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28<sup>th</sup> March 2025

REF: FRON2100

East Devon District Council,  
Local Plan Team,  
Blackdown House,  
Border Road,  
Heathpark Industrial Estate,  
Honiton,  
EX14 1EJ.

By email to: [LocalPlan@eastdevon.gov.uk](mailto:LocalPlan@eastdevon.gov.uk).

Dear Sir / Madam,

**RE: Representations to East Devon Local Plan Consultation - Regulation 19 on behalf of Frontier Estates Ltd. on the former Millwater School at Bottom Road (Honi\_06).**

I act on behalf of Frontier Estates Ltd and write in response to the current East Devon Local Plan Consultation made under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. This letter provides formal comments and I trust that these representations duly made within the determined timescales, will be formally accepted and considered alongside the submitted questionnaire.

### Introduction and Background

By way of background, Frontier Estates Ltd have recently exchanged on a subject to planning deal on this site for the construction of a 68-bedroom care home for the elderly.

A pre-application enquiry for the redevelopment of the site to provide a 68-bed care home was submitted on behalf of Frontier Estates Ltd to East Devon District Council on the 19<sup>th</sup> July 2024 under ref. 24/0069/PREAPP. A meeting to discuss the pre-app was held with the case officer on the 25<sup>th</sup> September 2024 and a formal written response was issued by the Council on the 17<sup>th</sup> December 2024. The meeting and subsequent response confirmed that the principle of a care home in this location would be acceptable. As such, a full planning application is being prepared for submission in June 2025. The care home site is shown below.



*Above: Care home layout submitted with pre-app ref. 24/0069/PREAPP.*

Below are our formal comments on the East Devon Local Plan Consultation. Where amendments are suggested, additional text is highlighted in blue and deleted text is struck through.

### Comments on Policy SD03: Honiton and its development allocations

Former Millwater School at Bottom Road (Honi\_06) is allocated for 30 homes under this policy. The accompanying policies map shows the allocated area shaded in green as shown in the screenshot below.



Above: Screenshot of draft allocation from emerging proposals map.

Whilst my client is supportive of SD03, HONI\_\_06 as an allocation, it is respectfully requested that the following comments on the detail of this allocation policy are reflected in the plan as it progresses towards adoption.

The main change that is requested is to include an allowance for the provision of a care home for the elderly in the allocation policy as an alternative to the 30 homes that are specified at present.

Care homes provide a specialist type of residential accommodation and fall within Class C2 (residential institutions) as opposed to Class C3 (dwellinghouses).

Pre-application discussions have been positive in confirming that the principle of a care home on this site is acceptable and the adopted local plan sets out support for Class C2 uses on sites allocated for residential development. The pre-app submission also indicates that a 68-bed care home can be comfortably accommodated on this site, representing the efficient use of previously developed land in a highly sustainable location.

It is also noted that the provision of a 68-bed care home on this site could contribute the equivalent of 38 dwellings on this site applying the 1.8 ratio for communal accommodation specified in the Housing Delivery Test calculation whilst also contributing to the creation of sustainable and balanced communities in response to local need, a key aspiration of the emerging plan.

As such, it is respectfully requested that the wording of the policy is amended to reflect this and to include an option for a care home. The suggested wording below would provide additional flexibility to allow for the delivery of a care home on this site in order to assist with the creation of sustainable and balanced communities.

The suggested alternative wording for SD03, HONI\_\_06 is as follows:

*'Former Millwater School at [Honiton](#) Bottom Road (Honi\_06)*

*This land is allocated for [a care home for the elderly \(Use Class C2\)](#) or 30 homes and will form a small-scale development in the southern part of Honiton'*

## Comments on other relevant policies

### Policy HN03: Housing to meet the needs of older people

Whilst my client is broadly supportive of HN03 due to its promotion of a range of specialist accommodation types for the elderly in response to an ageing population, it is respectfully requested that the following comments on the detail of this policy are reflected in the plan as it progresses towards adoption. Suggested changes are explained below.

- Deletion of the word 'affordable' in the second sentence of the first paragraph. As this paragraph refers to both market and affordable housing for older people, it is understood that this word has been included in error and that the list is intended to refer to both market and affordable housing for older people.
- Suggested amendment to the first point B of the policy to ensure it is not overly restrictive regarding the location of sites in proximity to local facilities and shops and recognising that in some cases, sites may be more than 400m from these but could still be considered accessible to them due to availability of bus routes etc. The suggested amendment still requires sites to be accessible to these but is less prescriptive on a specific distance.
- Suggested amendment to the first point D of the policy to ensure that it is not overly restrictive in relation to topography and highways works. Regarding topography, this will vary on a site by site basis and a site is not automatically inaccessible if it is not flat. Regarding highways works, these will not be required in all cases and so the amended wording requests these only where deemed necessary and feasible.
- Inclusion of a sentence to note that on sites allocated for residential development, Use Class C2 will also be acceptable with an overarching aim to create mixed and balanced communities. This is included in the adopted local plan and we consider it appropriate to take this forward in the emerging local plan in a proactive approach.

