

Case Officer: S Munday

Site: Land between Shorneywell and Orchard Way, Chillington, Kingsbridge

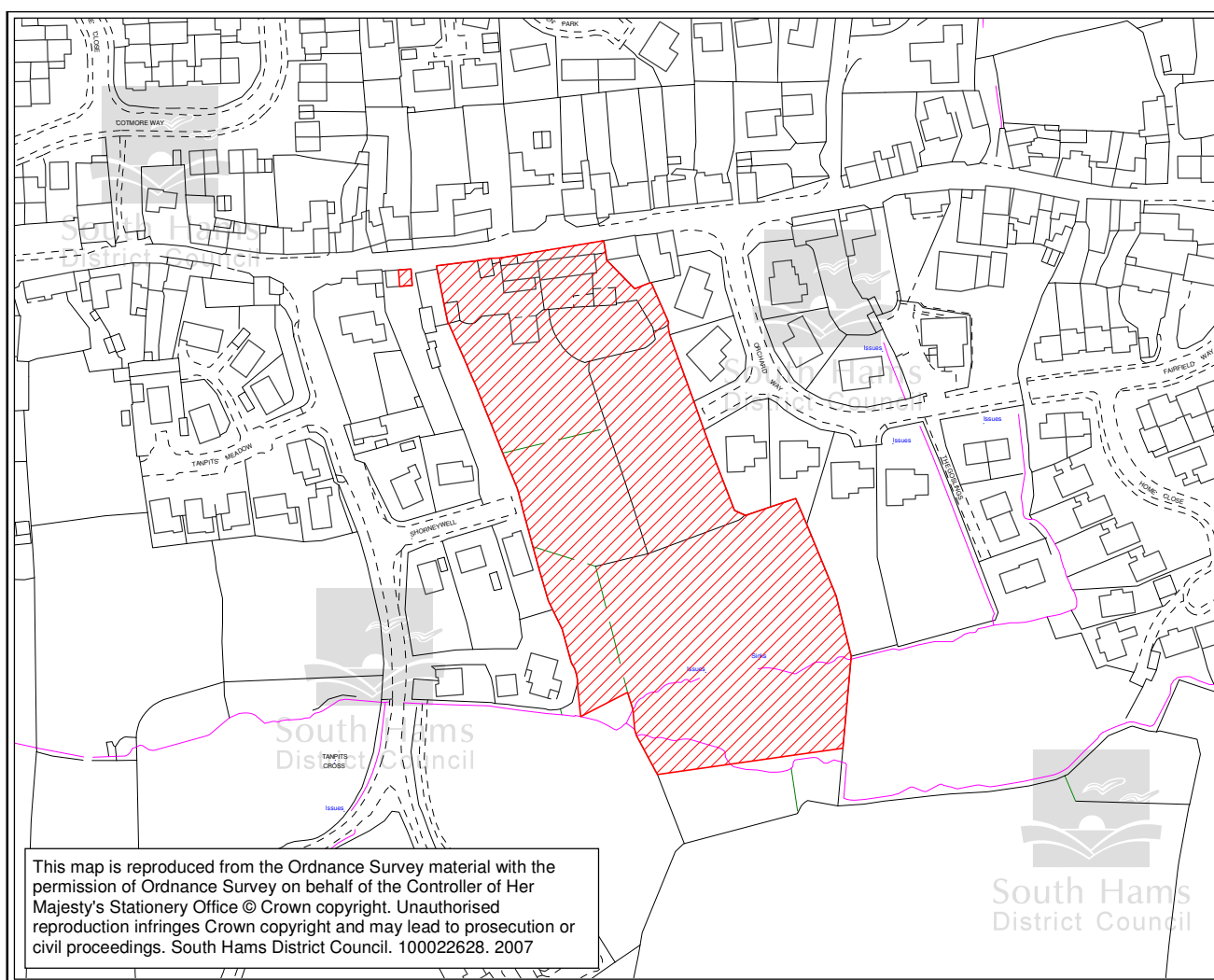
Application Nos: (i) 53/1675/06/O; (ii) 53/1674/06/CA; (iii) 53/1673/06/CA

Date Received: 22nd August 2006

Agent: Kensington Taylor Architects, Kensington Court, Woodwater Park, Pynes Hill, Exeter, EX2 5TY

Applicant: The Helmer Trustees

Development: (i) 1675/06/0 Outline application for erection of 42 new dwellings and conversion of building to one dwelling and construction of roads and footpaths; (ii) 1674/06/CA Conversion of barns to 4 dwellings; (iii) 1673/06/CA Conservation Area Consent for the demolition of 5 lean-to additions to barns



