

West Hill Parish Council

Consultee Comments 4th January 2023

22/2533/MOUT Land North Of Oak Road West Hill EX11 1SJ Applicant Morrish Homes & Messrs Compton Stephenson Olliff & Sanders

Outline application for the erection of 23no. dwellings with all matters reserved save for formation of vehicular and pedestrian access

This application was considered at the West Hill Parish Council meeting on 4th January 2023.

The Parish Council **strongly objects** to the outline planning application for the following reasons:

At the WHPC Extraordinary meeting on 3rd January 2023 over 50 West Hill residents made clear their concerns with regards this substantial and significant planning application. WHPC has taken heed of the wide-ranging concerns this application causes and these are summarised below. Through a vote it was identified there were no supporters of the scheme present.

Residents also expressed concern that the developers had as long as they wished to compile the application and associated reports, whilst residents have had a very short time in which to assess that information, have time to counter the content and submit comments/objections.

Further, WHPC has noted the over 90 objections currently logged on the East Devon District Council (EDDC) Planning Portal. Those objections expand upon our below comments and should be read in conjunction with this consultee response.

Key issues:

- ❖ 5 year housing land supply – National Planning Policy Framework (NPPF) Paragraph 11d is engaged – presumption of the granting of planning permission should not be invoked as the adverse impacts of the proposal significantly and demonstrably outweigh the benefits (see objection submitted by Dr M Hall 19/12/2022)
- ❖ The East Devon Local Plan Strategies and Policies require developments to be sustainable and weight must be given to these policies. Whilst the NPPF recognises the need to boost the supply of housing, such should not be at the expense of other considerations.
- ❖ Strategy 7 of the East Devon Local Plan sets out that proposed development in the countryside will only be permitted where it is accord with a specific Local or Neighbourhood Plan policy that permits such development. There is no such policy that would explicitly permit the proposed dwellings in this location.
- ❖ Oak Road is a publicly valued view (Neighbourhood Plan Policy 6) (NP6) - the creation of a vehicular and pedestrian access to the proposed site would be damaging to that rural location, requiring the removal of a Devon bank and creating access onto a lane with

restricted width, leading to dangerous junctions. Approval of the Outline application would establish the principle for development that would be unacceptable on this site.

- ❖ The vehicular and pedestrian access is the prime purpose of this application but is very scant on detail regarding visibility splays, concerns regarding large vehicles negotiating the turning into the estate, absence of data on the narrowness of and capacity of Oak Road, safety issues especially regarding pedestrians leaving the estate onto unpaved and unlit roads.
- ❖ The development site is outside the Built Up Area Boundary (BUAB) and outside the proposed new settlement boundary (draft East Devon Local Plan). It is in open countryside. The Local Plan Strategy 35 makes clear the criteria to permit mixed affordable and open market housing outside a BUAB – this application does not meet the requirements for 60% of houses built to be affordable housing, is not supported by a robust up to date housing needs survey, the development is not close to community facilities (school, village hall, shop/post office, place of worship etc), it would not have satisfactory highways access nor be sympathetic to the character of the settlement (ie detached properties on large plots) and there are no plans for restricting who can live in the houses.
- ❖ East Devon District Council's own Housing and Economic Land Availability (HELAA) assessment published in November 2022 on this site (WH05) assessed the site as 'rejected'. The HELAA report indicated that only 0.02 hectares is suitable for housing needs due to 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
- ❖ Residents raised many issues related to what they considered misleading/contradictory interpretations of information/data/observations, unsupported assertions and/or erroneous data provided in the planning application. Examples of this can be seen in the Objections submitted by Mr Robert George with regard the 'Transport Statement and Sustainability Assessment' and the submission of Mr Richard Green with regard ecology.
- ❖ Previous planning application outcomes:

These can indicate constraints/concerns regarding development of the site. If things have not changed since prior considerations then surely the rationale still stands?

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 the village facilities. Each of these applications were for sites closer to the settlement centre than in 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

- ❖ Residents raised concerns in respect of how the sewage from the site would be handled, if a tank and pumping would be necessary, regarding the capacity of sewage works etc. Further residents referred to the level of spring water/surface from the site and how such could be effectively handled. .

- ❖ The application is contrary to the Neighbourhood Plan¹:
 - **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.*"²
 - 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.

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

² Natural England submission on the EDDC Planning Portal dated 21 December 2022

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 ³ 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

³ On the EDDC Planning Portal dated 5th December 2022

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.

- Concerns have been expressed that the developers traffic surveys were conducted during the school holidays when a reduction in traffic occurs and when access through to Tipton St John was unavailable.
- **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? – No.
 - 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.