

West Hill Parish Council (WHPC) - Extraordinary Meeting – 3<sup>rd</sup> January 2023  
Agenda Item 23/006

DRAFT WHPC Response

- 22/2533/MOUT Outline Planning Application for 23 dwellings on Land north of Oak Road

This WHPC Extraordinary meeting has been called (Minute 22/357/2) to provide an opportunity for West Hill residents to provide their comments with regards this substantial and significant planning application. Whilst residents should submit their views directly to the East Devon District Council (EDDC), the West Hill Parish Council (WHPC) would also invite residents to share their views at this meeting to help inform the Council's response to EDDC on the application.

Councillors can also visit the EDDC planning portal to see the comments received from the public (over 70 objections to date) and consultee organisations.

It is a very important time that EDDC are made aware of the views of the West Hill community. EDDC have agreed that WHPC can submit its response by 5<sup>th</sup> January 2023, extending the original deadline for pre-Christmas.

**1. The Application**

- An approval of an outline planning application establishes the principle of development**, hence why it is vital at this stage that the EDDC receive the views of the local community from individuals, the WHPC and local District Councillor.
- 22/2533/MOUT is an outline planning application to EDDC for 23 dwellings on 1.99 hectares of agricultural land with all matters reserved save for formation of vehicular and pedestrian access.
- The matters not determined as part of this application (should it be approved) will need to be the subject of a subsequent 'application for approval of reserved matters' before the development can proceed. That will relate to the details, as the current application relates only to the vehicular and pedestrian access from Oak Road.
- The Applicants: Morrish Homes, Mr R G Compton, Mrs S.R. Stephenson, Mrs V Oliff and Mrs C Sanders. Their supporting documentation is available to view on the EDDC Planning Portal.
- WHPC requested EDDC to ensure they included The Health and Safety Executive (with regards the high pressure gas pipelines) and Devon County Council (DCC) Minerals (with regards the pebble heath etc) as Consultees.
- If EDDC approve this outline planning application, there is no right for a third party appeal.

**2. Proposed Draft EDDC East Devon Local Plan 2020 – 2040**

- This EDDC Draft Plan is currently in a Section 18 consultation phase, closing date 15<sup>th</sup> January 2023 but includes two key pieces of information:
  - EDDC published the outcome of the Housing and Economic Land Availability Assessment (HELAA) on sites proposed by developers and land owners for development. The land subject of this application the developers/owners put forward for 60 dwellings was assessed – WH05 – published in November 2022. EDDC assessed the site and it was deemed 'rejected' and not a preferred site for development. The HELAA is available on the EDDC website and states that only 0.02 hectares is suitable for housing needs for safety reasons due to the high pressure gas pipeline (and related consultation zone) beneath 90% of the site, the site is within the Mineral Safeguarding Area, the extensive Tree Preservation Order and within the Exe

Estuary and Pebble-bed Heaths mitigation zone etc. The HELAA assessment states, “*Negative aspects of this site are the route to facilities 1km away in settlement centre lacks pavements, street lighting, and has steep topography so would not be attractive to pedestrians/cyclists*”.

- The draft Local Plan includes a ‘settlement boundary’ that is proposed to be larger than the current agreed Built Up Area Boundary (BUAB). This proposed site of WH05 is outside both the proposed settlement boundary and the BUAB.

### 3. Background of planning applications on the site.

Each planning application should be assessed on its own merits, however, the outcome of previous applications can indicate constraints/concerns regarding development of the site. If things have not changed since prior considerations then surely the rationale still stands?

Examples from the past:

#### 1988 application refused.

- *EDDC rejected a development application by Mr Compton and in its Refusal of Planning Permission letter it stated... “The proposed development involves an incursion into a previously undeveloped and attractive rural area beyond the existing fringes of West Hill and as such is contrary to the provisions of the Devon County Structure Plan. The proposal will result in an extension of development along a road which because of its narrow width, poor alignment and lack of footways is considered to be totally inadequate to serve further vehicular and pedestrian traffic which is likely to be generated by this proposal, and furthermore, if this proposal were submitted then it would create a precedent for yet more developments to be served by this road.”*

#### 1994 application refused.

- In 1994 the planning inspector P.E. Dunleavy made the following comment in the appeal decision... “Fears have been expressed by interested persons that allowing this appeal would set a harmful precedent. I consider that allowing the appeal would make it more difficult for the Council to resist future applications for similar development, with a consequent progressive deterioration in the character and appearance of the area. I accept the Council’s view that the appeal site is smaller than the sites of other dwellings in the area, but in my opinion there is no possibility of the proposal being made acceptable by making the site larger. I have considered all other matters mentioned in the written representations, including your reference to other long drives in the area, but find nothing which outweighs the considerations which have led me to my decision.”