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## **Policies**

Conservation Area  
Area of Outstanding Natural Beauty  
Settlement Boundary  
Village Centre

## **Consultations**

Devon County Council – County Highways Authority  
Does not wish to comment beyond the views expressed already

South West Water  
Awaited, but no objection expected

Environment Agency  
Awaited, but no objection previously

Environmental Health Section  
No comment

Chillington Village Association  
Prefer a hall facility at Tanpits

Sport and Recreation Officer  
As documented in the report

## **Parish Councils**

Chillington Parish Council and Stokenham Parish Council object  
See body of report

Letters of representation are contained in Members' bundle

## **Case Officer Report**

### **Introduction**

The three applications were submitted in August 2006 after several months of negotiation. The overall number of residential units was then 55. There had been no open consultation with the public prior to submission of the application, and when a public meeting was held in Stokenham Parish Village Hall on 18 September 2006 there was a lot of opposition to the scheme. The main issues raised were the traffic on the A379; loss of privacy to existing properties; departure from Local Plan Policies and previous community aspirations; insufficient benefit to the community; sewage capacity; inadequate parking provision; too many houses; and the limited capacity of the health centre.

A meeting was then held at Follaton House with the principle stakeholders and representatives of the public. This resulted in the applicants agreeing to amend the scheme in consultation with a small group of residents. The initially amended application was received on 8 March 2007, after the revised scheme had been presented to the public in the Methodist Hall on 22 February 2007. That scheme was again amended on 15 May 2007.

The changes amount to:-

- 1 **Reduction in Density:** to 44 dwellings in lieu of 55. This not only eases the layout on site, but concurs with the sewer embargo required by South West Water.
- 2 **Provision of a Public Car Park:** at the north east end of the site, with a direct pedestrian access to the High Street. This car park will also be used for the proposed Meeting Room and visitors to the Health Centre, Post Office etc.
- 3 **Increase in Parking Numbers on Site :** the new scheme shows 1 car per dwelling for all the affordable units, and 2 cars per dwelling for the remainder, as suggested by Devon County Council Highways.
- 4 **Reduction in Storey Height :** except for the small block of flats at the north end of the affordable group of dwellings, this being 3 storeys high, all the other dwellings are 2 storeys.
- 5 **Increased Distances from adjoining Dwellings :** the lesser density has allowed a re-arrangement of houses to achieve very comfortable distances between the adjoining bungalows in Shorneywell and Orchard Way; this 'elbow room' concurs with required dimensions and creates additional open spaces throughout the site.
- 6 **Suggested Community hall to the south of the barns :** it is proposed that this new Meeting Room facility adjoins the suggested Public car park.
- 7 **Increased Landscaping/Tree and Shrub Planting :** once again the reduction in density and the consequent re-planning of the site have allowed the insertion of several areas of minor landscaping, particularly in the public open space areas.
- 8 **Interpretation of Pedestrian and Vehicular Permeability :** the drawings show the specific routes for pedestrians which now apply, particularly the link between Orchard Way and Shorneywell.
- 9 **Improvement in the layout :** the layout has been improved in consultation with the Council's urban designer to create a more locally distinctive scheme and a better public realm.

## **The Site and Proposed Development**

The application site comprises 1.47ha (3.53 acres) of former agricultural land to the south of the A379, which runs through Chillington. There is a range of traditional former agricultural buildings on the northern end of the site forming a frontage to the main road. From there, the land slopes down in a southerly direction towards a marshy area containing a small stream which runs east to west. Beyond this stream is the Tanpits Playing Field. To the east and west of the site are housing developments : Orchard Way and Shorneywell respectively.

The overall scheme includes a detailed proposal for four residential units in the conversion of the retained farm buildings and an outline proposal for 40 new build units. Of this total of 44 properties, 22 would be affordable, and of those 9 would be shared ownership, 8 would be rented and 5 would be low cost open market units to be sold at 80% of full market value.

A draft Section 106 Agreement has been submitted which would provide:

- £100,000 towards construction of a on site community hall or upgrade of the existing “Devon Lady”;
- £46,160 towards education provision;
- A management company to look after the areas of landscaping;
- £45,000 towards play area facilities in the parish;
- A footpath link to Tanpits Playingfield;
- £12,000 towards a pedestrian bridge over the stream;
- £70,000 towards offsite traffic calming measures;

The application includes:

- An Arboricultural Report prepared by S.J. Morris;
- An Access Statement prepared by Peter Brett Associates;
- A Transport Assessment prepared by Peter Brett Associates;
- A Flood Risk Assessment prepared by Marcus Hodges Environmental Ltd;
- A Design Statement prepared by Kensington Taylor Architects; and:
- An Ecological Assessment prepared by Southwest Ecological Surveys;

The main application for 40 new dwellings is in outline, but seeks approval for the layout and access. It leaves scale, landscaping and appearance as reserved matters. The new vehicular access would be created where one of the farm buildings would be demolished. The road would then run through the site terminating in a cul de sac. No vehicular access would be gained via either of the road stubs which adjoin the sides of the site, but footpath connections would be made at these two points.