The suggested alternative wording for HN03 is as follows:

*'The Council will support development that widens choice by securing a more diverse supply of market and affordable housing for older people in East Devon. Specialist ~~affordable~~ housing for older people, falling under this policy, will specifically include:*

- Residential care homes and nursing homes;
- Extra care housing or housing-with-care;
- Retirement living or sheltered housing;
- Age-restricted general market housing.

*Any development proposals with housing to accommodate older people will need to:*

*A. Demonstrate how the design and layout addresses the health and well-being needs of older people including, where appropriate to the proposal, those with dementia and other long-term conditions;*

*B. ~~Demonstrate that the site is accessible to~~ ~~Locate all older person housing within 400 meters walking distance of local facilities and shops;~~*

*C. Be well-served by public transport;*

*D. Have high levels of accessibility ~~flat or relatively flat neighbouring topography,~~ incorporating provision of dropped kerbs and pedestrian road crossings ~~where necessary and feasible~~ to promote access by ambulant older people, wheelchair users and mobility scooters;*

*E. Provide adequate communal facilities, including on-site accommodation where required, for essential staff;*

F. Be supported by a Care Needs Assessment to justify the development proposal's scale, tenure and accommodation type.

Planning applications for different types of specialist housing for older people, will be determined on the basis that:

**Use Class C3 (dwellings)** - Market accommodation for older people in the form of age restricted general market housing, retirement living or sheltered housing and extra care housing or housing with care are in Use Class C3 (dwellings);

**Use Class C2** - Residential care home and nursing home accommodation (including end of life/hospice care and dementia care home accommodation) are in Use Class C2;

The Use Class of other specialist housing products will be determined taking into consideration the level of care and scale of communal facilities.

*Use Class C2 proposals will be acceptable on sites allocated for residential development.*

All general housing proposals, subject to commercial viability, will be required to deliver specialist housing for older people as follows:

A. Schemes for 50 to 199 dwellings should include at least 10% of dwellings on-site as specialist older person dwellings (Use Class C3);

B. Schemes for 200 or more dwellings should include at least 10% as on-site as specialist older person dwellings as either C3 dwellings and/or C2 equivalents.

Planning permission that would result in the loss of specialist elderly person housing will be refused unless:

A. Evidence demonstrates that there is no longer a need in East Devon for that type of housing; and

B. The housing cannot be converted to meet other types of older person need, or that conversion, remodelling, or redevelopment to specialist housing to meet other social care and health needs is not viable.

This policy applies across the whole of the local plan area but in the Cranbrook Plan area noting that there may be viability impacts at Cranbrook that will need to be taken into account at planning application stage'.

### **Strategic Policy PB05: Biodiversity Net Gain**

it is respectfully requested that the following comments on the detail of this policy are reflected in the plan as it progresses towards adoption.

The main change requested is to include reference to the 10% statutory BNG requirement for clarity. It also seeks to provide further flexibility for the location of offsite habitats for BNG.

The suggested alternative wording for PB05 is as follows:

*'Major development proposals will need to deliver biodiversity net gain (BNG) of at least 20% to be calculated using the most up-to-date statutory metric. Where there is a demonstrable viability problem to achieve this target, it will be expected that all measures to exceed the national minimum requirements of 10% are made, and evidence for not achieving the 20% target is provided in full. Non-major developments will be required to secure at least 10% BNG.'*

All applications subject to biodiversity net gain will need to be supported by a Biodiversity Gain Statement which clearly demonstrates how the biodiversity gain hierarchy has been followed. The statement will need to be supported by a completed biodiversity metric (including condition assessment sheets) and demonstrate how BNG will be delivered in accordance with good practice principles for development, BS 8683:2021104104, and local guidance (or subsequently updated guidance). Any development proposal including significant onsite gains will need to include a Habitat Management and Monitoring Plan (HMMP) and be clear in terms of how habitats will be maintained, appropriately monitored, and reported for 30 years. The statement should provide the expected balance of any off-site gains and whether the use of statutory biodiversity credits is expected.

Where offsite habitats are created or enhanced to deliver BNG, in full or in part, the delivery should be provided within the locality of the impact, *where feasible* and contribute to ecological networks and published strategies in accordance with BNG principles.

Offsite habitat delivery should prioritise the recovery of ecological networks, priority habitats, and contribute to the aims and objectives of the Local Nature Recovery Strategy (LNRS), and other locally published plans, policies, and strategies including the Clyst Valley Regional Park, Tree, Hedge, and Woodland Strategy for East Devon, and the East Devon Nature Recovery Plan.

