PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby **Parish:** Stokenham **Ward:** Stokenham

Application No: 0771/16/OPA

Agent:
Hunter Page Planning
18 High Street
Cheltenham
GL50 1DZ

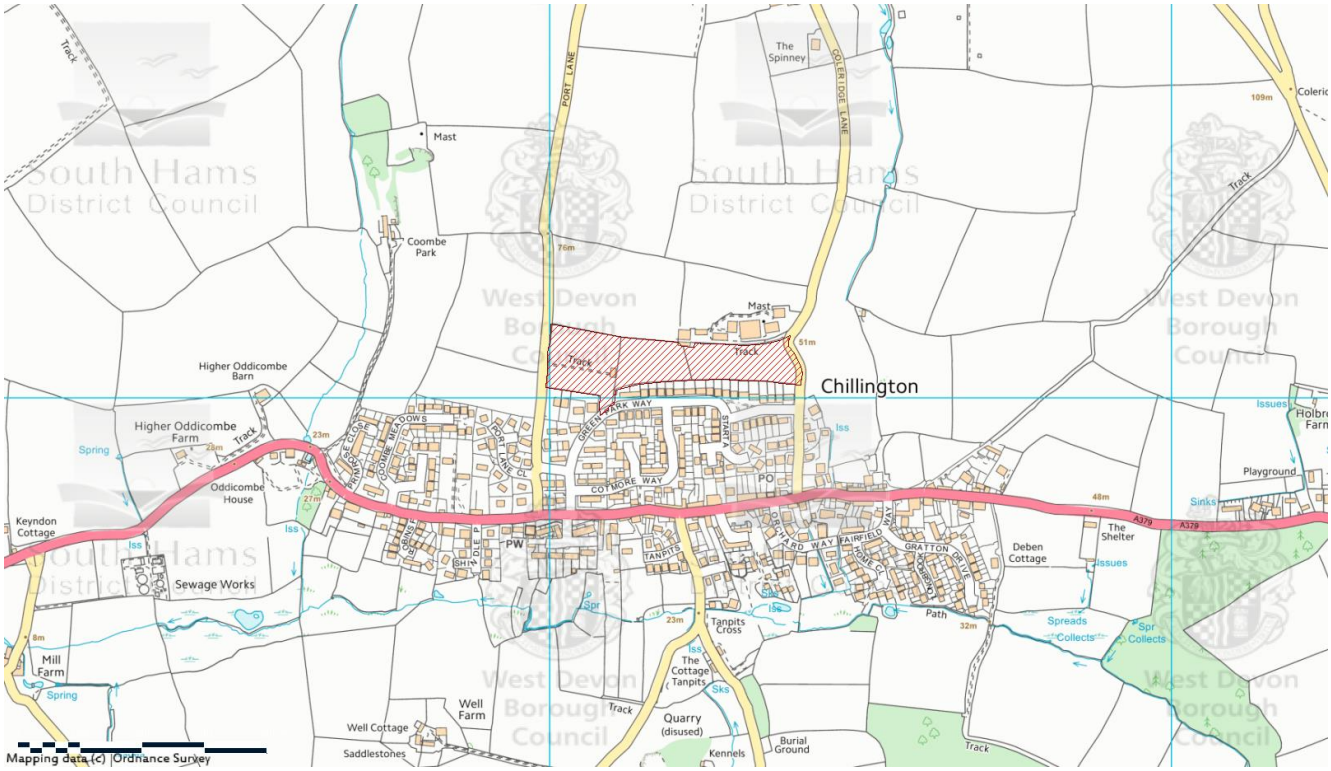
Applicant:
Acorn Property Group

Site Address: Land at SX 791 430, To Rear Of Green Park Way, Chillington, Devon

Development: Outline planning application for planning permission to erect up to 65 dwellings (including market, affordable and retirement housing) landscaping and associated works

Reason item is being put before Committee: Cllr Brazil has the following concerns:

- Strength of local feeling
- No infrastructure
- Drainage
- % of affordable
- Visual effect on AONB
- Neighbour amenity



Recommendation: That delegated authority be given to the Community of Practice Lead to grant Conditional Approval subject to a Section 106 Agreement to secure the following:

- 35% provision of on-site affordable housing, 50% of these being affordable rent and 50% shared ownership.
- £300.00 per dwelling towards sustainable travel vouchers and the provision of a travel and welcome pack for new residents.
- Public Transport Contribution of £100,00 towards bus service enhancement
- £71,612 towards the provision of cirl bunting habitat.
- The provision of onsite equipped play space and/or an offsite commuted sum towards the play space at Chillington Playing Field – provision to be in accordance with quantity standard of at *least 0.3ha equipped play space per 1,000 persons if onsite, or Table 6 if calculating an offsite contribution, with number of persons calculated using Table 3 – Tables from the 2006 OSSR SPD and to be used once the dwelling mix is detailed at Reserved Matters stage).*
- The provision of an offsite Open Space, Sport and Recreation commuted sum towards improvements to Chillington Playing Field, and/or the extension of the Church graveyard, and/or the purchase of land for allotments to serve the residents of Chillington – the sum to be calculated in accordance with Tables 3 and 6 of the 2006 OSSR SPD once the dwelling mix is detailed at Reserved Matters stage.
- Securing public access (free of charge) in perpetuity to Public Open Space within the proposed development.
- Securing management and maintenance of Public Open Space in perpetuity (in accordance with a Landscape and Ecology Management Plan).
- Education: Primary school contribution request is £2,840 per dwelling and the Secondary education contribution is £2,736 per dwelling
- Secondary school transport : £2,441.50 per pupil generated (rounded up)
- An age restrictions on dwellings to be secured in perpetuity
- The provision of a sustainable urban drainage scheme including management and maintenance responsibility and arrangements

Conditions (listed in full at end of the report)

- Time (commencement and submission of reserved matters)
- Details of reserved matters of landscaping, appearance, layout and scale to be submitted and agreed.
- Tree protection, Arboricultural Methodology Statement and Mitigation measures to be agreed and implemented.
- Prior to commencement submission of a Landscape and Ecological Management Plan (to detail habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases).
- Prior to commencement submission of a Lighting Strategy (reflecting sensitive lighting measures to mitigate impact on protected species).
- Unsuspected contamination
- Highway feature construction details and provision
- Prior to commencement – phasing programme to be agreed
- Site compound and car park to be constructed as first part of development
- Pre commencement - Construction management plan to be agreed
- Parking strategy to be agreed
- Drainage Strategy to be agreed relating to site surface water
- Car parking/garaging to be retained
- Barn owl survey to be undertaken (details to be submitted and approved prior to commencement)
- Renewable energy/energy efficiency (details pre-commencement)

- Provision of ducting for fibre optic broadband.
- Removal of PD rights

Key issues for consideration:

Given the location of this unallocated site outside the development boundary it is considered that, taking into account paragraph 49 of the NPPF, the initial issue to be considered is whether South Hams District Council can demonstrate a five year housing land supply. If a five year housing land supply cannot be demonstrated, relevant planning policies for the supply of housing should not be considered up-to-date and the key issue is whether the proposal represents sustainable development and if it is, whether there are significant and demonstrable adverse impacts that would outweigh its benefits.

Given the issues that have been raised in connection with the application, the potential adverse impacts on the following matters are considered to be the key issues:

Flood Risk
Highways/Traffic
Landscape
Ecology
Neighbouring Amenity

Financial Implications (Potential New Homes Bonus for major applications):
It is estimated that this development has the potential to attract New Homes Bonus of **£77,155** per annum, payable for a period of 6 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

Chillington is located approximately 7km east of Kingsbridge, 2km east of Frogmore, 1.5km west of Stokenham, and 3km west of the coast and Torcross. The Kingsbridge Estuary is also nearby.

