



East Devon Local Plan 2020 to 2040  
Preferred Options Regulation 18  
Consultation  
Representation on behalf of The Chancery Land Company  
(1935) Ltd  
January 2023

## Quality Control

<b>Project No.</b>	21.043			
<b>Client</b>	The Chancery Land Company (1935) Ltd			
<b>Title</b>	East Devon Local Plan Preferred Option Consultation Response			
<b>Location</b>	Pikes Farm, West Hill, Ottery St Mary			
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Appendix A - Vision Document

## 1.0 Introduction

- 1.1 This written representation has been prepared by Planning and Design Group (UK) Ltd ('P&DG') and is made on behalf of The Chancery Land Company (1935) Ltd ('our client') in response to the East Devon Local Plan (2020 – 2040) 'Preferred Options' ('the Plan') consultation.
- 1.2 These representations are made in the context of seeking to work with East Devon Council ('the Council') to ensure that an effective and deliverable plan for the area is achieved.
- 1.3 Our client has control of land at Pikes Farm, West Hill, Ottery St Mary which is being promoted for residential development through the Local Plan process.
- 1.4 We have previously provided the Council with a 'Vision Document' for the site (a copy can be found at **Appendix A** of these representations), and initial comments on the site have been made in the Council's supporting evidence for the Plan. The final section of this report addresses points raised by the Council.
- 1.5 The site has no planning / ecological / landscape or heritage constraints. It is sustainably located for access to West Hill's services and facilities and has existing development on three sides effectively making it an 'infill' site. With appropriate landscaping and the use of materials sensitive to the location, it is considered development on the site could blend successfully with existing development thereby having a minimal impact on the surrounding area, whilst at the same time delivering much needed market and affordable housing.

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## 2.0 Comments on Chapter 2 'Vision and Objectives'

2.1 Paragraph 2.3 identifies the Plan's vision and includes:

*"Better Homes and Communities for all with a priority on the importance of good quality, affordable housing suitable in size and location."*

2.2 This vision is supported by our client.

2.3 Table 1 on page 12 sets out the Council's objectives for the Plan. Objective 3 under 'Meeting future housing needs' is:

*"To provide high quality new homes to meet people's needs."*

2.4 This objective is supported by our client.

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### 3.0 Comments on Chapter 3 'The Spatial Strategy'

3.1 Paragraph 3.1 of the Plan identifies the preferred spatial strategy for the district and the table under paragraph 3.7 sets out the housing distribution linked to the spatial strategy. The identified spatial strategy consists of:

- *"Focus new development on the western side of the district, including a new town and other major strategic developments close to Exeter*
- *Promote significant development at the Principal Centre of Exmouth and the Main Centres of Axminster, Honiton, Ottery St Mary, Seaton, and Sidmouth to serve their own needs and that of the wider surrounding areas*
- *Support development at the Local Centres of Broadclyst, Budleigh Salterton, Colyton, Lypstone, and Woodbury that meets local needs and those in the immediate surroundings*
- *Allow limited development to meet local needs at the Service Villages of Beer, Branscombe, Broadhembury, Chardstock, Clyst St Mary, Dunkeswell, East Budleigh, Exton, Feniton, Hawkchurch, Kilmington, Musbury, Newton Poppleford, Otterton, Payhembury, Plymtree, Sidbury, Stoke Canon, Tipton St John, Uplyme, Westclyst, West Hill and Whimble."*

3.2 Whilst parts of the strategy would seem sensible as they direct development towards the most sustainable parts of district, in consideration however our client wishes to object in the strongest possible terms to the proposed 'new town' to the west of the district.

3.3 Government Planning Policy is set out in its National Planning Policy Framework (NPPF). Paragraph 60 states:

*"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."*

3.4 New towns are notoriously difficult to deliver on time due to the significant amounts of new infrastructure required (along with numerous legal issues). Furthermore, new towns take time to function as coherent communities and provide a safe and established environment where people wish to live.

3.5 In addition, it is noted that only 2,500 new homes are identified in the housing distribution for this new town. Our client would suggest that this no where near large enough to deliver the level of new infrastructure required for a new town. This would only make a suitable urban extension which uses and upgrades existing infrastructure.

