

**CHILLINGTON HOUSING ACTION TEAM  
RESPONSE TO PLANNING APPLICATION  
REFERENCE: 0771/16/OPA**



# EXECUTIVE SUMMARY

Chillington is in the heart of the South Hams in South Devon, one of the most popular tourist destinations in the country. The village sits astride the A379 and in general terms, land to the north is outside the AONB and land to the south is inside the AONB. The UK has an ongoing love affair with the beautiful South Hams resulting in the area benefiting from tourism all year round.

There are a number of very valid and rational reasons why this **unplanned large-scale development outside the development boundary** should not go ahead, as you will appreciate as you read through our response to the Acorn Property Group planning application.

Within the village centre and side roads there is ever increasing levels of traffic congestion. There is genuine concern about the safety of pedestrians, especially young families with small children and the more elderly residents. In the village centre there is no safe place to cross the A379.

The 17.4% of affordable housing (11 units) on offer when compared to the 54 open market dwellings available, makes a mockery of the system and just reinforces our belief that this is yet another example of a developers "profit for greed not need". The village infrastructure just cannot cope with this unsustainable major development. Residential Neighbour Amenity, Visual Impact on the Landscape, Healthcare, Schooling and the list goes on and on.

With the recent Bideford floods in mind, there is growing concern about the increasing flood risk due to surface water drainage from a 7.5 acre, sloping site above the village. We are all well aware of the ongoing flooding down Coleridge Lane, with mud blocking the drains and the subsequent flooding of properties along the A379 in the village centre.

We request careful consideration of our objections and urge you not to relax your planning policies to allow this major development of an unallocated Greenfield site **outside the established village development boundary**, to proceed. Use of the "planning refused" stamp is strongly recommended.

P Farrier  
Chair  
Chillington Housing Action Team

Dated 13<sup>th</sup> June 2016

## Distribution

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Stokenham Parish Council	- Parish Clerk (2)
South Hams Society	- Chair (1)
Chillington Community Association Committee	- Chair (1)
Chillington Housing Action Team	- All CHAT committee members (5)

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# INTRODUCTION



## Summer aerial view of Chillington Village in the beautiful South Hams

**Chillington Village.** In 1086 Chillington is recorded in the Domesday Book as “Cedelintona”.

In 2016 Chillington is now the largest village in Stokenham Parish with around 550 houses and a population of over 1000. The village is located in the beautiful South Hams and sits astride the A379 between Kingsbridge and Dartmouth.

In general terms, land in the village north of the A379 is outside the AONB whilst land south of the A379 is inside the AONB. It is less than 3 miles to Slapton Sands with its sweeping bay and at night you can see the light from the lighthouse at Start Point.

The area is steeped in history and one of the most popular tourist destinations in Devon, vital for the tourist industry and our local economy.

We really do have the best of both worlds regarding sea, countryside and spectacular views.

**National Planning Policy.** The National Planning Policy Framework (NPPF), paragraph 49, requires the local planning authority to provide five years' worth of deliverable sites to meet its stipulated housing needs.

SHDC does not have a deliverable 5 year supply of housing land therefore Chillington is now being challenged by a developer confident it has the green light to build on a Greenfield site that still has significant constraints and is outside the established development boundary.

**Neighbourhood Plan.** A Neighbourhood Plan may have offered Chillington residents some protection from developers eager to make a quick profit.

Unfortunately Chillington does not have such a plan and it soon became clear that even if work started immediately, a formal Neighbourhood Plan would not have been in place or even "emerging" before developers applied for planning permission.

Based on this stark and bitter taste of reality CHAT decided it was more realistic in the short term to follow the mandate given to us by the Village Survey in September 2015 and challenge any planning application submitted on this site by raising valid and realistic objections for the SHDC planning committee to consider.

