

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 22 November 2024

Attendance list at end of document

The meeting started at 10.05 am and ended at 2.40 pm

232 Declarations of interest

Minute 236: Cllr P Hayward; Affects NRI as relates to employment by Axminster Town Council

Minute 236: Cllr H Parr Affects and Prejudicial NRI; Partner's financial interests as set out on her published register of interests online.

233 Public speaking

Cllr A Minter of Lympstone Parish Council gave this thanks to the local ward members for their support to the Parish. He outlined the disappointment felt by the Parish Council on the lack of consultation on villages and Exmouth boundaries; but was heartened to see the exclusion of the remainder of GH72 as some comfort that the authority has listened to the concerns of the parish. Additional BUAB section at Courtlands Cross was not acceptable, as the area is closer to Lympstone's services and allows the beginning of coalescence. The Sports ground/pitch on site would gain some support, and he suggested that a proportion of site had to keep an area for a pitch rather than later becoming housing development. He reminded the committee of the values of Lympstone which does not want to become a tier 2 settlement, and that an increase of more than 20% was not modest development.

Cllr Roy Collins of East Devon District Council spoke of his disappointment in the committee, and their failure to protect agricultural land in the district; as well as outlining world events that were detrimental to the planet. Food production was a key issue and agricultural land was being removed. There was no public consultation undertaken. The authority was the only district council with no representative to the CPRE.

Mr Hunter, Solicitor, clarified legal view consideration of new sites in reg 19 sites in response to the concerns raised by Cllr Roy Collins. Mr Freeman clarified that the site referred to by Cllr Collins in Honiton (Hon18) had been included in the regulation 19 draft plan by delegated authority as agreed by the committee, subject to a Highways agreement to the access proposed. If that site is included, it will go out for consultation and will be brought back to the committee for debate before the plan goes to Full Council.

Cllr Jayne Blackmore from Feniiton Parish Council spoke on the development hierarchy and referred to correspondence on Feniiton on the issue. The Parish had calculated that with the additional 112 dwellings proposed, the allocation was the highest of all service villages. The proposed dwellings were also more than three other tier 3 centres which have better access to facilities. The Parish did not feel this was moderate growth for a village with known flooding and infrastructure issues. The disused nursery site in the village could be used over the plan period but the overall plan set out for the committee to consider was too large. She asked for the rejection of site Feni08, as it had previously been rejected by a Planning Inspector on a past planning application. The site was not sustainable for a small village with poor transport links. The Parish also strongly objected

to site Otry 20 as the access was not suitable due to narrow lane, bridges and no footpath.

A statement was read out on behalf of Cllr Charlotte Fitzgerald, who was unable to attend the meeting in person. The statement related to the viability study and suggested affordable housing policy amendments. Rural areas in the current local plan attract a requirement of 50 percent affordable housing. If committee endorsed the policy recommendations, this requirement would be reduced to 30 percent.

The viability study underpinning these proposals has grouped together the entire rural area of the district, and some towns, into a single bracket, which was marked as V3 and shown in green on the map on page 299 of the agenda pack. This approach did not account for the significant variance in affordability among rural settlements within the District. She was also concerned by the proposed policy written at the top of the graph on page 301, which stated that sites of zero to nine dwellings will attract a zero percent Affordable housing requirement. She urged reconsideration, first, the minimum threshold housing development size for affordable housing and second, the blanket classification of rural areas for the same.

Lestyn John on behalf of Clinton Devon Estates, spoke in reference to site allocations, specifically part of Budl01 for 50 houses. Officers had previously stated that any allocation should focus on south eastern fields of the site but subject to access requirements. Since then, further work had been done by Clinton Devon Estates to give comfort on these points, circulated to officers the previous day. Highlighted work included on the likely visibility and highways analysis. 50 dwellings can be delivered with access at a suitable point on Bedlands Lane and no significant visibility issues; access via the field would be short and could be screened by new boundary planting. The proposed development fits the character of the area and views to the surrounding area from public rights of way are very restricted.

The Chair reminded the committee that following their approval of delegated authority to examine this site, the outcome would come before the committee again at their scheduled meeting on 11 December 2024.