Chillington is centred on the A379 which is the main route from the coast at Torcross to Kingsbridge. The historic centre of the village sits either side of the road and more modern development has spread north and south of the main road. The road is the boundary of the South Devon Area of Outstanding Natural Beauty, which lies to the south of the road.

Chillington has a small village shop and post office, a doctors surgery, a village hall and a pub. A primary school is located in nearby Stokenham. The village is on the No. 3 bus route from Dartmouth to Kingsbridge.

The site is situated on the northern edge of Chillington. To the north, east and west of the site lie open fields, to the south are the residential dwellings of the village, with the dwellings of Green Park Way adjoining the southern site boundary

The 3 hectare site consists of three agricultural fields which sit behind the houses on Green Park Way, and are currently used for keeping horses. The site's boundaries are formed by a mix of trees and hedgerows, fences and stone walls. There are also trees and hedges of varying quality along the field boundaries within the site.

The site is sloping, rising from south to north. To the north east of the site is a group of commercial buildings. There is one existing building within the site which will be demolished.

The Proposal:

The application is in outline with only access to be agreed, however an illustrative layout plan has been submitted with the application. This shows a development of mainly detached dwellings with some semi-detached, mostly accessed off private driveways.

It is proposed to build 65 dwellings within the site, with the vehicular and principal pedestrian access being taken from Green Park Way, leading on to a central road which runs east - west across the site. Informal pedestrian access is indicated as being possible in the location of the existing field gates along the western boundary of the site, and in the north eastern corner, although it is not clear if these can be successfully delivered so they may not come forward as part of any reserved matters scheme.

The existing hedgerows which run north - south and divide the site into 3 parcels will be maintained as far as possible to create green corridors within the scheme, along with the trees which lie on the northern boundary, to the south of the employment development.

A cluster of 15 retirement dwellings is indicated within the scheme, around a central semi-private green space. The precise number of age restricted dwellings is to be agreed at reserved matters stage but will be a minimum of 10 and will be age restricted to the over 60's.

Development throughout the site is proposed to vary from 1.5 storey to 2 storey

35 % of the homes are proposed as Affordable homes and it is stated that they will be of the same design as the market housing.

The application has been supported by the following documents:

- Design and Access Statement (Turley Acorn)
- Planning Statement (Hunter page))
- Statement of Community Involvement (SyvretMedia)
- Landscape an Visual Impact Assessment (The Richards Partnership)
- Tree Survey (Aspect Tree Consultancy)
- Ecological Assessment (CSA Environmental)
- Transport Assessment (Cole Easdon)
- Flood Risk Assessment (Cole Easdon)
- Ground Conditions Report (Geo Consulting Engineering)
- Heritage Assessment (CgMS)
- Utilities Report (Upstream Utility Infrastructure Solutions)

Consultations:

- County Highways Authority – No objection subject to 106 obligations to require the following:
    - £300.00 per dwelling towards sustainable travel vouchers.
    - Travel pack
    - Welcome Pack
    - Public Transport Contribution of £100,000 towards bus service enhancement

The following planning conditions are also recommended: construction details, phasing programme, provision of site compound and car park, CMP parking strategy and drainage strategy.

- Environmental Health Section – No objection. Recommends unsuspected contamination condition.

- South West Water – no objection but comments as follows:

- No development permitted within 3m of water main.
- Foul sewage – (and no other drainage) shall be connected to the public foul or combined sewer
- Surface Water – Proposed method of ground infiltration is acceptable and meets with the Run-off Destination Hierarchy

- Barn Owl Trust – Records suggest that the surrounding habitat is suitable for Barn Owls. A Barn Owl survey should be undertaken before a decision is reached if it has not already been done, if evidence of occupation is found mitigation and enhancement measures will be necessary. Permanent accessible nesting spaces for Barn Owls should be provided within the development irrespective of survey results.

- Affordable Housing Officer - The Affordable Housing team have scrutinised this appraisal and are in agreement that the level and type of affordable housing is appropriate for this site. Chillington is a sustainable location benefiting from a shop, school and transport links and as such can support the delivery of more affordable housing.

- SHDC Landscape - No objection to the principle of the development. The illustrative layout is not supported and parts of the site may need to be limited to 1.5 storey development, particularly to the eastern end of the site, however these issues will be addressed at reserved matters stage.

- AONB Unit – Neutral response – principal of development is accepted but would object to current layout as it is not sufficiently protected-landscape led.

- SHDC Trees – no objection subject to conditions

- DCC Archaeology - no comments to make

- DCC Flood Risk – no objection subject to conditions (detailed comments may be updated verbally)

- Natural England – Initially Natural England raised concerns about the development, requesting that additional information be submitted, in particular to address potential impact on the Kingsbridge Estuary SSSI from run-off pollution. Further information was submitted and Natural England have removed their objection.

- SHDC Ecology – No objection subject to financial contributions of £71,612 towards the provision of cirl bunting habitat.

- Open, space, sport and recreation – No objection subject to financial contribution and conditions as follows:

  - The provision of onsite equipped play space and/or an offsite commuted sum towards the play space at Chillington Playing Field – provision to be in accordance with quantity standard of at least 0.3ha equipped play space per 1,000 persons if onsite, or Table 6 if calculating an offsite contribution, with number of persons calculated using Table 3 – Tables from the 2006 OSSR SPD and to be used once the dwelling mix is detailed at Reserved Matters stage).
  - The provision of an offsite Open Space, Sport and Recreation commuted sum towards improvements to Chillington Playing Field, and/or the extension of the Church graveyard, and/or the purchase of land for allotments to serve the residents of Chillington – the sum to be calculated in accordance with Tables 3 and 6 of the 2006 OSSR SPD once the dwelling mix is detailed at Reserved Matters stage.
  - Securing public access (free of charge) in perpetuity to Public Open Space within the proposed development.

- Securing management and maintenance of Public Open Space in perpetuity (in accordance with a Landscape and Ecology Management Plan).
- Prior to commencement condition: submission of a Landscape and Ecological Management Plan (to detail habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases).
- Prior to commencement condition: submission of a Lighting Strategy (reflecting sensitive lighting measures to mitigate impact on protected species).

- Police Architectural Liaison Officer – the area to the south of the site labelled 'drainage attenuation' is poorly overlooked and could attract antisocial behaviour, adverse impact on residential amenity and security problems. If these features are to be retained that area should be made inaccessible to the public.

- DCC Education:

The proposed 65 dwellings, will generate an additional 16.25 primary pupils and 9.75 secondary pupils if all dwellings are considered family-type i.e any non-retirement housing consisting of 2 bedrooms and above.

Both the primary school (Stokenham Area) and secondary school (Kingsbridge Academy) are at capacity and Devon County Council will seek a contribution towards provision of both primary and secondary school infrastructure with regard to the proposed development. Our Primary contribution request is £2,840 per dwelling (based on the current DfE extension rate of £11,361.50 for Devon) and the Secondary education contribution is £2,736 per dwelling (based on the current DfE extension rate of £18,241 for Devon). Devon County Council will also seek a contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Kingsbridge Academy. DCC would request a total of £2,441.50 per pupil generated (rounded up) based on the rate of £2.57 per day.