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- 3.6 New towns do have their place in delivering housing, but this tends to be when there is little alternative (areas which are protected with historic, landscape and environmental constraints for example). This is not the case for East Devon which has a vast array of sustainable settlements. It would be a far better option to distribute the 2,500 dwellings between other existing settlements identified in strategy. This would negate the need for costly new infrastructure and help further upgrade existing facilities that all residents can enjoy the benefits of.
- 3.7 It is also noted that the housing target of 18,920 dwellings over the Plan period is identified as an 'at least' figure. This encouraging as the target therefore is not considered a ceiling to sustainable development. The Plan acknowledges the high levels of affordable housing required in the district, so it is likely that even more housing will be required in future years.
- 3.8 The UK economy is reliant on the housing market for growth (including building materials production, construction workers, goods purchased for new homes, use of local trades people and providing a 'critical mass' for new services and facilities etc). Obviously our economy is always in need of growth, but recent circumstances have meant that our economy is in even greater need of support. As such, our client would like to see the Council take the initiative and provide for housing 'growth' rather than just what is required to address housing need (as is currently proposed).
- 3.9 Our client is pleased to see that West Hill is designated as a 'Service Village' in the spatial strategy where limited housing to meet local needs is supported. It is noted however in the Council's supporting evidence ('The Role and Function of Settlements' document) that in terms of sustainability, there is little difference between West Hill and some 'Service Centres' identified in the strategy where development is supported which not only meets local needs and but also those in the immediate surroundings. For example, it shows that Woodbury has the same level of strategic facilities and services as West Hill.
- 3.10 Our client does not support the development boundary for West Hill as identified on the Plan's 'Policies Map' (see extract below - the black line):

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## 4.0 Comments on Proposed Housing Allocations in West Hill

4.1 A table on page 96 of the Plan identifies a number of allocations in 'Service Villages' throughout the district.

4.2 As explained above, our client has control of land at Pikes Farm, West Hill, Ottery St Mary which is being promoted for residential development through the Local Plan process. The Council has assessed the site and provide the reference 'west\_14'.

4.3 Site appraisals are located at Appendix 2 of the Council's 'Site Selection Methodology' which is part of its evidence base for this consultation.

4.4 Our client wishes to make the following points regarding the Council's assessment of its site 'west\_14':

- DCC highways did not object to the site and identified that access could be provided from a number of points – it did say that limited footways meant there should be limited development.
- Site is near the AONB (not within it) but there are no intervening views due to thick tree cover (in addition large, mature trees are around site boundary).
- There would be no impact on any historic asset through the site's development.
- In terms of ecology only minor adverse effects (not significant) were predicted if the site were developed.
- In terms of access to facilities, 7 out of 12 facilities were identified within 1,600m of the site (just under 1km to shop/school).
- A site opportunity to construct a bus stop on Oak Road near the site was identified.

4.5 Ultimately, the site has not been allocated because of 'Poor pedestrian access to facilities, and that the site is currently a sensitive, rural landscape'.

4.6 It is unclear to our client why reference to a sensitive rural landscape is identified as a reason to not allocate the site. The Council in its own assessment makes it clear that the site is not in a protected landscape (AONB) and that the site is surrounded large mature trees. As such, there would only be limited views of any development. This means that at worst, there would only be a very minor impact on a non-protected

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landscape through the development of the site. This is therefore not a sound reason to discount the site.

- 4.7 There are several points our client wishes to make in reference to pedestrian access to facilities. Firstly, it should be noted that the way people now shop is very different. On-line shopping has seen a huge increase (particularly since the pandemic).
- 4.8 It is not now unusual to do the weekly food shop on-line for delivery (along with shopping for other household goods). This suggests that people now are required to far fewer car journeys than they did say 10 years ago.
- 4.9 Furthermore, it is now acknowledged that because of high fuel prices and changes in how we work and live (less time for general life admin) tasks are combined to help with time poor lives (shopping is combined travel to and from work or social events for example). This too results in fewer car journeys.
- 4.10 Notwithstanding this, perhaps more importantly, by prohibiting development in this part of the settlement (see development boundary comments above), the Council is preventing any chance of the provision of improved transport facilities for the many people who already live in this part of West Hill.
- 4.11 Development could provide local access improvements such as limited appropriate lighting, a bus stop (as identified by the Council) and demarcation of footways etc...(any of these would need to be fully investigated and costed of course). Without properly planned development in this area, it is difficult to see how improvements could ever be delivered. As set out below, the allocations identified in the Plan are all to the north of the settlement. It is unclear what benefits these allocations would bring (apart from housing delivery which would be the case for any allocation). The Council, therefore, by not allocating the Pikes Farm site, is missing an opportunity to provide new benefits to local residents.
- 4.12 It is noted that the assessment refers to a nearby gas pipeline meaning a consultation with the Health and Safety Executive (HSE) is required. To be clear, the pipeline lies entirely beyond the site's boundary, to the south. Only part of the site is subject to the HSE's 'outer' and 'middle' zone consultation requirements.