At the southern end of the site is flood plain associated with the small stream. This area is unsuitable for development and has been shown for public open space and a wildlife area. This is also where the few trees that are worthy of retention are located. A footpath would be constructed through this area to connect with the Council owned playing field at Tanpits to the south of the site.

## **Consultations**

Stokenham Parish Council at the time of drafting this report, the written comments of the Parish Council had not been received but Officers understand that its comments remain as before.

The Parish Council because it is mindful of community concerns with regard to this proposal. Councillors noted the following:

- The proposed footpath on the highway would add a further restriction to an already narrow section of the A379 exacerbating congestion and causing an increase in fumes and journey times. It was suggested that the pedestrian access through Shorneywell and Orchard Way negated the need for a further footpath along the A379.
- Whilst reduction has been offered within this proposal the density of housing is still not felt to be in keeping with this Area of Outstanding natural Beauty.
- Access through the Orchard Way and Shorneywell ‘ransom strips’ is not felt to have been researched fully to offer a safer access and egress to the development. An alternative

access also suggested was down Tanpits Lane and across the playing field land to the lower end of the site.

- The provision of parking space still does not address the obvious need these properties will create. Whilst statistics might offer a different overview it is a fact of living in this area that a couple will require a car each (one possibly for work, the other for child care). Parking is already a significant concern for the well-being and enjoyment of residents with parking issues regularly being raised with the local Beat Manager. In not addressing this issue now it would be an oversight that would compound an already worrying and pre-existing concern for the village.

### Highway Authority

Welcomes the footway across the main road frontage, but requires that:

- There should be a safety audit for any new works to the highway;
- Parking should be prohibited along the visibility splays;
- There should be a pram crossing in the new footway radius to Tanpits Lane;
- The provision of car parking at 1.5 spaces per flat where there is communal parking is acceptable, but for the houses there should be 2 per dwelling.
- The road layout within the site is broadly acceptable, though there would need to be a Section 38 Agreement to secure adoption of the highway.

### South West Water

South West Water's comments on the revised application are awaited, but previously for the 55 house scheme it had no objection providing foul water only was connected to the public sewer. It has also said that there is limited overall capacity in the public sewer and this limits the total number of additional dwellings in Chillington to about 55. Furthermore, there are public sewers which pass through the site and no structures will be permitted within 3m of these.

In order to investigate how further sewer capacity would be provided any applicants would have to fund an initial evaluation, which would cost in the region of £4-5,000.

### Devon County Council Education Authority

The Education Authority requires a contribution to secondary school provision of £38,197.50 plus legal costs of £150.

### Devon County Council

The County Archaeologist notes the Domesday reference to Chillington as Cedelintona and the possible presence of a market in the medieval period. A suitable planning condition is recommended to protect the possible archaeological interest in the site.

## Chillington Village Association

Consideration that any new village hall facilities should be located on the Tanpits Playing Field (Helmer's Field).

### Sport and Recreation Officer

The Council's SPD on sport and recreation has been adopted during the life of negotiations on this site. Applying the normal multipliers in this document means that a total of £119,924.50 is required. The total contribution for recreation related facilities in the draft Section 106 Agreement amounts to £57,788, leaving a shortfall of £60,000. This needs to be weighed against the real benefits to the community of the new recreational areas and footpath links to Tanpits Playing Field.

### **Representations**

There are three applications being dealt with by this report and where objectors have made reference to more than one their letter has been copied to each of the relevant files. It can be misleading to look at the total number of letters received as there will be some double counting. Nevertheless, there is clearly significant public interest in this development and some objectors have asked specifically that Members make a site visit. Your Officers will provide sufficient presentation material for the issues to be explained, but it would be helpful for Members to appreciate the site context by visiting the site.

The latest period allowed for public comment had not expired prior to drafting this report but principal matters which residents have raised throughout the life of this application are:

- The development departs from adopted planning policy;
- The A379 is too narrow to cope with this additional traffic and vehicular turning movements;
- There should be more than one vehicular access;
- Traffic surveys ignore peak congestion;
- There is insufficient parking within the site to cater for the needs of the village;
- The density of developments is too high and there are too many houses;
- The development is out of character with the village;
- The health centre could not cope with the additional population;
- It is not clear that the primary school would cope with the likely number of additional pupils;
- The development would harm the Area of Outstanding Natural Beauty;
- The ecological data is too old;

- There should have been a full Environmental Impact Assessment;
- There should be a new village hall built within the site;
- There should be no three storey buildings;
- Parking restrictions would harm trade for the shop.