1 Secondary pupil

£2.57 per day x 190 academic days x 5 years = £2,441.50

(The age restricted dwellings would be excluding from these contributions)

- **Frogmore & Sherford Parish Council:**

Objection because: 1. The development can only add to the flooding problems in the valley. 2. The sewerage system is already overloaded. 3. It was also considered that development could pose a serious flood risk to the existing houses in Green Park Way

- **Stokenham Parish Council:**

The Chairman summed up that on the first look through it seemed as though the experts had covered every point. However, once the application was read, the potential of flooding and management of water were of crucial importance and points on which an objection should be raised. The swales need continual maintenance to work, but their location makes this difficult especially when firms were cutting back on maintenance as was the culture of these times so he was suspicious. The element of affordable housing had a severe lack of detail and the infrastructure was insufficient. The design was not in keeping with the area having two storeys behind bungalows. With regard to sewage and its treatments there had been enough information provided tonight as to whether it was adequate and there were huge concerns from the reports. It was a system of such design and age that definitely allowed storm water into it and therefore this must be addressed before ever considering a further 65 dwellings.

Then he considered the residential amenity of the 25 houses facing the development on which it would have a significant overlooking and loss of privacy impact, perhaps to include light pollution due to the proposed height of the overlooking new development. Paragraph 17 of the NPPF stated that planning should actively manage public transport, walking, cycling but this proposed development fails this test, with their offer of £20k p.a for a bus on Sundays. They also offered £300 travel vouchers to each property but suggested parking for two cars for each property. Far more sensible would be a shuttle bus to the school to ease congestion. Their transport assessment was totally unconvincing, stating that there would be negligible effect on journey times. They intended paying someone £12,000 pa to write a travel plan for each property but missed enhancing footpaths, cycleways etc and all this funding was only for a period of five years.

Paragraphs 32 and 35 (NPPF) dealt with safe and suitable access to a site for all people. Port Lane and Coleridge Lane were far too narrow for people to walk safely. On this point, Devon County Highways had recommended refusal on insufficient details. Paragraph 103 (NPPF) advised development should only be considered in an area at risk if it was flood resilient and resistant but the applicants had not shown that they had currently assessed addressed this. Their Flood Risk Assessment minimised the risks but the spring was unadopted and ran through a 4 inch butt jointed pipe on into a 6 inch which travelled through peoples properties and such open section could pick up surface water and pollute a clear stream. District Environmental Health noted this and currently recommended refusal. County Flood and Coastal Risk Management Team highlighted this and that the stone wall and bund were in people's gardens so what would stop people in future filling them in. County Highways felt a gradient of 1:6 was too steep for run off to be contained.

Of note was that Parish Council's earlier request that Acorn incorporated some mitigation for this run-off down Coleridge Lane had been met with 'It is beyond the control of the development to alleviate the existing surface water flooding in the village' so there appeared non co-operation for the good of the community.

Paragraph 50 (NPPF) noted planning authorities should plan for a mix of housing. Higher than average house prices in this area was contributing to the hollowing out of communities and young people could not afford to rent and that those who could afford these properties might spend part of the year here and thus there was no inherent interest in the wellbeing of this community. This proposal was below the 55% affordable which ought to be allocated on this site, and even the offer of 17% was well below the 35% originally mentioned. This was not promoting a sustainable mixed community and therefore parish council OBJECTED.

Objection due to the overbearing and unneighbourly overlooking of this two-storey design which was out of keeping with the adjacent bungalow area and would lead to a loss of privacy. The Flood Risk Assessment raised serious questions and was not felt to address the issues raised by residents with regard to its discharge and possible contamination of a nearby stream. The swale to be contained in private gardens at a higher level to the current properties was introducing a future maintenance problem and it had been suggested that there would be an increase in property insurance of all properties that sat below. This proposal was also felt to affect and harm the setting of the amenity value of this Area of Outstanding Natural Beauty sitting prominently on the skyline adjacent to an Area of Outstanding Natural Beauty.

The proposal suggested that there would be negligible effect on local road networks whereas with a dependence on the car due to its location few living in Chillington could concur. The presumption to provide pedestrian and cycle access via Port Lane and Coleridge Lane gave insufficient detail and it was questioned whether the proposal met 'safe and suitable' requirements.

The statements with regard to sewage were questioned as residents provided actual events when the current system had not coped and it was felt that further properties would exacerbate this problem. With only 17% of affordable housing being offered on an unallocated site any local need for such development could not be shown. Chillington had already taken up enough development and the wellbeing of the community needed time to settle and regroup.

Should SHDC be minded to ignore the wishes of the parish council and recommend approval parish council insist on an examination and response on specific concerns from any the Reserved Matters meeting with the developers.

Representations:

Over 235 letters of objection have been received from residents (although many residents submitted more than one representation). The reasons for objection include the following:

- Increased traffic will impact upon pedestrian safety
- There is no safe place to cross the A379 in the village and the road is dangerous, with little space to add pavements or improve visibility
- The development is not within walking distance to the village amenities and would be a car-dependant site
- The village is already congested and there is a lack of parking in the village centre and at the school
- Only one access point is proposed into the new development, and Coleridge Lane is not suitable for any increase in traffic
- More than 50% of the internal roads will be unadopted
- Increased pollution
- Additional traffic and construction vehicles could damage 19th century Bowcombe Bridge
- The road at Torcross to Slapton is vulnerable in the winter and further damage would leave one transport link into the village
- Not enough car parking for dwellings- will lead to illegal parking and more congestion
- Inadequate public transport in the village
- Offer of £50 towards a bike is laughable as road is too dangerous and narrow for cyclists
- The majority of the village wants no further development
- 65 houses is not a modest development
- 62 houses have been permitted in the village in recent years
- Houses recently built have been struggling to sell, so is there a need for more housing?
- If allowed, every village in the district will be open to inappropriate development
- No infrastructure improvement plan
- The primary school and GP surgery are full, and there are no proposed plans to increase capacity
- Does not meet the social or economic needs of the community
- If development is necessary, only ten dwellings for families should be permitted- larger schemes should go to bigger towns
- If the second homes in Chillington and nearby villages were 'reclaimed' there would be no need for additional housing to be built
- Stokenham has had no development recently but has more suitable sites- why always Chillington?
- Level of affordable housing proposed has been reduced since pre-application discussions and is now too low- developers profit coming before local need
- Affordable Housing on the site should be at least 50% and no second-homes should be allowed
- A recent application in Kingsbridge was refused because it did not meet the 50% affordable housing criteria
- Adverse landscape impact and visual intrusion into the countryside
- Site is outside of the development boundary and established rural edge of the village
- The site was rejected under the Rural Areas Site Allocations DPD in 2011 due to significant constraints relating to the impact on the landscape character
- A single dwelling was refused near the site in 2008 due to landscape impact

- Suburban development, not suitable for rural village on the edge of the AONB- does not conserve or enhance the natural beauty
- Two-storey buildings not appropriate on site which already slopes above the village
- Most properties in Green Park Way are bungalows- development does not respect local context and scale is out of character with the local environment
- 25 properties along the site boundary will be overlooked and lose privacy
- Views of the countryside from Green Park Way will be lost and property value will decrease
- The village has always had problems with flooding- increased flood risk from site surface water runoff and reduction in amount of agricultural land to absorb rainfall
- Unclear if developers have discussed SUDs/management plan with DCC
- Previous planning assessments in the village have noted the lack of sewer capacity, and South West Water have said there was limited capacity- why are SWW therefore raising no objection now?
- In June 2016, sewage flowed out into the road in Tanpits Lane, shows that the system is already under pressure- contaminated water will end up in Frogmore Creek
- Nearby properties should not have to accept surface water run-off from the site
- Who will monitor and maintain individual soakaways and swales ? Management Companies cannot be relied on.
- Email from South West Water (20th July 2016) is erroneous
- Surface water flow routes are confined to drainage routes- no consideration has been given to inundation or exceedance events
- The Flood Risk Assessment is flawed, and drainage information provided questioned
- Refusal of neighbours to give discharge consent into freshwater spring running through their land
- Freshwater spring and pipework will not cope with additional water
- No street lighting is mentioned
- Light pollution to residents and wildlife
- The site entrance/exit will cause disturbance to nearby residents
- Humans rights violations
- The site is important in terms of biodiversity, with important hedgerows, as well as evidence of crickets, slow worms, cirl buntings, dormice, badgers, bats, hedgehogs and barn owls within or near to the site
- The site is subject to several 'Prescriptive Rights of Way'
- Overdevelopment
- The radio mast at Coleridge Lane overlooks the site- full health implications of living so close to these masts is not yet fully understood
- Applicant has failed to provide sufficient funds under S106 order to ameliorate the loss of amenity
- Insufficient time has been given to respond to the revised drainage details
- Council is facilitating development for lucrative purposes.

