Church Road, Lympstone, EX8 5JU	Lympstone	0	0	0	0	0	0	0
Lymp_05	Land to the southwest of Dawlish Park Terrace, Lympstone, EX8 5AA	Lympstone	0	0	0	0	0	0	0
Lymp_06	Hollywell Nurseries Courtlands Lane Lympstone, EX8 5AB	Lympstone	0	0	0	0	0	0	0
Lymp_07	Land at Courtland Cross, Exeter Road, Lympstone, Exmouth, EX8 3NS	Lympstone	0	0	150	0	0	0	150
Lymp_08	Land off Summer Lane, Exmouth, EX8 5SL	Lympstone	0	0	14	0	0	0	14
Lymp_09	9.2 acres fronting Hulham Road, Exmouth,	Lympstone	0	0	54	0	0	0	54
Lymp_10	Land off Hulham Road, Lympstone,, EX8 5DZ	Lympstone	0	0	0	0	0	0	0
Lymp_11	Land off Harefield Road, Lympstone,	Lympstone	0	0	37	0	0	0	37
Lymp_12	approximately 30.5 acres fronting A376 and Summer Lane, Exmouth,	Lympstone	0	0	174	0	0	0	174
Lymp_13	Kings Garden & Leisure, Higher Hulham Road, Exmouth, EX8 5DZ	Lympstone	0	0	0	0	0	0	0
Lymp_14	Coles Field, Hulham Road, Exmouth, EX8	Lympstone	0	0	59	0	0	0	59
Lymp_15	12.1 acres fronting Hulham Road, Exmouth,	Lympstone	0	0	0	0	0	0	0
Lymp_16	Land off Underhill Close, , Lympstone, EX8 5JE	Lympstone	0	0	0	0	0	0	0

Extract from 2022 HELAA

In the Reg.19 consultation draft, **Strategic Policy SD01: Exmouth and its development allocations** states:

“The sites/areas listed below, as identified on the Policies Map, are allocated for development.

Land to the South of Courtlands Lane (Exmo_23)

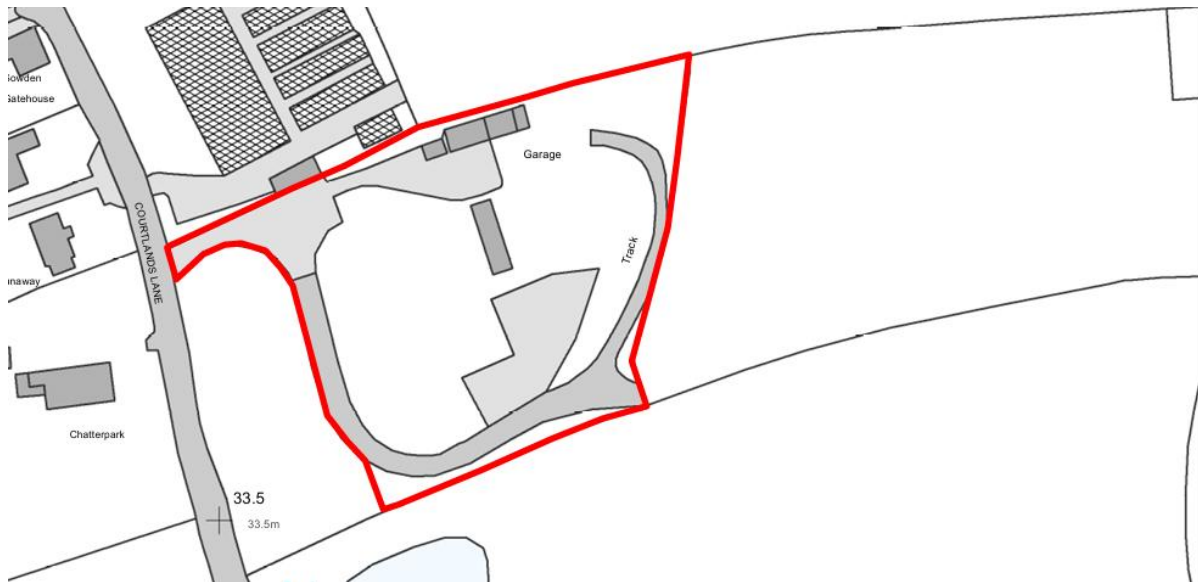
This land, south of Courtlands Lane, will form a small-scale development on the northern side of Exmouth to accommodate around 12 new homes. The scheme will need to demonstrate how safe pedestrian access, avoiding on-road walking, will be achieved to surrounding and neighbouring areas.

Land at Courtlands Cross (Lymp_07)

This site at Courtlands Cross will accommodate around 100 new homes and 0.4 hectares of employment land. The field to the west of the housing allocated land is allocated for delivery of sports pitch uses and associated low key ancillary facilities as part of a viable package of planning obligations. Built development at this site, located on the two south-easterly fields, will need to be

particularly sensitively designed to avoid potential for adverse impact on nearby heritage assets and to avoid adverse landscape impacts. Particular importance is attached to retention of the East Devon Way footpath, in a spacious corridor, across the site in a north-south direction. There should also be safe off-street pedestrian and cycle access that provides for east-west movement through the area for existing and future users linking into adjacent areas such as Lypstone Manor and allocated site Exmo_23. The development will need to maximise opportunities for localised improvements/contributions to enhance sustainable travel modes."