A statement from Valerie Ansfield, Resident of Sutton Barton, was read out as follows: - "Our objections relate to the item concerning Defining Settlement Boundaries. Residents of Salston have been participating in consideration of sites to be allocated for potential housing development.

1. As part of this we have contended that Salston is a Hamlet separate from Ottery St Mary and it appears that our arguments have been totally ignored. In fact, the boundary proposed at present splits the properties that historically comprise the Hamlet.
2. Reference to the making of footways to the town ignore the fact that the sites involved have this and many other associated problems that have led to them not being allocated - yet this report reads as though they are considered viable.
3. Other areas in East Devon in this report have been excluded for flooding impact: this is also the case here yet it is not mentioned in the report that has led to the proposed boundary outline.

Therefore, decisions are being made in reverse order, Elected Representatives are being incompletely briefed and complaints about the process which have already been lodged by us do not feature. We entirely object to the manner in which this is conducted".

234 **Matters of urgency**

None.

235 **Confidential/exempt item(s)**

None.

236 **East Devon Local Plan - Defining Settlement Boundaries**

There are two main policies relating to settlement boundaries in Chapter 3 of the draft plan: 'Development inside settlement boundaries' (SP 05) and 'Development beyond settlement boundaries' (SP 06). At the Strategic Planning Committee meeting on 5 November 2024, it was agreed to include these policies with this report on the proposed settlement boundaries so that the policies and the boundaries could be considered together.

An evidence paper had been produced to set out how the boundaries have been drawn for individual settlements and why any changes have been made. The paper set out the general principles that have guided the process. These covered that all site allocations are included in the settlement boundary and that, generally, predominantly open land in a green wedge or the coastal preservation area has been excluded to avoid policy conflicts. Constraints such as flooding or heritage impacts have not usually been taken into account because the aim is to set out areas that are broadly acceptable for development, recognising that further details will be addressed through the development management system. An exception to this is the village of Stoke Canon, where the whole built-up area is at risk of flooding, and no settlement boundary is proposed.

The bulk of the evidence paper comprised a settlement by settlement analysis, with a map showing any existing and the proposed settlement boundaries, a summary of representations received, and any changes highlighted.

A statement from Broadhembury Parish Council was read out in part (the full statement having been previously circulated to the committee):

'Settlement boundaries' or Built-up Area Boundaries (BUAB) define boundaries around settlements within which different Planning policies apply. Within the boundary development is more likely to be acceptable than outside the boundary. In the case of Broadhembury village the land outside the proposed boundary is classed as 'open countryside' where there is a presumption against building, except in certain circumstances. Until 2016, when the BUAB was removed it consisted of two sections split by a gap at the flood plain of the River Tale. The two portions on the Southern edge were within the boundary of the AONB (now the National Landscape). The proposed settlement boundary has joined the previously separate sections by including the flood plain within the boundary and by enlarging the area in accordance with criteria B1 and B2. Recent flooding of the River Tale at this point makes any development unrealistic. Whilst criterion B2 clearly refers to Broadhembury Memorial Hall which has existed since 1923 we can see no further rational for B2 and must therefore assume that enlargement is based on criterion B1. We are not aware of specific applications which would qualify for B1 enlargement. General criterion A1 (boundaries should reflect existing scale and core build) cannot be used to justify the East and West ends of the BUAB because neither end reflects the scale and core build of the village. Similarly criterion A2

(boundaries should follow clearly defined physical features...etc) does not justify the extension of the boundary to the South because it arbitrarily cuts across an open field.

We therefore submit that the application of the criteria to justify the enlargement of the BUAB from its earlier area is inconsistent in methodology. We reject the proposal to redraw the BUAB, and the conclusions of the Site Selection report. We do not believe that the two issues should be considered independently because the BUAB has been in part redrawn specifically to include the preferred site which is itself weak in terms of methodology and legally open to lengthy and persistent challenge. We are open to discussion with the relevant Planning Officer to develop a plan which is more consistent with what the local community seeks whilst recognising EDDC's imperative to develop housing".