Some of the letter received did not comment on the proposed development, but were from residents whose properties include the freshwater spring pipe. These letters simply stated that these residents would refuse discharge consent of water from the site into the spring and pipework which ran through their land.

Seven letters in support of the application have also been received. The reasons for support are as follows:

- Advantages for the local community and businesses- increased trade and potential for new business and employment to emerge
- Enables local people to stay in the village
- New houses could encourage younger people/families into the village, to address the current imbalance of retired residents
- Any affordable housing should be welcomed

- The location of the site at the edge of the village is a logical extension of the last estate built (Green Park Way) and simplifies the road connection required

Relevant Planning History

53/1659/08/O: OPA
Land between 15 & 17 Green Park Way, Chillington, Kingsbridge TQ7 2HY
Erection of a dwelling
Refusal: 23 Apr 09

53/0642/81/1: OPA
Part O.S. 0006 0700 1600 land off Green Park Way, Chillington
18 dwellings
Refusal: 28 May 81

ANALYSIS

Principle of Development/Sustainability:

This is an Outline planning application for the development of the site for up to 65 dwellings. Although an indicative plan has been provided, which demonstrates how the site could be development it is illustrative only and does not form part of any subsequent permission that may be granted. The only matter of detail to be considered is access. The key issue in the determination of the application is therefore whether the development of the site is acceptable in principle.

The application site is not allocated for development in the South Hams local Development Framework and is located adjacent to but outside the Chillington development boundary

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts. The determination must be made in accordance with the plan unless material considerations indicate otherwise. In the case of residential development paragraph 49 of the NPPF states that '*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'* The first key question therefore is whether the Council can demonstrate a five-year housing supply.

An appeal relating to a site in Kingsbridge in 2014 (ref APP/K1128/A/13/2210602) considered this issue in detail and the Inspector concluded that "…*the Council has failed to demonstrate a 5 year supply of deliverable housing sites.*" As a consequence of this lack of a 5 year supply the relevant policies for the supply of housing should not be considered up to date.

In light of this it is accepted that, at present, the Council cannot demonstrate a five-year housing supply. As such, the current position is that an assessment as to whether the proposed development is sustainable has to be undertaken. If it is, the presumption in favour set out in paragraph 14 of the NPPF will apply and planning permission should be granted where the development plan is absent, silent or relevant policies, as in this case, are out-of-date unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.' However, if it was concluded that the proposal would not result in sustainable development, the presumption in favour would not apply.

The main issue, therefore, in respect of whether the development is acceptable in principle, in the absence of a five year supply of deliverable housing land in the District, is whether the proposal represents sustainable development and if it is, whether there are significant and demonstrable adverse impacts that would outweigh its benefits.

Sustainable Development

LDF Core Strategy Policy CS1 - Location of Development sets out where development is acceptable in principle subject to detailed material planning considerations. Chillington is included as one of the districts' Local Centres and is therefore covered by policy CS1. Local Centres have an important function in providing some services and facilities for their rural hinterlands and complement the role of Area Centres. Chillington is therefore a sustainable location for additional development to take place.

Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental – whilst Paragraph 12 sets out twelve core planning principles that should underpin planning decisions. These two paragraphs set the context in which to consider sustainability. The three dimensions stated in Paragraph 7 are considered below:

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants which would be likely to be spent in the local area with some increase in the demand for local goods and services.

The development will result in the loss of some 3 hectares of agricultural pasture land; the land however in more recent years has been used for the grazing of horses and as such is not used for commercial purposes.

There is no evidence that the development would result in any significant adverse economic impact. Economic benefit will be derived from the construction process and from spending of future residents. In respect of this element of sustainable development the balance is considered to be in favour of the development.

The Social Role

Provision of housing including affordable housing and age restricted dwellings**.**

The principle social benefit of the proposed development would be the provision of additional housing, including 35% of the homes being affordable. These affordable homes will be 50% social rented and 50% shared ownership which are the most accessible forms of affordable housing.

A number of age restricted dwellings are also proposed for the over 60's, the number has been indicated as 15 but this figure remains flexible, set at a minimum of 10. These dwellings would be designed to accommodate the needs of older residents and will provide a range of housing that is less available in the area.

Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance. In the District wide Strategic Housing Market Needs Assessment (SHMNA) undertaken in 2013, the identified need for affordable housing across the District was 242 affordable homes needed every year. The applicant has submitted a viability appraisal with the offer of 35% affordable housing. This offer was increased from an initial offer of 17%. The Affordable Housing team have scrutinised this appraisal and are in agreement that the level of affordable housing is now appropriate for this site. Chillington is a sustainable location benefiting from a shop, school and transport links and as such can support the delivery of more affordable housing.

In respect of the social aspect of sustainability a number of objections have been raised including the pressure on local services with the primary school and doctors being oversubscribed, added congestion on highways that are already dangerous and impacts on existing residents who live adjacent to the site.

Impact on existing Infrastructure

Consideration has been given to these concerns. Devon County Council have confirmed that both the local primary school and the nearest secondary school are at capacity; as such financial contributions have been requested to provided additional infrastructure to mitigate the additional demand. DCC do not object to the proposal.

The issue of congestion is considered elsewhere in the report and it is concluded that the development will not result in any significant impact upon the traffic levels in the area. The proposed new vehicular access is acceptable to the Highway Authority and meets current highway standards.

The site is within a short walk of the A379 where there is the No 3 bus route which provides a bus service to Kingsbridge. There are pedestrian links from the site to the local services in Chillington. The Travel Plan includes actions and aims to encourage walking and cycling together with the use of bus service as an alternative to car usage.

Impact upon Neighbours

The layout plan submitted with the application is for illustrative purposes only. The application does not formally include details of the siting and design of the proposed dwellings and the relationship between the proposed dwellings and those that exist around the boundary of the site. However it is considered that there is sufficient area to accommodate the development with a layout that will not have any significant adverse impact on the residential amenity of the neighbouring dwellings. An assessment of the relationship of the proposed dwellings with existing properties will be undertaken at the Reserved Matters stage when the detailed plans have been submitted.

Social Dimension Balance

Substantial weight that must be given to the provision of additional market, affordable and age restricted housing. The site is well related to the settlement of Chillington with good access into the village centre and its facilities to ensure social integration. The social benefits of the proposed development outweigh any dis-benefits and weigh in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape including the AONB; ecology and bio-diversity; heritage assets and surface and foul water drainage.