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- 4.13 The HSE's interest and intention in respect of the designated consultation zones is not to preclude development, but rather allow the full and proper consideration of any risks that might be associated with the infrastructure, and encourage suitable responses, so that those risks are avoided or mitigated, such that any residual risks to people are minimized.
- 4.14 Application of the HSE's land use planning guidance to the context of the site would suggest that the presence of the off-site gas main should not present any in-principle barrier to residential development. Firstly, the site is largely removed from the potential hazard and, secondly, the scale of development would be limited, based on the land available. Taken together, the 'sensitivity' of the site is low, such that it would be expected that the HSE would, through the application of its own guidance, not advise against development of the site.
- 4.15 Should there be any doubt as to how the HSE's guidance be applied to the site, it would be helpful to note that the site could be built out as more than one development, i.e. one part accessed from the east and one part accessed from the west. The eastern and western elements of the site are linked by ownership. Each 'side' of the site could in practical terms be delivered independently. In terms of the HSE's guidance, this would reduce the scale of development, and in turn lowering the sensitivity to the gas main hazard.
- 4.16 If, following specific advice from the HSE, the Council held that the view that the site remained constrained by the proximity of the gas main, this would not preclude residential development across the balance of the candidate allocation site that falls outside of any of the consultation zones. The eastern part of the site could, for example, be accessed from Lower Broad Oak Road.
- 4.17 As demonstrated on the previously submitted Vision Document (a copy of which can be found at **Appendix A** of this representation), the eastern portion of the site would lend itself to the development of dwellings with direct, individual accesses direct from the road, reflecting the existing pattern of development to the north and east, on the opposite side of the road.
- 4.18 As such, the presence of HSE consultation zones across part of the site does not prohibit its development for residential use. Application of the HSE's guidance indicates that any residual risks would remain within acceptable limits. The site

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remains suitable, achievable and deliverable, and should therefore be affirmed as a residential allocation within the Plan.

### **Proposed West Hill Allocations**

4.19 Three sites are identified in West Hill for allocation. These are considered now in turn (based on the Council's own site assessments):

#### *Land at Westhayes / Hayes End (west\_01)*

- Development of the site would result in a significant moderate adverse ecological effect.
- A TPO covers part of the site.
- 6 out of 12 facilities are within 1,600m of site (one less than the Pikes Farm site).
- No additional site opportunities are identified for the site.

#### *Land adjoining Windmill Lane, West Hill, Ottery St Mary, EX11 1JP (west\_04)*

- 6 out of 12 facilities are within 1,600m of site (one less than the Pikes Farm site).
- An application for 2 dwellings in northern part of site was dismissed at appeal (13/2624/FUL) - although the proposal was considered to be in a sustainable location, the development would seriously harm the character and appearance of the area. The site is now allocated for 26 dwellings and 0.1ha of employment land. It is difficult to understand how 2 dwellings can be refused on part of the site due to harmful impacts on local character, but now far more development can be allocated on the site. It is noted that a Planning Inspector considered the site to be sustainably located. As stated above, Pikes Farm has more facilities located near the site meaning it is at least as sustainable as this allocation (if not a little more).

#### *Land north and east of Eastfield, West Hill, EX11 1UQ (west\_06)*

- 6 out of 12 facilities are within 1,600m of site (one less than the Pikes Farm site).
- Part of larger site (including land to south which is now developed) for 50 dwellings dismissed at appeal in 2011 (10/0761/MOUT) because it would encroach onto an attractive tract of countryside, would perform poorly in

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relation to the objectives of sustainable development, and would not accord with the spatial vision for the district. The site is now allocated for 25 dwellings. Again, it is difficult to see how this site is now allocated for development. Although this is a new plan with a new spatial vision, the standards for sustainable development remain the same and it has not been explained by the Council what has changed with the site and why it is now suitable for allocation.

4.20 In summary, there are clear issues with the Council's proposed housing allocations at West Hill. Not only does the Pikes Farm site (west\_14) perform better in terms of distance to facilities (a key indicator of sustainability) than the sites proposed for allocation, but it also provides an opportunity to deliver local access improvements which all local residents could benefit from.

4.21 In its current form therefore, it is difficult to see how a Planning Inspector could find the Plan sound when it comes to examination in the future.

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