In response, the committee were reminded that a different methodology for boundaries was in place which included making boundaries bigger to enable more natural growth and infill development in contrast to the current adopted plan, as agreed by committee, hence Broadhembury BUAB was bigger than it was previously. Members were reassured that the area of flood zone now within the settlement boundary would not be built on due to that issue.

Clarification was also given on why proposed sites for allocation in the reg 19 version of the local plan are shown within the settlement boundary – principle to include as committee had already agreed the allocations which would form part of the settlements in the future.

Discussion took place on:

- Clarity was sought on footpath provision to Salston as the area is shown as outside of the settlement boundary due to a lack of footpath access , however allocation have been made on land to the north where the same issues apply; Otry_20 site is there still consultation to take place as added after reg 18. In response it was clarified that Otry_20 was included at regulation 18 stage; in response to the footpaths issue the committee had agreed that the footpaths could come forward on land to the north of Salston as part of allocated developments and link to existing development to to make these areas accessible.
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- Broadhembury proposed changes to exclude flood zones may impact on other settlements; cleaner to include in the Settlement Boundary as other policies would cover prevention of building on flood zones; development plan must be read as a whole, not just individual policies.
- Colyton: Why had small changes been made: in response, the Settlement Boundary is the black boundary on the maps that was for consideration and result of methodology for loose boundary to allow organic growth around the settlements on the periphery.
- A request was put forward to include the exception sites in Colyton in the Settlement Boundary to avoid confusion; leading to including such exception sites in other areas for consistency assuming those sites meet the remaining criteria required. This was put forward as a proposal and agreed by the committee.
- OSM Otry_21 BUAB line in correct place but allocation not shown which would be corrected.
- Old Bystock Village near Exmouth currently outside the Settlement Boundary but proposed to be included in officer recommendation – members were reminded that the site had been considered functionally related to Exmouth; again, any

development within that area that may impact on the heritage buildings in the village would be assessed against other policies and with regard to the local Neighbourhood Plan where appropriate.

- Why some areas of land that would be used for purposes other than houses were included within the Settlement Boundary, such as pitches or land for mitigation purposes. In response advice was given that the methodology used is that if a development is providing infrastructure that is necessary to make the development acceptable, and it is adjacent to that development then logically that land is being developed (be it as infrastructure) and therefore included in the Settlement Boundary.
- Identifying some dwellings that should be included into the Settlement Boundary relating to Exmo_20; the boundary must be pulled back from the area close to the SSSI area as that must be protected; the committee were advised that this was the only instance where this occurs for a settlement boundary; the proximity of building to that SSSI site would fall to other policies to prevent impact of any development on that. Advice was given again that infrastructure mitigation may not become clear until masterplanning was undertaken for any site that had been allocated. Leave within the settlement boundary and rely on other policies to stop any housing development within 400m of the designated sites.
- Exmouth inclusion of three houses in Settlement Boundary north eastern edge moved by Chair
- Budleigh Salterton reference Budl01 boundary agreement pending is still ongoing as advised during the public speaking item.
- Tipton St John Otry_04 site as a school previously agreed by the committee but feels that as the site is being shown as inside the Settlement Boundary it gives the impression that the site could be developed for housing; and are undermining committee's previous decision. In response, the settlement without a school would not make it a tier four settlement and therefore would not qualify as requiring a settlement boundary. Currently a primary school is in existence and officers are bringing forward the boundary based on the information currently held. An option would be to pull the Settlement Boundary back to exclude Otry_04. The Chair proposed, in light of the exceptional circumstances of this case, that the boundary should be moved to exclude Otry_04 and Otter Close in order to protect that area for the purpose that the committee had previously agreed. This was agreed by the Committee.
- West Hill west boundary expansion, concern about woodland section which should not be included in the Settlement Boundary. In response, the outlying areas are likely to be low density and unlikely to have footpaths and easy access to facilities. Officers recognised that it has been a difficult boundary to come up with for the sprawling area that West Hill covered. Discussion on the potential inclusion of the southern section shown outside of the settlement boundary took place but the issue of the remote sections being unsustainable for access to the centre of the village was cited as a reason for not including it.
- Clyst St Mary – clarity was sought for inclusion of Winslade Park which has no easy paths for access and was the Neighbourhood Plan to be the provider of any allocations? – in response, yes there were no allocations made and the Neighbourhood Plan would drive it. Winslade Park will have a residential element and there will be a combination of jobs and facilities on that site, but felt still within a 20 minute walk away.
- Uplyme – request that the settlement boundary was not correct due to distance across the settlement, topography, and lack of footpaths, so suggested curtailing it at a point along the exception site in order to make the settlement sustainable; keep consistency and reduce the sprawl of the boundary. The boundary is