Where there is evidence of deliberate habitat degradation on development sites prior to the submission of planning applications, a precautionary view in terms of the habitat distinctiveness and condition will be assumed unless there is evidence to support a lower categorisation.

Developments exempt from mandatory BNG are required to deliver ecological enhancements commensurate with the scale of development. Self-build developments will be required to provide a completed statutory biodiversity metric to evidence their baseline ecological value and the predicted ecological outcome of the development.

*This policy does not apply in the Cranbrook Plan area’.*

### **Strategic Policy PB06: Local Nature Recovery Strategy and Nature Recovery Network**

It is respectfully requested that the following comments on the detail of this policy are reflected in the plan as it progresses towards adoption.

The main change suggested seeks to provide further flexibility for the location of offsite habitats for BNG.

The suggested alternative wording for PB06 is as follows:

*‘Proposals which result in enhancement of existing and any subsequently defined NRNs and features that contribute to their importance, through habitat creation appropriate to network type, will be supported. Along with this, support will also be given for proposals leading to increased landscape scale connectivity of NRNs and ecological features within them.*

*Development proposals within NRN defined areas will be required to provide mitigation in the form of biodiversity improvements that are compatible with and lead to net improvements within or that are directly relevant to the NRN in which they fall.*

*Anywhere in East Devon, where or when there is off-site biodiversity net gain, or other off-site biodiversity contributions tied to planning permission for development, the expectation will be for these, *where feasible*, to be located inside, adjacent to or otherwise contribute to the overall NRN and its biodiversity importance, or to a specific NRN areas and its biodiversity importance.*

*Biodiversity net gain (BNG) relevant to NRN areas and their expansion and connectivity, is ~~are~~ formally identified as being of strategic significance within the Statutory Biodiversity Metric Calculation Tool’.*

*This policy applies across the whole plan area including the Cranbrook Plan area’.*

### **Policy PB07: Ecological enhancement and biodiversity in the built environment**

It is respectfully requested that the following comments on the detail of this policy are reflected in the plan as it progresses towards adoption.

The main change is requested to provide flexibility for features to be provided where feasible, determined on a case by case basis.

The suggested alternative wording for PB06 is as follows:

*‘In addition to features required as part of biodiversity net gain, mitigation or compensation, all proposals are required to incorporate features of biodiversity value tailored to the specific proposals, relevant local receptors and in accordance with best practice to maximise potential benefits.*

*As a minimum, the following features are required within new proposals **where feasible**:*

*A. Integrated bird boxes (e.g. swift bricks) in suitable locations at a ratio of one per dwelling, or a relevant number to be agreed for flats or non-dwelling applications, to be provided in accordance with BS42021:2022111;*

*B. Provision of integrated bat boxes in locations suitable for use by bats (i.e., adjacent to suitable habitats and not significantly impacted on by artificial lighting);*

*C. An integrated bat loft within all major planning applications, if ecologically relevant (i.e., if the site is a suitable location for a bat loft to be constructed - not too isolated or within unsuitable habitat such as heavily urbanised well-lit areas);*

*D. Gaps (13 cm x 13 cm) in the bases of garden fences, between gardens, and within fences between gardens and wider ecological networks, to facilitate movement of hedgehogs and other protected and notable species; and*

*E. Provision of overhanging eaves suitable for nesting house martins in all major development*

*The location and specification of biodiversity features should be designed with input from a qualified ecologist and informed by the most up to date research and guidance at the time of application. Bat and bird boxes should be integrated within the fabric of the building to ensure longevity and retention when ownership changes (to avoid removal by new owners).*

*This policy applies across the whole plan area including the Cranbrook Plan area’.*

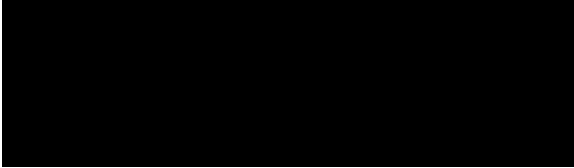
### **Conclusion**

I trust that this submission is useful in confirming my clients overall support for the above policies and respectfully request that the amendments referred to above are considered and reflected as the plan progresses towards adoption.

Policy SD03 as amended will provide flexibility for a care home to be delivered on this site and my client is preparing a planning application for submission in June 2025 following positive pre-application discussions. This will contribute to the creation of sustainable and balanced communities in response to a local need which is an overarching aim of the plan. (

We look forward to engaging further in the process and would be grateful if you could keep us updated with regards to the emerging East Devon Local Plan, and its timetable for preparation. In the meantime, please do not hesitate to contact me to discuss further.

Yours Sincerely

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**Associate Director**

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