## **Planning Policy**

The Development Plan comprises the Regional Spatial Strategy, the Devon County Structure Plan (2004), and the Local Plan (1996), and the Core Strategy (2005). Other material policy considerations are various Government PPG's and PPS's and the Council's Draft Local Plan Review.

### Devon Structure Plan

Policy ST1 : Sustainable Development, sets out the underlying principles of conserving resources, protecting environmental assets, meeting community needs, developing sustainable transport systems and using indicators for sustainable development.

Policy ST3 : Self-Sufficiency of Devon's Communities, identifies the need to provide a balance of housing and employment and mix of compatible uses.

Policy ST4 : Infrastructure Provision, requires development to be provided only where infrastructure can cope with it.

Policy ST16 : Local Centres and Rural Areas, identifies the role that certain villages, like Chillington, should play in the overall hierarchy of settlements.

Policy ST17 : Housing and Employment Provision, sets overall housing and employment targets for the district.

Policy ST18 : Affordable Housing, requires adequate provision for affordable housing.

Policy ST18a : Mix and Type of Housing, requires a mix of housing that meets the needs of local communities.

Policy C03 : Area of Outstanding Natural Beauty, requires that the conservation and enhancement of natural beauty is given priority over the considerations.

Policy C06 : Quality of New Development, promotes identity, distinctive character and features of existing settlements.

Policy C07 : Historic Settlements and Buildings, requires the conservation and enhancement of any special historic character.

Policy C08 : Archaeology, requires a proper assessment of archaeological interest to be made.

Policy C013 : Protection of Water Resources and Flood Defence, requires proper assessment to be made of flood risk.

Policy TR1 : Devon Travel Strategy, requires integrated approach to transport issues.

Policy TR4 : Parking Strategy, Standards and Proposals, identifies the role of local plans in defining requirements.

## **Local Plan**

Policy SHDC1 : Development Boundaries, States that development within settlement boundaries is acceptable in principle providing it is compatible with the character of the site and its surroundings.

Policy SHDC2 : Housing for Local Needs, sets the framework for affordable housing provision.

Policy SHDC4 : The Conversion of Rural Buildings, identifies the criteria for conversion of rural buildings.

Policy SHDC11 : roads and Footpaths in New Development, sets out the standards for highway provision.

Policy SHDC12 : Parking Provision in New Development, states the need to be flexible about parking requirements.

Policy SHDC13 : Landscaping New Development, identifies the importance of good levels of landscaping.

Policy SHDC14 : Open Space and Play Areas in New Development, includes requirements for pay provision.

Policy SHDC15 : Design, requires development to display good design practice.

Policy SHDC18 : Conservation Areas, requires the preservation and enhancement of conservation areas.

Policy SHDC20 : Archaeology and Ancient Monuments, protect areas of archaeological interest in the district.

**Policy KP12 : Chillington, makes specific provision for this application site. It identifies it for:**

**“A village centre, including a village hall, small craft and workshop units, a car park, public toilets, and landscaped area....”**

## **LDF Core Strategy**

Policies CS1, CS2, CS6, CS7, CS8 & CS9

## Local Plan Review

The Local Plan Review contained similar over-arching policies to the Local Plan, and more specific proposals for Chillington. The preamble to the main policy states:

**S16.26:** *To help reinforce Chillington's role as a Local Centre the Plan provides for the development of an important central site for a variety of uses. This site offers an excellent opportunity to provide for a mixed development that could enhance the village and create a focal point for the community.*

**S16.27:** *The village is the largest in the district without its own hall. For a number of years the Parish Council has requested that public toilets and small car park be provided.*

**S16.28:** *A multi-purpose community building could be located on the Village Centre site to provide a variety of facilities and uses sought by Chillington, Stokenham and the residents of surrounding villages.*

**S16.29:** *A small development of craft and workshop units should also be included on the Village Centre site helping to both create local employment and business opportunities and contribute to the community life and viability of the village. The development should also include the provision of some affordable housing.*

**S16.30:** *An area comprising the barns to the east of the Open Arms public house and land to the south is proposed for these mixed uses. The whole site should be developed comprehensively, with a hall, small workshop units, car park, public toilets, landscaping and open space and affordable housing. A road link from Orchard Way will be required to provide access into the area and a pedestrian link to Tanpits Lane will also be required.*