Landscape Impact
The application has been carefully considered and evaluated by Officers within the Natural Environment and Recreation Team who have assessed the scheme as follows:

Landscape Character and Visual Amenity

A Landscape and Visual Impact Assessment has been prepared by on behalf of Acorn Properties Ltd (Richards Partnership – ref: 15-10-CR01 Land at Green Park Way, Chillington – dated 22.01.2016). This has been reviewed and considered with reference to the site and schematic layout. The viewpoints have been discussed and verified. On the basis that officers broadly concur with the submitted report which is comprehensive, well-reasoned, has clear baseline information and draws

appropriately considered conclusions, the following consultation response contains a brief appraisal of landscape character and visual effects, and considers the impacts through an evaluation of the outline development proposal. The proposed development is outside of the South Devon AONB (the boundary is to south of the A379) but within the setting; on this basis due consideration has been given to the South Devon AONB and its management plan as required by the NPPF (para. 115).

Involved in pre-application discussions, a clear approach was established around the proposal being landscape led given the sensitivity of the location close to the SD AONB. Opportunities should be sought to improve the existing urban edge and ensure the context of any schemes relate well to the existing built form through enhanced design quality. The submitted LVIA was scoped and agreed.

The site is within Devon Character Area 53 – Start Bay Coastal Hinterland; locally this is Landscape Character Type – 3B: Lower rolling farmed and settled slopes. Key characteristics can be summarised as:

- *Gently sloping, south-facing, small to medium sized pastoral fields, bound by banked hedgerows and trees (the fields are currently under equestrian use for grazing)*
- *Several strong hedgerows, with a linear tree presence, run north-south across the site.*
- *Visible from the south as part of the rising undulating landscape above the settlement at Chillington but related to it*
- *Forming part of a broadly open landscape, with woodland and enclosure on lower slopes, and larger, predominantly arable fields on the gently undulating hills above.*

The site is consistent with the rural, farmed landscape which abruptly meets the built form of Chillington; it also contributes to the wider setting of the SD AONB to the south, and overall scenic qualities of the prominent valley character. The broader character is of a high quality, where settlements are sensitively located in a linear form along the prominent route of the A379. There are opportunities to enhance the quality of these further through sympathetic treatment of boundary development whilst ensuring the scale and form is not adversely affected. This can be achieved though high quality design of buildings and limiting overall heights to a minimum to ensure a positive transition is achieved from the existing fringe. There is potential to adversely impact on the setting of the AONB by elevating the presence of development so sensitive design and layout will be fundamental to securing a final scheme at Reserved Matters.

The visual influence of the proposed site is relatively limited given its position below and away from the ridge line of the main valley, on the lower slopes associated with the existing village. Visual impacts on views from the AONB will need to be migrated in the context of the existing built form, and it is acknowledged this will be challenging; however it can be minimised by retaining the key existing landscape features including the retention of vegetation bordering and running through the site. Boundary planting to the north should be strengthened, with space within the site allowing for further planting. Development should be limited to 1.5 storeys and at a reduced density than the existing development at Chillington in order to avoid significantly changing the perception of development in these open views from the south. High quality design and materials, utilising stone and dark/muted roof finishes would also help reduce visual impact. Lighting should be minimised in this rural location.

In terms of the current schematic layout (noting this is outline), specific concerns are raised over the scale and massing of the development to the eastern end. This should be addressed at Reserve Matters stage; the current scheme is not supported but officers are satisfied that an acceptable scheme could be achieved that will ensure that the overall landscape character and visual amenity is conserved and enhanced.

(Further clarification has indicted that the Officer does not consider that the entire site needs to be 1.5 storey, however it may be necessary for some of the development to be of this scale to minimise landscape impact, this will be addressed at reserved matters stage).

Protected Landscape
The site is located on the north side of the A379 and abuts the principally developed area, whilst remaining below the valley ridgeline. It is within the setting of the South Devon AONB.

Key relevant South Devon AONB Special Qualities:

- *Deeply rural rolling patchwork agricultural landscape with settlements on lower slopes*
- *Deeply incised landscape that is intimate, hidden and secretive away from the plateau tops*

In terms of the South Devon AONB Management Plan (2014-2019), due consideration has been given in particular to part 5.1 and the policies therein. The proposal will be retained below the skyline and seen in close association with the existing build form minimising intrusion. Given the deeply rural character of the setting, officers are satisfied that overall the special qualities and character will be conserved.

Arboricultural Impacts
The AIA is noted (Aspect Tree Consultancy – 04396 TCP 15.05.2015) - Key features are to retained and protected with boundary landscape elements; most trees are category B trees, principally of elm, hawthorn and ash. Overall impacts are limited and retention can be achieved under RM - No objection raised.

Due to the sites proximity to the AONB the AONB Unit were consulted and have commented as follows:

*The South Devon AONB Unit **has a neutral position** to planning application **0771/16/OPA**.*

The application site lies outside of the AONB boundary but contributes to the setting of the South Devon AONB in the Chillington area. The applicant's evidence demonstrates the potential for some development to be accommodated at this location without compromising AONB special qualities, natural beauty, distinctive characteristics and key features. However, were the applicants to come forward with a full application containing the current layout and distribution of proposed illustrative housing types, we would be likely to object. Insufficient priority appears to have been given in the layout and design at this outline stage to landscape and visual impacts, in particular consideration of how the development would be read in the landscape within views out from the protected landscape of the AONB. For these reasons a neutral position is being adopted in relation to this proposal given that it is currently at outline stage. However, please note the points of concern outlined below that accompany this conclusion.

Reasons for response

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)
As the application site is located outside of the AONB, the provisions of NPPF paragraph 116 cannot be applied in this instance.

Footnotes 9 and 10 to NPPF paragraph 14 restrict the normal presumption in favour of sustainable development and given the site's location in the setting of the South Devon AONB, effectively transfer the starting point for assessing this application to NPPF paragraph 115. Great weight should therefore be given by the Planning Authority to conserving landscape and scenic beauty in the AONB when weighing the planning balance for this application. NPPF para 109 reinforces this approach "The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes…".

Duty of regard and the AONB purpose

In considering this planning application, the Planning Authority is reminded of its overriding statutory duty of regard for the purpose of conserving and enhancing the natural beauty of the AONB (Countryside and Rights of Way Act 2000, s 85) and of the policies in the Council's adopted statutory management plan for the South Devon AONB.

The duty is relevant in considering development proposals such as this one that are situated outside the AONB boundary, but which might have an impact on the setting of, and implementation of the statutory purpose of, the AONB.

South Devon AONB Management Plan and Planning Guidance Annex

The South Devon AONB Management Plan 2014-19 is a statutory document and a material consideration in determining this application. The AONB Management Plan assists decision-takers in applying the provisions of the NPPF and in responding to the legal duty of regard for the AONB purpose. Information is provided within the Plan and its Annexes to enable decision-takers to fully understand:

• what makes the South Devon AONB a valued landscape;
• aspects of landscape and scenic beauty to be conserved and enhanced;
• AONB special qualities;
• forces for change acting on the AONB;
• the AONB policy framework and priorities for action;
• and emerging AONB Planning Guidance, currently in post consultation draft form.
Particularly relevant policies from the South Devon AONB Management Plan include:

*• **Lan/P1** The special qualities, distinctive character and key features of the South Devon AONB landscape will be conserved and enhanced.*

*• **Lan/P2** The use of landscape and seascape character assessments and historic landscape and seascape characterisation will be advocated so that land use and marine planning and management decisions respect, maintain and where possible enhance the special qualities of the South Devon AONB.*

*• **Lan/P4** Levels of tranquillity throughout the South Devon AONB will be maintained, and where practicable enhanced, in order to ensure this special quality is not further devalued. (particularly in respect of lighting and natural nightscapes)*