#### 2012 EDDC Strategic Housing Land Availability Assessment (SHLAA).

- In 2012 the EDDC SHLAA deemed the site ‘un- developable’ with specific reference to the highways being unsuitable to support development.

**Other planning applications refused** (and some appeals dismissed) on grounds of an unsustainable location and distance from village facilities. Each of these applications were for sites closer to the settlement centre than this current application:-

- 15/253/OUT – Harley Thorne, Higher Broadoak Rd
- 15/2952/OUT and appeal 3157166  
–Land adjacent to White Farm Lane
- 17/0872/OUT and appeal 3191009  
–The Birches. Lower Broadoak Rd
- 17/0190/OUT –The Reddings, Higher Broadoak Rd

### 4. Neighbourhood Plan 2017-2031 considerations

The tests as to whether there is compliance with the Neighbourhood Plan<sup>1</sup> include:-

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<sup>1</sup> Neighbourhood Plan for the Parishes of Ottery St Mary and West Hill 2017 - 2031

- **NP1** – if development in the countryside is permitted, it must maintain the rural character of the area including the mature trees, hedgerow boundaries and hedge rows should be protected and retained.
  - The proposal is for a housing estate on a green field site outside the BUAB and totally out of character for a rural location.
  - The proposal is for development within the 'zone of influence' for the East Devon Pebble Bed Special areas of conservation (SAC), Exe Estuary Special Protection Area (SPA) etc. Natural England state, *"It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by the development."*<sup>2</sup>
  - *Concerns have been expressed regarding the impact on the wildlife supported by the land proposed for development. With some 10 bat species identified and other wildlife, the loss of habitat should not occur. There are further concerns that the developers surveys had been conducted following cutting back of the growth on the land.*
- **NP2** – all proposals for development should demonstrate a high quality of design, which has regard to the local context, is appropriately scaled and makes an overall positive contribution to the area, including protecting the amenity of neighbouring properties, providing well designed off-road parking spaces etc.
  - The proposal of an estate on the far fringe of the village is out of keeping with the nearby existing detached properties on large plots.
  - The report of the Devon and Cornwall Police Designing Out Crime Officer <sup>3</sup> expresses disappointment that the applicants Design and Access Statement makes no reference to designing out crime. The Officer makes specific mention of accessible space to the rear of plots not subject to natural surveillance, which should be avoided, being included in the application. The Officer further highlights that vehicle parking from a crime prevention point of view is best in locked garages or on a hard standing within the dwelling boundary. The Officer states that rear parking courts should be discouraged as they provide legitimate access to the rear of plots and are often unlit with little surveillance, such communal parking should be in view of active rooms of properties.
- **NP6** – publicly valued views should be protected and any proposals for development that would affect the views should demonstrate that design has taken this into consideration and public views can be protected for public enjoyment.
  - The identified View Point WH2 is an exceptional avenue of trees that the creation of the estate entranceway would interrupt/destroy. The proposed dense development of the site would significantly impact on the rurality of the area.
- **NP9** – encourage walking and cycling and reduce reliance on cars, proposals for new development must provide for pedestrian and cycle connections to nearby services, facilities and bus stops.
  - The proposed site is some 1590m from the one shop, 1720m to the school/Village Hall, 2000m to the British Legion and main village bus stop, 2200m to the Church and 2330m to the dentist, hairdresser, garage. Access is via Higher Broadoak Road that is hilly, unlit, without footpaths etc
  - The proposal the dwellings would suit elderly, disabled etc would necessitate use of motor vehicles as access to village is unsuitable for mobility chairs and presents challenges to pedestrians due to narrow lanes, no pavements, lack of lighting and steep sections of road.
  - The indicated bus stop on Higher Broadoak Road is serviced by the Sidmouth/Whimble bus southbound once a day (10:27 hrs) and northbound once a day (13:46 hrs). So in the morning a journey option to go to Sidmouth for max two and a half hours before catching the only bus back. This is not conducive to any employment opportunities.