**S16.31:** *Clear community initiative and involvement will be essential to the provision of a hall, car park and public toilets. The Council, in co-operation with the Parish Council, will promote the development of these facilities. A concept Statement will be prepared in consultation with the Parish Council and other local interests which will guide the development of the site.*

**S16.32:** *Development of the village site must comply with the Council's approved concept statement for the site together with other relevant Council approved Supplementary Guidance (SPG). "*

Policy KS24 : Chillington, states

- 1 A village centre development scheme on a site of 0.76 ha is proposed as indicated on the Proposal Map, Inset SA5. Any development should be undertaken on a comprehensive basis and in accordance with the Council's approved Concept Statement for the site. Development will be required to include and provide the following:
  - (a) A community building, public toilets and small car park;
  - (b) Up to about 300m<sup>2</sup> of small craft and workshop units within Use Class B2.

- (c) A medium to high density residential development of up to 15 units; 33% of which shall be rented accommodation managed by a Registered Social Landlord, 33% affordable housing on the open market and 33% open market housing.
- (d) Comprehensive and safe pedestrian access, within and through the site, including a link between Fairfield Estate and Tanpits Cross Play Area.
- (e) A comprehensive landscaping scheme to enhance the appearance of the development.
- (f) A high standard of design, conserving and reflecting both the traditional character and local distinctiveness of the area.

The housing and commercial parts of the development will be required to make a financial contribution towards the achievement of the other elements of the development, including the community hall, landscaping and any needs for physical, social or economic infrastructure arising from the development.

2 A footpath/cycleway is proposed to link Stokenham and Chillington.

A copy of the concept statement which was produced in 2002 is attached as an **Appendix**. It should be noted that the site in the concept plan and referred to in Policy KS24 is smaller than the current application site as it comprises only 0.76 ha of the northern end of this 1.47 ha of land.

## **THE ISSUES:**

### **Planning Policy**

The whole of the site is within the settlement boundary as defined on the Local Plan. It has been considered for development for over ten years, but this is the first application that has been submitted. The northern part of the site is within the Conservation Area, and all the land south of the A379 is within the Area of Outstanding Natural Beauty.

The community consultations which informed the preparation of Policy KP12 in the Local Plan and Policy KS24 in the Local Plan Review have created an expectation that this site will be developed as a village centre site providing a mix of land uses that would provide a heart to the village.

During the lengthy negotiations which have involved input from, but not necessarily endorsement by, the Parish Council the workshop element has been removed from possible layouts as it has been felt those could be better located elsewhere. In contrast, the area devoted to housing has grown, so that this would now be primarily residential development. Whilst there are benefits, in that a greater number of affordable housing units would be created, there is a strong view within the community that the scheme has diverted from what was envisaged. The application has been advertised as a departure, as it does not conform with Policy KP12. The Government Office for the South West has been notified by objectors. If the Committee was minded to approve this development there would need to be a more formal submission to GOSW by SHDC. The inclusion of a community hall and small public car park in this latest amendment has brought the scheme more in line with policy.

The requirement of Planning legislation is that development control decisions should be made in accordance with planning policy unless material considerations indicate otherwise.

This means that any departure would need very special justification. The main material considerations that need to be weighed in favour of a departure here are:

- i) There is no implementation strategy for the provision of a new community hall, public toilets, craft and workshop units, public car park, and open space, and some housing as set out in the preamble to Policy KP12:
- ii) Without public investment in the sort of facilities proposed to be included within a village centre site the proposals are not likely to be viable. No public funding has been identified to make up the difference between the £100K contribution to the community hall and the full cost of construction. Neither has there been any estimate of the cost.
- iii) This is a site within the settlement boundary, where the site owners have a legitimate expectation that development should be allowed subject to planning policy and other considerations. However, they will not offer the land for development unless there is sufficient residual land value;
- iv) The Council's first priority is the delivery of affordable housing in the district. This proposal offers the prospect of 22 affordable houses for which funding is secured for the social rented element;
- v) Some of the aspirations are met, in full or in part, by the contribution of £100K towards on site community hall facilities, a small public car park is provided, footpath links to Tanpits Playing Field and £45K for the upgrading of play facilities within the Parish are included.

It is for Committee Members to weigh these factors against the policy context, the comments of consultees and the objections made by third parties.