*• **Lan/P5** The character of skylines and open views into, within and out of the South Devon AONB will be protected. Suitable alternatives to infrastructure responsible for visual intrusion will be sought together with improvements to reduce the visual impact of unsightly past development. Priorities include protection against intrusive energy generation, transmission and communications infrastructure; external lighting that creates night time scenic intrusion; and visually dominating buildings that are inconsistent with landscape character. (particularly in respect of lighting and natural nightscapes)*

*• **Plan/P2** Development management decisions give great weight to the purpose of conserving and enhancing the natural beauty of the South Devon AONB; and support development that is appropriate and proportionate to its setting within or adjacent to the South Devon AONB*

AONB Special Qualities

The AONB special qualities most pertinent to this application are considered to be:

• Deeply rural rolling patchwork agricultural landscape.
• Deeply incised landscape that is intimate, hidden and secretive away from the plateau tops.
• Iconic wide, unspoilt and expansive panoramic views
• A variety in the setting of to the AONB formed by the marine environment, Plymouth City, market and coastal towns, rural South Hams and southern Dartmoor.
The applicant's evidence demonstrates that the location has the potential to accommodate some development that may not cause unacceptable levels of harm to the AONB special qualities found in the Chillington area. However in its present form, the indicative design, layout and housing types do not sufficiently respect the site's location in the setting of the South Devon AONB.

Landscape, Visual Impacts and Scenic Beauty

The outline layout and design of indicative housing types does not suggest that the strong pre-application steer for a landscape led scheme has been sufficiently followed. Direction should be given to address those design aspects that would otherwise increase the conspicuousness of new build elements when viewed from within the AONB. This should include due consideration of:

• The potential impacts arising from the incorporation of large individual glazing expanses and the total area of glazing as a proportion of any southern facing elevations. Recognition of daytime reflective glare from glazed surfaces plus glare and lightspill through glazing from night-time interior lighting use.
• The potential impacts arising from the colours and surface areas of rendered elevations drawing attention in views out from the AONB. Development should be limited to 1.5 storeys and use recessive colours on renders. Partly to limit the visual impact of buildings located within the upper slopes of the site, particularly in the northwestern corner, without the benefit of the farm buildings as a backdrop; and partly to break up the potential expanse of render with roofing materials.
• Building density. A density and layout should be developed that more closely blends with housing on the slopes below the application site. This approach will ensure that new buildings read as part of the rest of Chillington instead of highlighting this as an obvious add-on that draws attention in views out from the AONB
Accepting that this is an outline application with more detail to come through reserved matters, the principle of retaining existing landscape features is sound to enable the field pattern to be read into the future. However, these features will only remain into the future if they are excluded from domestic curtilages, considered more as public realm features and retain their agricultural look and feel. A commitment to an appropriate management plan is sought to cover long term management and maintenance of both perimeter and interior hedgebanks, inclusive of related features including hedgerow trees, stone-facing if applicable and grassy margins.

If future reserved matters information is being prepared we would appreciate an involvement to be satisfied that character, visual and lighting impacts upon the AONB have been fully assessed, appropriately considered within design and layout; and mitigated as far as reasonably practicable.

Summary

Although the applicant's evidence at this outline stage demonstrates that the location has the potential to accommodate some development, if a full application were to be submitted following the indicative layout and housing types illustrated, it is likely that we would respond with a formal objection.

Our conclusion is reached on the basis that the current proposal's design and layout is not sufficiently protected-landscape led; and that in its current form the proposal, particularly the north-western most up-slope components are likely to cause an unacceptable level of harm that is unlikely to be mitigated. The current indicative layout does not adequately conserve or enhance the natural beauty and special qualities of the AONB found in the Chillington area.

A revised approach to layout and building design may overcome these concerns.
For the reasons outline above the South Devon AONB Unit has a ***neutral position*** *on this application with the identified caveats concerning layout and design.*

Biodiversity

The application has been considered by the Councils Ecology and Biodiversity officer who has commented as follows:

Onsite biodiversity
The application is supported by an Ecological Impact Assessment (EcIA) by EAD Ecology (Jan, 2016) which compiles the results of the initial Extended Phase 1 Survey and several further detailed protected species surveys. The site in summary is described as comprising 'three poor semi-improved grassland fields, bordered by hedgerows, stone walls, fences, broadleaved trees, tall ruderal and scrub habitats.'

Protected species surveys recorded various protected species using the site, of note including:

- *Great green bush-cricket using longer grass at margins of the site and adjacent hedgerows*
- *'Low' populations of slow-worm and common lizard mainly along the northern boundary*
- *A range of notable but typical farmland bird species, including a single male cirl bunting recorded singing within the site on three of the five surveys. There was no evidence of cirl bunting breeding at the site although the hedgerow and scrub habitat on the eastern boundary is thought likely to be on the edge of a single cirl bunting territory.*
- *An inactive outlier badger sett*
- *Eight species of bat were recorded (described as moderate diversity) - the number of records from the species other than common pipistrelle and noctule was very low. Hedgerows provided moderate value foraging and commuting habitats although activity levels were low and confined mainly to the southern and western parts of the site. No bat roosts were recorded within any of the buildings or trees within the site.*

The proposed development would lead to loss of the semi-improved grassland habitat – this habitat is described as 'a widespread and common habitat with low structural and botanical diversity.' Other habitat loss is limited to minor areas of scrub and ruderal habitats, short sections of hedgerow and several mature broadleaved trees.

Mitigation is proposed to minimise impacts to protected species and habitats during construction including timing and method of vegetation clearance, and post construction (sensitive lighting strategy).

Compensation and enhancement measures have been outlined within the EcIA, most notable being a proposed net gain of 865m of species-rich hedgerow, 0.27ha of wildflower grassland and bird and bat boxes .

The EcIA concludes that the proposal would 'lead to a net biodiversity gain through an increase in wetland (swale), wildflower grassland and hedgerow habitats. There would be beneficial, probable impacts for plants and invertebrates. Impacts to amphibians, reptiles, birds (including cirl bunting), hedgehog and bats (if an appropriate public-realm lighting design was produced) would be neutral in

the long-term. Impacts to badgers would be adverse, certain and long-term at the Sub-Parish level i.e. not significant and would not detract from the overall delivery of net biodiversity gain.'

The details of habitat creation, management and maintenance (including pre and during construction phases), will be agreed within a Landscape and Ecological Management Plan (LEMP) prior to commencement of the development, with adherence secured through the s106 agreement. I note the concern raised by Natural England, and the response from EAD Ecology with respect the wildflower grassland creation and management – this point has been appropriately addressed, and further information will be expected within the LEMP.

As the proposed development site falls within a cirl bunting territory and could impact the territory to such an extent that it could become unviable (and these impacts cannot be mitigated onsite), the EcIA has identified that a compensatory offsite payment will be required. This commuted sum will be £71,612 – this being the sum required to provide 1ha of new habitat (the minimum viable area of habitat required to support one pair of cirl buntings). This shall need to be secured within the s106 agreement.

The proposal is considered to be in accordance with policy – namely SHDC Core Strategy Policy CS10, and DPD policy DP5, the NERC Act 2006, the NPPF (namely Para 118) and the Birds Directive (2009).

The Barn Owl Trust have recommended that survey should be undertaken before permission is granted. Officers consider that a planning condition to require a survey prior to the commencement of development with appropriate mitigation measures would be sufficient to protect the interests of this species.