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<sup>2</sup> Natural England submission on the EDDC Planning Portal dated 21 December 2022

<sup>3</sup> On the EDDC Planning Portal dated 5<sup>th</sup> December 2022

- Concerns have been expressed that the developers traffic surveys were conducted during the school holidays when a reduction in traffic occurs.
- **NP12** – All residential developments should include a mixture of dwellings reflecting local need ... and justified within the submission.
  - Indicative information has been included by the applicants. Their Design and Accessibility statement includes: *“it is proposed the site will be developed for 23 no. Dwellings to include designated affordable homes, along with off-site contribution for any outstanding percentage of an affordable home to be provided at the Council’s calculated rate. All of the affordable homes, and a round 20% of the market homes, will be accessible and adaptable for occupation by elderly or disabled persons.”*
  - Any shortfall in housing land supply in East Devon relates to Cranbrook and the west end of East Devon, and such is very short term and occurred through delays in planning permissions at Cranbrook. The rest of East Devon, including West Hill, has a healthy 15 year land supply and so any lack of the 5 year land supply should not be given much weight.
  - There appears not to have been any recent Housing Needs Assessment undertaken for West Hill.
- **NP14** – applications are required to demonstrate how the infrastructure needs of the development are addressed.
  - West Hill is already negatively impacted by increasing pressure on the existing infrastructure. With local schools at or near capacity already and with local primary healthcare stretched to deliver, these are matters of major concern to the community that could only be exacerbated by such significant development as proposed. The only recreational facility within West Hill is a playground for younger children, some 1720metres from the proposed development. There is no football pitch or other large area available for ball games etc.
  - Increased traffic is also a major concern. Oak Road is an unlit, pavement-less narrow lane with limited width. The access to the B3180 at Tipton Cross is a difficult and dangerous junction to negotiate due to very limited visibility – where there has previously been a fatal road collision. Access to the settlement centre is along Higher Broadoak Road – narrow, without pavements, no lighting, with some steep gradients.
  - One of the pick up/drop off points for the school buses to Ottery St Mary etc is at the junction of Oak Road and Higher Broadoak Road with only a small patch of land for the students to wait as safely as possible. Increasing traffic at the junction and increased pupil numbers will constitute greater danger.
  - No significant development should be undertaken in West Hill until the deficit in amenities/infrastructure are resolved.
  - Concerns are being expressed with regards proposed arrangements for the handling of sewerage and waste water, as to the sustainability of such plans.
- **NP26** West Hill Design – proposals should reflect the established character and development pattern of their surroundings and should preserve key features of the village ... and individuality between properties.
  - There are 9 design statements that need to be met, does this application meet these?
  - 9 statements - maintain low density pattern of development, show individual variation between units, include adequate parking, access to miniseries harm to Devon banks/hedges, avoid loss of trees (ancient/good arboricultural/amenity value), new boundaries including frontages should consist of Devon banks/hedges of native species, appropriate reports should development likely to affect existing trees, new development to have adequate landscaping proposals to reflect existing landscape and permeable surfaces should be used wherever possible.

## 5. Current Local Plan considerations:

Councillors are well aware of the East Devon Local Plan 2013-2031 only adopted in 2016 and EDDC should be reminded of their obligations with regard to this current plan regarding

development outside a BUAB, the protection of the environment and wildlife, and other pertinent considerations.

Strategy 7 of the East Devon Local Plan sets out that proposed development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development. There is no such policy that would explicitly permit the proposed dwellings in this location, and so the proposal would be contrary to this policy.

Strategy 35 is particularly pertinent, which relates to mixed affordable and open market housing schemes outside a BUAB – such schemes need to meet a range of criteria:

- Affordable housing must be 60% of the houses built
- The scheme must be abutting or physically closely related to the BUAB Boundary
- Local need must be demonstrated through an up to date robust housing needs survey
- The development is close to a range of community services and facilities (school, village hall, shop/post office, place of worship etc)
- The development is sympathetic to the character of the settlement and has a satisfactory highways access
- Initial and subsequent occupancy of the affordable housing is restricted to a person who does not have access to general market housing and is in housing need, and is a resident of the Parish, or has a local connection due to family ties or a need to be near a workplace.

The proposed development does not appear to meet any of these requirements.

## **6. Other considerations**

EDDC will need to ensure decisions are made within the umbrella of the National Planning Policy Framework (NPPF). This sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

### **Decisions:**

- ❖ **Councillors to note the views of the residents of West Hill from the public session of this Extraordinary WHPC meeting**
- ❖ **Councillors to consider this paper with a view to deciding the submission of WHPC views to EDDC, to be finalised at the WHPC meeting 4<sup>th</sup> January 2023.**