### Highway Safety

In the Traffic Assessment provided by the applicants the conclusions were that:

- Development of the site is compliant with both local and national transportation policy;
- The proposed off-site pedestrian facilities will provide improved linkage and will encourage pedestrian movement between the development, village centre and amenities. This provision will also improve pedestrian safety for existing residents within the village without comprising highway safety or traffic capacity;
- The Chillington site represents a sustainable residential development as there are adequate public transport connections to local and regional strategic centres;
- The internal road layout will be design as a "Home Zone";
- The introduction of the footway will traffic calm the A379 by reducing the width of the carriageway and will create an informal priority arrangement;
- It is proposed to provide a priority junction in order to access the site. A visibility splay of 2.4m x 63m can be achieved from the junction which is in accordance with the relevant guidelines (DB32); and

- The development will have negligible effects of the local road network as the access junction is shown to operate satisfactorily.

The Highway Authority broadly concurs with these conclusions and has no objections in principle subject to the off-site traffic calming being secured with a Section 278 Agreement and the parking standards being met.

The Parish Council and objectors do not share the conclusions of the Highway Authority. They consider that:

- The proposed footway on the south side of the A379 will reduce road widths and so exacerbate traffic congestion;
- The scale of development would add considerably to traffic on the A379 and the new junction would be dangerous;
- There is insufficient off-street parking being proposed;
- The traffic assessment does not properly take into account the amount and type of traffic in the tourist season or the practical congestion difficulties created by the narrow parts of the highway.

Your officers conclude that this is a site which has been identified for development for many years and whilst the mix of uses may be different from that envisaged, the scale of vehicular movements is not significantly different. Shorneywell and Orchard Way are not proposed as vehicular access points, but this has no bearing on the amount of traffic which would have been generated on the A379. Officers are guided by the judgements of the Highway Authority, both in the appraisal of the methodology and conclusions in the Traffic Assessment.

### Affordable Housing and Site Viability

The adoption of the Council's affordable housing policies as set out in its Core Strategy has occurred whilst proposals for the site have been evolving. This means the requirement that there should be 50% affordable housing on the site should be given considerable weight. The Officers' advice to the applicants has been that this requirement should be met in full unless they can provide a convincing case to do otherwise.

Prior to the amendment of the scheme to provide for 50% the applicants argued that there are significant abnormal costs associated with this site and have provided an open book residential land value assessment. This is commercially sensitive information, that has been analysed in-house. Prior to the submission of the application for 55 houses it had also been analysed by the Council's Consultants (Baker Associates). These consultants defined what the viability of a site means in practice. This was stated as:

“...the attainment of a site value sufficiently in excess of the current site value that a landowner, acting reasonably, would accept, thus securing delivery of the proposed development.”

When the concept plan was prepared for Chillington in 2002, Baker Associates identified about £390K of abnormal costs, £300K of which would have been associated with provision

of a new hall within the barn. This did not include only contribution to education facilities, or play facilities of the scale now envisaged or bridge connection to Tanpits. The conclusion was that on this basis the land would be worth about £190K and the ransom value of the land which would allow a connection to Orchard Way or Shorneywell would be £63K leaving a net value of £126K. This was not very much for a 1.76ha site.

The submitted scheme achieves a higher residual land value. Taking this into account, together with there being no ransom situation, but additional costs the Council's Valuation Officers conclude that the development would still be viable.

### The Village Hall

The view of the applicants is that a contribution to community hall provision is an unusual and specific requirement and is a financial loading on this site alone. There is no policy which requires any other windfall site in Chillington to contribute to such a facility. For example, there was no such requirement in any of the planning decisions for Penn Cottage.

Nevertheless, a contribution of both land and finance is made in this current application, though there is some division within the community as to whether this should contribute to a new facility on site or an improvement of the Devon Lady at Tanpits.

### Housing Density

This is a 1.47ha (3.5 acres) site and the applications propose 44 residential units, resulting in an overall density of 21.9 houses per ha (12.6 per acre). The developable part of the site is restricted by the flood plain, which means that the housing has to be accommodated on about  $\frac{3}{4}$  of the site. This means the effective density is more like 40 houses per ha (16.7 per acre). The architects, responding to objections from the community have compared this density with other areas of the village. This resulted in a range of 24 houses per ha (10 per acre) in Robins Field up to 48 per ha (20 per acre) in the historic core of the village alongside the A379.

The Government requires efficient use to be made of housing land. Government advice is to avoid densities below 30 dwellings per ha (12.5 per acre) and to aim generally at between 30 and 50 dwellings per ha (20.8 per acre) and to seek greater densities where there is good public transport. These densities should therefore be seen as minima, rather than the maxima which is the way some objectors have viewed them. Your officers conclude that the effective density of 40 ha per ha (16.7 per acre) is appropriate, and successfully achieves a balance between the need to make efficient use of land and to protect the character of the area. It is acknowledged that this density is well above the level found on the bungalow sites either side, but those sort of developments have contributed nothing to affordable housing in the village; are out of character with the historic core of the village; and are a form of development which Government says should not be replicated if more sustainable urban settlements are to be created.