Off-site biodiversity

Concerns were raised by Natural England with respect the potential for impact from the proposed development on the water quality within Salcombe to Kingsbridge Estuary SSSI. A chain of correspondence between EAD Ecology and Natural England ensued within which further information and clarification was provided (from South West Water and the drainage consultants) which concluded with Julien Sclater of Natural England confirming in his email on 6th July that 'I am satisfied at this point and subject to resolving the detail at the appropriate stage, that our concerns regarding potential impacts upon the SSSI can be resolved for both construction and operational phases.' This correspondence is pulled together within the letter dated 8th July to Tom Jones from EAD Ecology ref P623/MJ/3364/16.

Heritage

There are no listed buildings in close proximity to the site, the nearest listed building are located within the historic village centre fronting the A379, set within the Conservation Area. The application includes a Cultural Heritage Assessment which states that:

This desk-based assessment has established that no designated archaeological heritage assets are present within the study site. Based on the HER evidence, the site is considered to have a low archaeological potential for as yet undiscovered evidence of all archaeological periods.

This assessment considers that the proposed development has the potential to impact any below ground archaeological deposits present on the site. However, if present, remains are considered likely to be of no more than local significance and therefore should not preclude development. Should further mitigation be required it recommended this can be secured by a standard planning archaeological condition.

This assessment has established that the proposed development has the potential to affect the significance of the Grade II listed Well Farmhouse and the Chillington Conservation Area.

However, in both cases any affects would be minimal, with no material impact on the significance of these designated heritage assets.

DCC Archeology have stated that they do not wish to comment on this application. Officers concur that the development will not have harm the setting of the Conservation Area or of Listed Buildings within the village; the site is sufficiently divorced from the heritage assets, set against a backdrop of modern residential development, that will not significantly change the character of the area.

Drainage/Flood Risk

Significant local concern has been raised about the potential flood risk/drainage issues associated with this development. There is concern about flooding and capacity of the sewage system to take more outfall.

The proposed development proposes a sustainable drainage solution of soakways/infiltration to deal with surface water drainage with an attenuation system to assist with extreme flood events. Percolation testing has been submitted to support the proposed scheme.

Detailed and protracted dialogue has taken place between the developer and DCC, the Lead Flood Authority, who have now removed their initial holding objection to the development, subject to conditions.

South West Water originally raised no objection to the proposed development, which proposed to link foul drainage into the existing sewer system. This was challenged by local residents who provided evidence of the sewage system failing through photos and written statements. South West Water responded to state that the problems experienced were not a consequence of hydraulic overload and they are confident there is capacity for this proposed development.

It is considered that the site can be adequately and appropriately drained

Environmental dimension balance

The environmental role in considering where the development is sustainable is not clear-cut. The benefits identified are either marginal or essentially mitigation as in the case of any landscape/ecological measures to be applied to the development. Moreover, those benefits have to be set against the loss of an area of open countryside, leading to a change in the local environment and landscape. That impact has been carefully considered and, it is offset by the location of the appeal site outside the AONB, and the lack of evidenced harm to the environment. Whilst the appeal site is within a pleasant piece of countryside the site itself is neither so special nor the impact of the development so substantial, that its loss to development would represent significant material harm to the identified areas of potential concern.

Sustainable development conclusion

In terms of the economic and social dimensions of sustainable development, it is considered that there are benefits from the proposed development and that where adverse impacts in these respects can be identified, there is no evidence to suggest that they represent a scale of significant and demonstrable impact as would outweigh those identified benefits. Furthermore, given the NPPF's priority and the acknowledged housing supply position in the District, the additional dwellings to be provided must carry very substantial weight in determination of the application.

It is concluded that the site is sufficiently sustainable to pass the first part of the test set by Paragraph 14 of the Framework. It is clearly sustainable in economic and social terms and,

although there is an issue over the use of land adjacent to the open countryside, the location of the appeal site is sustainable and the adverse impacts identified including the landscape to be lost are not so significant as to undermine the proposed development's sustainable credentials. It is also concluded that whilst the impact on the ecological and biodiversity worth of the site is on balance probably neutral, the impacts, given mitigation measures, are not so significant as to outweigh the benefits identified.

Overall, therefore, on balance, it is considered that the proposed development is sufficiently sustainable to pass the first part of the test as set out in the NPPF.

Other matters

Traffic Conditions/Highway Issues

The only key issue not considered above in detail as part of the consideration of whether the development is sustainable is the effect on traffic conditions. The Highways Authority have provided a comprehensive response to the application and have concluded that it is acceptable subject to conditions and works to be carried out in accordance with plans that have been submitted. The Highway Authority have commented as flows:

Transport Assessment
It is noted the TRICS figures used to predict the likely levels of additional traffic from the development have been compared to comparable local roads and the difference in likely traffic flows is thought to be negligible based on the fact over 7am - 7pm period in a typical day an additional 69 cars may be using the road network or on average 6 additional cars per hour. The Highway Authority would agree with the conclusion in the Transport Assessment that this amount is negligible. Overall 160 vehicle arrivals and 168 vehicle departures are predicted daily. During the busiest hours of the day (peak hours) the predicted extra traffic is likely to be around an additional 40 two way vehicle trips between 8:00am and 9:00am. An additional 43 two way trips are predicted between 17:00 - 18:00pm. This is on average is around one car every 1.30 minutes.

The applicant has undertaken a very robust assessment of the junction of Green Park Way and the A379 and the site junction with Green Park Way. Both demonstrate the roads have more than enough capacity to accommodate the predicted flows from the development. The applicant has also increased the flows on the A379 five fold to reflect the seasonal changes in traffic flows on the A379. The results of the assessment still show the junctions can cope with the development.

Concerns have been raised over whether one day the A379 will be closed due to flooding at Tor Cross. The applicant has modeled the junctions to account for this scenario and the assessment still shows the junctions can cope with the development.

Illustrative Layout

As the application is Outline with approval being sought for access, all new accesses whether vehicle or pedestrian must be designed in detail for the first 20m into the site. Whilst this has been undertaken for the main vehicle access, there is a pedestrian access proposed to the north east of the site and no details are provided. There is some concern that the land to the north is third party land, where the access leads and therefore legally pedestrian access rights in perpetuity will need to be established across this land or the access needs to be moved and designed in detail. Also there is a pedestrian access proposed onto Port Lane which also lacks in detail. Visibility splays, pedestrian barriers, proposed levels, widths and construction materials and details are all needed to satisfy this concern.

Travel Plan

It is noted the developer will appoint a Travel Plan Coordinator and a Travel Information Pack will be distributed to house purchasers on first occupation. The Travel Plan document submitted makes reference to the fact £300 travel vouchers will be provided by the owner. The owner will need to source their own vouchers from the bus companies and cycle shops. The developer has also offered to enhance the 93 bus service on Sundays.

Drainage

The report submitted with the application warns that ground water may be an issue on this site and recommends that ground water monitoring is undertaken to establish if this is the case. However, the report fails to demonstrate that the required 12 months ground water monitoring has been undertaken, which is not unusual at Outline stage. Concerns arise regarding the gradient of the site and the suitability of soak aways. The site appears to be around 1:6 gradient which is far too steep for infiltration. However the Highway Authority is willing to accept a pre-commencement condition relating to drainage and that is set out

Since submitting these comments further detail regarding highway drainage has been submitted which is acceptable to the Highway Authority

Leisure and Recreation:

The application has the potential to include the provision of open space and play areas on the site, which will be secured with a Section 106 agreement or offset through financial contributions towards improved play provision locally. In addition offsite contributions for Sport and other outdoor facilities are to be provided. The level of provision is acceptable to cater for the demand from the development.