**Village Survey.** In September 2015 we carried out a full village survey of 542 residential houses and **73% (396) of the Chillington villagers responded.** There were 63 known holiday homes or empty houses up for sale from which a response was not expected, therefore in reality **the 396 responses represented 83% of the Chillington villagers.**

- Villagers had the opportunity to express their feelings and put numbers to what they felt was sustainable and relevant for the size of the community.
- We had an independent on-duty police officer as an official invigilator.
- The results of the Survey were presented to the villagers in the village hall.

It was an individual choice and we did not try to guide people one way or the other.

**A clear majority of 55% said “no further development”.**

This stance taken by the majority of the village is a clear reflection of the continuing infrastructure problems experienced by residents due to recent significant growth of the village as shown below and also illustrated under the heading “**Recent and Ongoing Developments**” on page 8.

- |                         |   |              |   |             |
|-------------------------|---|--------------|---|-------------|
| • Helmers Meadow        | - | 44 dwellings | - | 2011- 2014  |
| • Copperfield           | - | 7 dwellings  | - | 2013 - 2015 |
| • Grist Mill (Brooklea) | - | 11 dwellings | - | 2015 - 2016 |

Whilst it is accepted that there is a need for some new dwellings in the South Hams, any future development needs to:

- Be supported by accessible rural services.
- Provide some local job opportunities if possible.
- Enhance the rural and local character of the village.
- Be the right size of property.
- Be the right type of tenure with truly affordable homes for local people.
- Be in the right sustainable location.

Whilst the Village Survey in September 2015 clearly showed a 55% majority for “no further housing”, it also identified that some of the villagers would support a modest development of up to 30 truly affordable housing (with the appropriate local restrictive covenants) but sited in a more sustainable location in the village centre.

For your information, the area identified in the village survey as acceptable for some truly affordable housing has been marked in yellow on the aerial photograph of Chillington Village and can be viewed on page 19.

**Outline Planning Application.** The developer’s outline planning application reference: 0771/16/OPA to build up to 65 houses in the **open countryside behind Green Park Way, outside of the established rural edge of the village**, has been carefully scrutinised and there are numerous areas where it can be challenged.

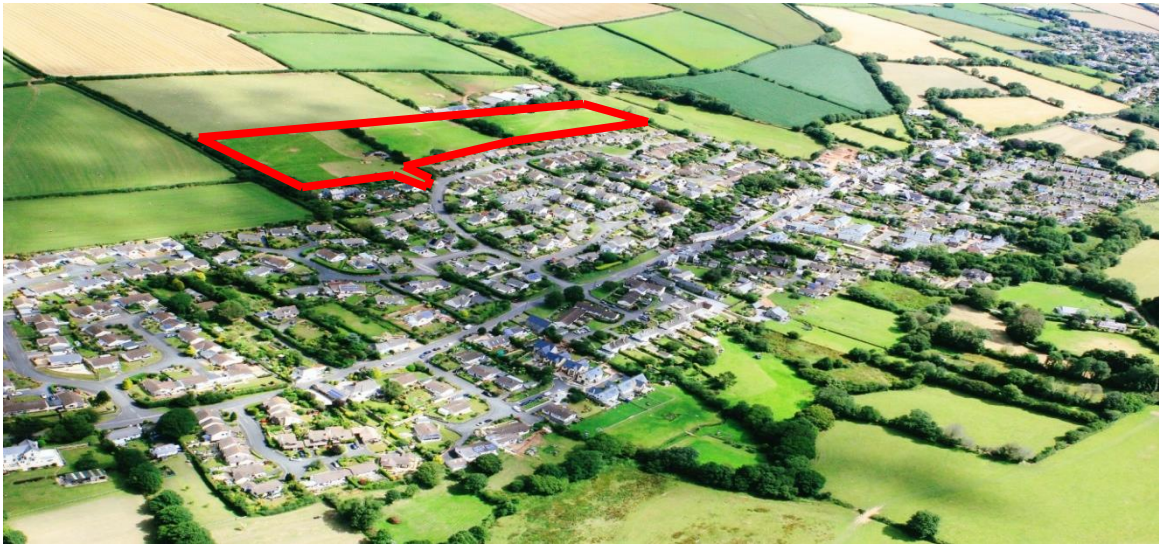
The elevated nature of the application site when viewed from within the AONB is important therefore the impact that the development will have on the AONB requires careful consideration.