inconsistent in comparison. In response, the distances are not as significant in comparison with the West Hill area discussed and therefore why the boundary has been drawn as proposed. Measurements were clarified and the committee informed that the settlement boundary drawn for Uplyme met the criteria. A proposal was made to reduce the boundary, which committee were informed was much smaller than the existing approved village boundary. The proposal was seconded and put to the vote and failed.

- Whimple – concern north western edge extension – contends that that section doesn't meet the criteria of B1 and therefore a proposal was made to reduce the Settlement Boundary to the orange line of the village boundary in the Villages Plan. In response, reference was made to an area linked to an existing development. Clarification was made by the Chair as ward member that it was not a public space and in open countryside. It was agreed to exclude this area from the settlement boundary;
- Newton Poppleford – raising the issue of consistency, concern was raised on the proposed Settlement Boundary in that the area described as excluded in stage 2 on the map should be included. Road safety concerns were also raised. A proposal to support the report recommendation failed. Therefore, a proposal to have the settlement boundary as the area shown as Stage 2 with the inclusion of area adjacent to Exmouth Road was supported.

The remaining settlement boundaries were proposed as per the report recommendation on block and agreed.

The policy wording for SP05 and SP06 was also proposed as recommended and agreed.

Recommendation:

1. That committee endorse policies SP 05 and SP 06, as set out in paragraphs 1.2 and 1.3 of this report for inclusion in the Regulation 19 draft of the plan.
2. That existing exception sites are included in settlement boundaries for all areas where those exception sites meet the remaining criteria required, in order to assure consistency across the plan.
3. That committee endorse the boundaries defined in the Settlement Boundaries Evidence Paper for inclusion in the 'Regulation 19' Local Plan with amendments to:
 - a. Exmouth – inclusion of three houses in Settlement Boundary at the north eastern edge;
 - b. Budleigh Salterton – subject to discussions on the boundary of allocation site Budl_01;
 - c. Tipton St John - that the boundary should be moved to exclude Otry_04 and Otter Close;
 - d. West Hill – boundary as per officer recommendation with exception of the small section on the west adjacent to the B3180;
 - e. Whimple - to reduce the Settlement Boundary to the orange line of the Villages Plan boundary at the north western edge;
 - f. Newton Poppleford – that the Settlement Boundary be drawn as including Stage 2 plus area adjacent to Exmouth Road, with the exact boundary to be drawn by officers for delegated approval by the Assistant Director and the Chair of Strategic Planning Committee.

(Cllr Helen Parr left the meeting for the discussion and vote on the Settlement Boundary for Colyton)

East Devon Local Plan - Redrafting of Local Plan Chapters

Chapter 6 is a reworking of the equivalent chapter in the draft local plan and includes all of the sites that have been determined for allocation in previous committee meetings and excludes all of the sites that the committee rejected.

In the redrafting process, review has been undertaken to consider particular challenges, constraints or opportunities and drafted policy to reflect on and respond to these. This means that some allocations had limited wording, specifically so where development would appear relatively straightforward, bearing in mind that we would seek compliance with all relevant policies in the plan elsewhere, as a norm. However, where there were site specific matters that need particular attention on any given allocation site, explicit requirements for development in plan policy were set out in the report.

These include, on larger and more complex sites, the need for comprehensive Masterplans to be produced to lead and guide the development of the site.

Members were reminded that Neighbourhood Plans will continue to be examined for general conformity with the adopted Local Plan (2031), with some (increasing) consideration given to the relationship with the emerging Local Plan, until such time as the new Local Plan is at least at Main Modifications stage.