### Residential Amenity

The properties which are adjacent to the site are close to the boundary. Furthermore, as this site was formerly farm land, owners of these properties have enjoyed views over the land and have not established high fencing or screen planting. The bungalows in Orchard Way are on higher land, but as the nearest new dwellings would be two storey there will be a significant change in the levels of amenity enjoyed by the owners of these bungalows. As the

application is in outline, the new houses have not been designed, so it is not possible to determine main window spacing. However, the new houses are set at a reasonable distance from the common boundary and so the separation distances would be comparable with those found in most main village and market town centre locations. Careful attention to the position of first floor windows should achieve a reasonable level of amenity for existing and future occupiers.

## Design

The submitted Design Statement identifies a number of site constraints. These are:

- A fixed vehicular access point;
- Several barns of historical value;
- Several trees of significant amenity value;
- Two public sewers crossing the site;
- Need to have pedestrian connections to Shorneywell and Orchard Close;
- Need for pedestrian connections to the A379 and Tanpits Playing Field;
- Sloping site, and;
- Flood plain.

These constraints dictate a “skeleton of roads and footpaths”. A layout has been prepared to provide for groups and terraces of houses which close vistas. Slim terrace forms with wide frontage houses are seen as a “Chillington aesthetic” and have been incorporated into the indicative layout. A prominent lodge building is proposed adjacent to the site entrance. The barns on the road frontage are an important component within the Conservation Area and windows have been inserted where necessary, but roof lights have been avoided.

Prior to the application being submitted, the scheme was presented to the Council’s Design and Conservation Panel on 19 June 2006. The Panel noted the ransom problems associated with making connections with Shorneywell and Orchard Close, but felt the scheme was poorer for not having a network of streets with the village. It also noted the departure from the Concept Plan and felt that a new development brief should be prepared in consultation with the community. Its conclusion was that the layout had been influenced by the historic core, but there was a lack of conviction in resolving all the design issues to create a good scheme.

The design statement responds in part to the Panel’s objections to the scheme, but the criticism about the lack of a good connected road network still applies. This is an outline application and so the detailed aspects of any scheme would emerge only when the land is sold and a developer is involved. However, the road network is a fundamental fixed parameter, so Members’ view of the importance of this arrangement is needed. Officers consider that the principles of placing dwellings close to the back of pavements and placing parking areas in non-prominent positions helps create a development which is in character with the village. The latest version of the layout has been improved with the involvement of the Council’s Urban Designer.

## Drainage

The public foul sewer has the capacity to cope with this development providing it takes no storm water from the site. A sustainable drainage system (SUDS) has been designed which deals with the storm water which is located adjacent to the stream. This arrangement seems

to meet the requirements of the Environment Agency. Similarly, South West Water has no objection to the principle of this development.

### Ecology

The submitted report on ecology noted that the overall habitat quality is very low. There is an active badger set, and mechanisms will need to be put in place to comply with the Protection of Badgers Act 1992.

### Archaeology

The site has the potential to yield archaeological information about the history of this settlement. Adequate safeguards can be imposed by planning condition to deal with this matter.

### Impact of Community Facilities

The objections refer to the strain which this additional population would make on the Health Centre and possibly the primary school. In terms of the school, your officers are guided by the Education Authority who have stated there is spare capacity. The Health Centre, on the other hand, does have capacity problems. It serves a very large catchment and because of the nature of the area there is a higher than average proportion of elderly residents. However, given the size of this catchment, the scale of the rise in population would represent a very small percentage increase in the numbers of patients. Furthermore, some of the affordable housing would, hopefully, be occupied by people already living in the catchment area. Clearly, the Health Centre has capacity problems, but these are existing problems that may be exacerbated by, rather than created by, this development. Officers understand that whilst the Health Authority has no plans to extend the facility the practice is considering investing itself and is in discussion with adjoining land holders.

### Impact on the Area of Outstanding Natural Beauty

The purpose of the AONB designation to protect the natural beauty of the wider landscape in the national interest. Whilst Government policy is that natural beauty has to take precedence over other considerations; the practical effect of this site being within the settlement boundary and having been designated for development means that the natural beauty of the area does not preclude this land being built upon. So as not to harm the enjoyment of the beauty of the wider landscape, it is important that any scheme does not harm the views into or out of Chillington. However, your officers consider this development would have no detrimental effect on the appearance of the AONB, and the provision of footpath links out of the village would promote the enjoyment of and access to the surrounding attractive countryside.