Nursery Garage



Plan showing extent of certificate of lawful existing use.

The site is previously developed land, and the land edged red on the map above benefits from a Certificate of lawful Existing Use (March 2021) for the servicing and sale of motor vehicles. The land edged red comprises some 0.8ha of wider 1.75ha land parcel. The site was the subject of an unsuccessful appeal against refusal of PIP (APP/U1105/W/21/3285255) in April 2022.

In making that decision the Inspector concluded, in the following terms, that potentially development would not have an adverse on the Green Wedge designation:

" If, for argument's sake, dwellings were to be delivered in the approximate location and of the approximate scale of the existing garage structures, the scheme would likely have no additional impact upon the purposes of the Green Wedge designation."

The determinative factors were the Inspector's judgement as to whether the site was problematic in respect of accessibility and whether it would give rise to 'Isolated' development in the countryside. He commented:

"In this case, the site is a not inconsiderable walk to the range of services within Lypstone. The connecting roads undulate, turn sharply and are largely bereft of dedicated pedestrian space and street lighting. The route to the nearest bus stops and the small shop at the adjacent petrol station is shorter but similar. On this basis, whilst walking or cycling may be an option for some in some instances, I do not consider that the locational tests set out within Policy 2 of the LNP and Policy TC2 of the EDLP would be met."

and: " Whether a proposal is or is not isolated is a matter of planning judgment. The site is clearly well away from Lypstone in an area explicitly identified to provide visual separation between the

two distinct settlements of Lympstone and Exmouth. The properties around the site read as a sporadic smattering of houses within the Green Wedge. As such, they do not appear to form a village or even a smaller settlement. For these reasons, in my judgment the site is also isolated in the Framework's terms."

The draft plan includes planned material changes in circumstances which justify reconsideration of these issues.

The adjacent 10 Hectares of land to the north of Courtlands Lane between the site and Exmouth Road was identified in the HELAA and the consultation drafts of the EDDC Local Plan 2020-2042 as 'Second Choice' Residential Site Lymp_07 with a capacity of 150 units in the regulation 18. Version. It has since become 'Housing and Employment' site Lymp_07 expected to provide 100 residential units, employment floorspace and sports pitches in the regulation 19. Version, demonstrating that the LPA is committed to ending its 'Isolation'. The Highway authority also suggest the same land is safeguarded in connection with the extension of Dinan Way.

The Consultation drafts also designate land on the south side of Courtlands Lane, falling within first Lymp_07 (Reg 18) and subsequently as stand alone residential site Exmo_23 (Reg 19) suitable for 12 dwellings. That site is currently the subject of an application for planning permission.

The connectivity of the site will therefore be significantly improved and its isolation ended by the planned connections set out in draft Policy SD01 in relation to the designation of sites Lymp_07 and Exmo_23 including the use of the area immediately to the south as sports pitches and recreation grounds as stated in Policy SD01 - *"There should also be safe off-street pedestrian and cycle access that provides for east-west movement through the area for existing and future users linking into adjacent areas such as Lympstone Manor and allocated site Exmo_23."*

The 2022 Inspector's findings with regard to isolation and unsafe access can no longer carry the same weight. The Nursery Garage site subject to the Certificate of Lawful Existing Use can, as acknowledged by the Inspector, be developed with low density housing without adversely affecting the Green Wedge. Furthermore the owner has the benefit of an additional parcel of open land to the east on which improvements to Biodiversity can be effected in order to achieve on-site BNG, and frontage land on Courtlands Lane between the entrance driveway and the southern boundary, falling outside the CLEUD red line. These areas together provide further potential by way of CIL or S.106 contributions for the landowner to assist in achieving the improved connectivity sought to enable development of site Lymp_07. This could, for example include part of a pedestrian route from Lymp_07 to Courtlands Lane and a footway and vehicle passing place on the western boundary.



Land within the respondent's ownership

Given these circumstances the site has been submitted for inclusion on the Council's register of Brownfield Land. It should therefore be regarded as a developable site, capable of providing five or more dwellings in the context of the development plan.

Conclusion

- The respondents object to the general approach to housing allocation in the Regulation 19. Consultation which does not meaningfully address the requirements of emerging Government Policy and approach to the delivery of housing.
- The Respondents object to the failure of the Regulation 19. version of the plan to give full and proper consideration to the deliverability of the projected housing land allocations therein in the context of the statutory requirement to provide BNG uplift in the context of development proposals.
- The respondents consider the LPAs approach should support and identify housing delivery on smaller brownfield sites including Nursery Garage which are demonstrably deliverable, sustainable, accessible and ready for development, as part of their Housing Land Identification.

5th March 2025