Discussion included:

- Request for Brcl_29 allocation vehicle access route clarity; following lengthy discussion a proposal was put forward for a joint allocation of Brcl_29 and Brcl_12 with a masterplan with access to be determined;
- Mitigation areas need to be separately identified on the allocation maps to avoid any misinterpretation;
- GH/ED/27 improved pedestrian access along strawberry lane request; it was confirmed that the wording in the plan set out a delivery of safe access without being prescriptive about how this is delivered;
- Colour coding to make clear that a site may not be solely for housing to be clarified;
- Request for Axmi_02, Axmi_08 and Axmi_09 or GHED80 incorporate for future masterplanning please include burial ground – in response, this will need more work from officers to examine evidence to support and what can reasonably be required from a development, alongside the infrastructure delivery plan
- GH/ED/80 site road future extension wording clarification; will clarify in wording to be related to the relief road;

A reminder that the Regulation 19 draft of the plan will be on agenda for 11 December 2024.

Recommendation:

1. that mitigation areas need to be separately identified on the allocation maps to avoid any misinterpretation;
2. that Brcl_29 and Brcl_12 are put forward as a joint allocation with the requirement of a masterplan, with access to the joint site to be determined;
3. that committee endorse the proposed draft revised - Chapter 6. Strategy for development at the Principal Centre of Exmouth, Main Centres, Local Centres and Service Villages - of the local plan noting that they will need to be refined in readiness for the proposed Regulation 19 draft of the plan, subject to any further minor issues put forward directly to the Assistant Director to confer with the Chair under delegated authority to assess those minor issues and amend the chapter as they feel necessary.

238 **East Devon Local Plan - Viability Assessment initial findings**

The report set out that Local plans need to be supported by viability assessment to show that the policies within can be implemented in a financially sound and robust manner. It needed to be demonstrated that in typical cases the costs that would fall to a development scheme can be borne by the financial returns the developer can be expected to secure.

Following assessment by commissioned consultants, findings show that in higher value housing areas a 35% affordable housing percentage figure could typically be sustained, but this figure would be lower in other parts of the district. At Cranbrook there is existing policy that sets out percentage levels which are comparatively low, but this reflects the broader financial costs of building at the new town. The same considerations may well apply at the second new town, but it will be subject to separate bespoke modelling work.

Discussion by the committee included:

- Clarity on rural classification – groupings have come from consultants linking those area with similar viability and cost profile.
- Concern 35% level for windfall sites; in response it was reiterated that there was not sufficient evidence to maintain the current 50% outside settlement boundaries – evidence shows the level is at 35%;
- Affordability issue also set out in housing chapters elsewhere in the plan.
- Higher density where we can (eg. flats) but showing in report evidence that flat developments aren't viable. Should the committee be trying to increase the density in some areas? In response, higher density living impacted by nature of market demand, as evidence predominantly is for the need for 3 to 4 bedroom homes. This issue on high density living needs to be revisited for the new community in order to create an environment that is attractive to people and the market to deliver flats. This will fall to the masterplanning exercise.
- Increased focus on social rent is a positive element but there was concern for the 35%.

RESOLVED:

That Strategic Planning Committee note the viability assessment work that has been undertaken and endorse the headline findings for inclusion in local plan policy.

239 **Adjournment**

The Chair adjourned the meeting as a number of Members needed to leave and so the meeting would no longer be quorate and agreed to reconvene on Friday 29 November 2024 at 10am to consider the remaining items.

Attendance List

Councillors present:

B Bailey
J Bailey
C Brown
P Fernley

P Hayward
M Howe (Vice-Chair)
B Ingham
G Jung
T Olive (Chair)
H Parr

Councillors also present (for some or all the meeting)

P Faithfull
R Collins

Officers in attendance:

Ed Freeman, Assistant Director Planning Strategy and Development Management
Damian Hunter, Planning Solicitor
Sarah James, Democratic Services Officer

Councillor apologies:

K Blakey
B Collins
O Davey
Y Levine

Chair

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Date:

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