Public Opinion

There has been considerable local opposition to the proposed development. Whilst planning authorities are expected to consider the views of local residents when determining an application, the extent of local opposition is not, in itself, a reasonable ground for resisting development. To carry significant weight, opposition should be founded on valid planning reasons which are supported by substantial evidence. Planning authorities should therefore make their own objective appraisal and ensure that valid planning reasons are stated and substantial evidence provided. In this case, the concerns raised have not been set aside lightly and the Council is mindful of the content of the Localism Act 2011. However it is considered that the objections raised in respect of this application have been carefully and objectively considered with this report

The Planning Balance and Conclusion

The application seeks outline planning permission, i.e. to establish the principle of whether the development of the site for up to 65 dwellings, is acceptable. The only detailed matter to be considered is the access to the site.

Whilst the indicative plan simply demonstrates how housing, landscaping, open space and footpaths could be accommodated upon the land, the details of the layout, scale and appearance of buildings will be subject to a separate Reserved Matters application to be considered on its merits.

The proposed development would conflict with Development Plan policy and would result in residential development outside the development boundary. It is considered that, in the absence of the Council being able to demonstrate a five year housing supply, the policies within the Development Plan with regards to housing have to be seen as out of date.

In such circumstances the NPPF sets out that the issue to consider is whether the proposal represents sustainable development and if it does there is a presumption in favour of the scheme. For the reasons as set out in the report, it is considered that the proposal does satisfy the three dimensions of sustainable development. Given the view taken that the development is sustainable the question to be considered is whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole.

No overriding technical objections have been raised and the impacts of the development have been assessed. There are no adverse impacts that would outweigh the benefits of the scheme. With regard to the objections raised in the letters of representation, the main areas of concern have been addressed above. With regard to the "affordability" of the affordable housing, the Council ensures there is a range of tenures to meet differing incomes.

Therefore, in conclusion, the application is recommended for approval, subject to conditions and a s106 agreement.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy
NPPF

South Hams LDF Core Strategy
CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD
DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking
DP15 Development in the Countryside

Considerations under Human Rights Act 1998 and Equalities Act 2010
The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed Conditions:

1. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

(a) The scale of the development;
(b) The layout of the development;
(c) The external appearance of the development;
(d) The landscaping of the site.

The development shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended)

2. An application for the approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended)

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

4. The details hereby approved shall in all respects accord strictly with drawings numbers 'Site Location Plan' and 4660/SK100.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

5. PRE-COMMENCEMENT - No development shall take place until such time as details showing how the existing trees and hedges that will be affected by the development will be protected throughout the course of the development, how works to the trees and hedges will be undertaken and an Arboricultural Method Statement have been submitted to and approved in writing by the Local Planning Authority. The details shall include a hedge/tree protection plan, in accordance with BS:5837:2010, which shall include the precise location and design details for the erection of protective barriers and any other physical protection measures and a method statement in relation to construction operations in accordance with paragraph 7.2 of the British Standard. Development of each phase shall be carried out in accordance with the approved hedge protection plan.

Reason: In the interests of visual and residential amenity.

6. PRE-COMMENCEMENT - Prior to the commencement of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based upon an up to date ecological survey of the site and buildings and will include mitigation measures as set out in the existing ecological survey which shall be integrated with the detailed landscape scheme to be submitted as part of the reserved matters. The LEMP shall include details of habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases.

Reason: In the interests of ecological interest.

7. Prior to occupation of the first dwelling, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the local planning authority. Such a scheme shall specify the method of lighting (including details of the type of lights, orientation/angle of the luminaries, the spacing and height of lighting columns/fixings), the extent/levels of illumination over the site and on adjacent land through the submission of a isolux contour plan and measures to be taken to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved details and shall thereafter be maintained as such.

Reason: In the interests of visual amenity; to protect existing and future residential amenity; and in the interests of biodiversity.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an [amended] investigation and risk assessment and, where necessary, a[n amended] remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

9. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved in writing by the Local Planning Authority before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To enable the Local Planning Authority to obtain adequate information for consideration of the ultimate proposal in the interests of highway safety and convenience

10. Prior to the commencement of the development a phasing plan setting out the timing of the construction and completion of the roads and footpaths to serve the approved development will be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate and safe access for both vehicles and pedestrians is provided to properties before occupation.

11. PRE-COMMENCEMENT: No development hereby permitted shall be commenced until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:

(a) the timetable of the works;
(b) daily hours of construction;

(c) confirmation (by means of a site location plan) of the route(s) to and from the site to be used by delivery and construction traffic, together with a details of temporary AA Road Signing Strategy;
(d) any road closure;
(e) hours during which delivery and construction traffic will travel to and from the site;
(f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
(g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
(h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
(i) provision of wheel wash facilities, dust suppression and noise limitation measures;
(j) hours during which no construction traffic will be present at the site;
(k) the means of enclosure of the site during construction works;
(l) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
(m) site management arrangements, including the site office and developer contact number in the event of any construction/demolition related problems, and site security information; and
(n) a road condition survey using photographic evidence neat to each proposed entrance to the site.

This approved CMP shall be strictly adhered to during the construction of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, public convenience and highway safety, including taking into account school pickup and delivery times and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

12. The site compound and car park for contractors and commercial vehicles shall be provided, completed and made available for use in accordance with the approved details above before any other construction works take place on the site.

Reason: In the interests of highway safety and the amenity of the area.

13. No development approved by this permission shall be commenced until full details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

(a) details of the drainage during the construction phase;
(b) details of the final drainage scheme, including testing and calculations;
(c) provision for exceedance pathways and overland flow routes;
(d) a timetable for construction;
(e) a construction quality control procedure;
(f) a plan for the future maintenance and management of the system and overland flow routes.

The sustainable drainage scheme is to be designed for a 1:200 year event plus 40% for climate change and infiltration drainage must be supported with testing to BRE digest 365.

The scheme shall also demonstrate that relevant parts have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

If the If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests or the discharge rate is too high then a mitigating drainage alternative shall be agreed with the Local Planning Authority and thereafter installed, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

14. All parking areas and garages shall be laid out and provided prior to the occupation of the dwelling to which they relate and shall be retained for the parking of private motor vehicles only in perpetuity.

Reason: In the interests of the safety and convenience of users of the highway.

15. PRE-COMMENCEMENT: Prior to the commencement of the development a survey of the site and buildings shall be undertaken by a suitably qualified person to establish whether there are any barn owl roosting areas. The results of the survey shall be submitted to and approved in writing by the Local Planning Authority. If roosting areas are found a mitigation strategy must be included with the completed survey to be approved by the Local Planning Authority. The development must be carried out in accordance with the approved mitigation strategy.

Reason To ensure that the development does not have any adverse impact on protected species.

16. Prior to construction of any of the dwellings above slab level (or alternatively in accordance with a previously agreed timetable for the submission of the details set out below), details of how at least 10% of the energy supply of the development shall be secured from a decentralised renewable or low-carbon energy supply, including an implementation programme, and/or details of how the energy supply of the development shall be reduced through the use of energy efficiency measures secured through a 'fabric first' approach (this should meet at least a 10% reduction and shall include an implementation programme) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained in operation thereafter.

Reason: To ensure that the dwellings are built in a way to minimise energy consumption and harmful emissions

17. Ducting suitable for use by fibre broadband shall be installed to each dwelling, unless otherwise agreed by the Local Planning Authority.

Reason: To enable each dwelling to easily connect to fibre broadband without additional construction works.

18. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

(a) Part 1, Class A (extensions and alterations);
(b) Part 1, Class C (roof addition or alteration);
(c) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse
(d) Part 14, Classes A, B, E & F (Renewable Energy);
(e) Part 2, Class A (means of enclosure); and

(f) Part 2, Class B (means of access)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development within the locality; to safeguard residential amenity; and to safeguard parking and circulation areas.