### Car Parking

The Highway Authority has required that the units should be provided with 1½ parking spaces per unit where there is communal parking, and the houses should have 2 spaces per dwelling. This level of provision is higher than would normally be required under current Government guidance and reflects the Highway Authority's assessment of the location of Chillington and availability of public transport.

At the southern end of the site there are eight detached dwellings, with their own garages and driveways and a 5 space visitors parking area. This part of the site is unlikely to

generate any parking problems. In addition, there are 5 houses with a parking space within their plots, and a further 5 with integral garages so these could not be shared, and there are 6 spaces alongside the 3 new units in the barns which are likely to be dedicated to them. This means that the remaining 25 units would require 38 spaces on a 1:1½ basis and the 8 houses with one on-site parking each would need a further 8 in total to achieve a 1:2 ratio. This results in a total requirement of 45. There are 49 spaces shown, 9 of which have been also identified for public parking. On this basis, there seems to be sufficient parking to serve the development allowing for the shared use of the spaces.

### Footpath Links

The proposal provides good footpath links to adjacent land. It even shows one connecting to the south eastern corner of the site where there is currently no path to join. However, this would meet the long term aim of providing a route to Stokenham.

### Human Rights Act

Some of the objectors have referred to the infringement of their Human Rights by these developments. Due regard has been given to the provisions of the Human Rights Act, and in particular to the rights under Article 1 of the first protocol of the owners of the site with respect to their rights to peaceful enjoyment of possessions and protection of property. Due regard has also been given to the rights under Article 8, of the affected owners of neighbouring properties, with respect to their rights for private and family life. In considering the merits of these developments the rights of the owner of the site have been balanced against the interests of the neighbours and the wider community interests as expressed through the Development Plan and Central Government guidance.

### Conclusions

This has proved to be a difficult site to satisfactorily resolve the competing and conflicting interests. The key influencing factors are:

- 1 The site is owned by an extended family who wish reasonably to obtain some value from the site. They have attachments to the village and wish to contribute to community facilities and affordable housing, but they have their own expectations of what the land is worth.
- 2 As the applicants are landowners and not developers they intend to sell the site with a planning permission. Consequently, the scheme is not being designed by a developer, and as it is in outline, important details have to be left for later resolution.
- 3 The Council's adopted planning policies for the site have led to the legitimate expectation within the community that this site will deliver a heart to the village and provide a range of public facilities. There is no implementation strategy to realise these ambitions and a viable scheme is likely to rely on some public investment or grant funding. Neither is in place.
- 4 A residential development offers the greatest site value and provides an opportunity for the Council to maximise the number of affordable houses to meet its main priority.
- 5 The current scheme meets the Council's 50% affordable housing target, but is £60K less than the requirements of its SPD on Sport and Recreation. Nevertheless, it does

offer contributions to village hall improvements which are unlikely to be offered on any other windfall site in the village and provides new areas of public open space and useful linkages to Tanpits Playing Field.

- 6 The main outstanding objectives of the community relate to the density of development and the traffic generation.

Your Officers conclude that a reasonable balance has been achieved between the wish to achieve village centre facilities and affordable housing and the expectations of the landowners. Nevertheless, the community considers the scheme is a significant departure from that which arose from the planning for real exercise which inferred policy KS24 in the Local Plan Review.

### **Recommendation (all three applications)**

Conditional Approval, subject to:

Members undertaking a full Committee Site Inspection so as to understand the site specific characteristics of the site, especially in relationship to vehicular access, impact on neighbours and linkages to adjacent land.

Formal presentation to Government Office for the South West as a Departure

A Section 106 Agreement which secures 22 affordable houses, £100K towards village hall facilities, £46,160 towards education facilities, £45K towards play area provision, provision of a pedestrian bridge, implementation of traffic calming measures.

### **Conditions**

These will be tabled at the meeting.

### **Reasons for Approval**

- 1 This application has been determined in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 which states that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. This application has been determined in accordance with approved Development Plan Policies (which are contained in the Devon County Structure Plan and the South Hams Local Plan); relevant Government planning policy guidance; and approved in the absence of any other overriding material considerations and having given due weight to all other matters raised in this application including technical and other representations received. The relevant Policies are KP12 & ST18.
- 2 Special regard has been given to the representations about residential amenity, highway safety, parking, density of development, capacity of community facilities and height and form of development but these were not considered to be overriding because a reasonable balance has been achieved between Development Plan Policy and all other material interests.

### **Informatives**

This decision refers to drawing no. 0588L.01.01 received on 15 May 2007.