Adverse landscape impact of the development includes not just the visual intrusion into the rural countryside but also light pollution, traffic and noise pollution with reduced tranquillity.

Our detailed objections to this planning application can be seen at pages 7 to 35 of this “Response Document” which is submitted to the SHDC Development Management Committee (Planning Committee) for their consideration.

## LANDSCAPE VISUAL IMPACT

(Key Issue)



**Established Rural Edge of the Village (the proposed development site is in red)**

**Development or Settlement Boundary.** The 7.5 acre open countryside site (marked in red) sits to the north and, topographically, **above the village**. It is **outside the established settlement for Chillington** (Policy SHDC1 Development Boundaries of the adopted Local Plan) and is remote from village services and facilities. It is also important to note that the site is adjacent or close to the South Devon AONB and that:

- The proposed development of this Greenfield site is **not planned development**.
- These fields have been **protected from development** since planning controls were first introduced.
- This site was **rejected** under the Rural Areas Site Allocations Development Plan Document February 2011 Adopted **due to significant constraints relating to the impact on the landscape character**.
- The three fields marked in red are also outside the **established rural edge of the village**.

**Development Accepted in Principle.** Policy CS1 (Location of Development) of the Core Strategy states that Chillington / Stokenham is a **Local Centre** and that **modest** development is acceptable in principle **within** the settlement. This major planning application is **not modest development** and is **outside the development boundary**.

### List of SHDC Contravened Adopted Policies.

- DP1 High Quality Design 1a, d, e.
- DP2 Landscape Character 1b, d, e.
- DP7 Transport, Access and Parking 1a, b.
- Policy CS1 Location of Development CS1 (4), SO13, SO14, SO18.
- Policy CS2 Housing Provision 1, SO13, SO14, SO18.
- Policy CS7 Design1, SO18, SO22.
- Policy CS8 Infrastructure Provision SO14 and Policy CS9 Landscape and Historic Environment 1, SO23.

# **LARGE SCALE DEVELOPMENT OUT OF PROPORTION WITH THE EXISTING INFRASTRUCTURE (Key Issue)**

**Local Centre.** Chillington/Stokenham is identified in the Core Strategy as a local centre where development is accepted in principle **within** the settlement. The village is a focal point for a **modest** scale of development. This major planning application for up to 65 houses **cannot be classed as a modest scale of development.**

**Site Allocations Development Plan.** In the Rural Areas Site Allocations Development Plan Document (February 2011) Adopted, Chillington/Stokenham was allocated for RA5 (Chillington Village Centre), a total development of 50 dwellings and 0.5 hectare of employment land. **Chillington / Stokenham is not allocated for any further development up to December 2016 and beyond.**

**Recent and Ongoing Developments.** In recent years the village of Chillington has already delivered **62 dwellings, which were all within the Chillington established development or settlement boundary.** Details as follows:

- **Applications 53/1675/0, 53/1675/06/0, 53/1679/10/RM.** Erection of 40 new dwellings on land between Shorneywell and Orchard Way. **(Known as Helmers Meadow)**
- **Application 53/2587/07/F.** Erection of 8 dwellings. Old Grist Mill House, Chillington. Now revised to 11 dwellings. **(Known as Brooklea).**
- **Application 53/2183/13/F.** Conversion of barns to 4 Dwellings. Barns to the east of Open Arms Public House (now known as the Bear & Blacksmith), Chillington. **(Part of Helmers Meadow)**
- **Application 53/1434/09/RM.** Erection of 7 dwellings. Rear of Penn Cottage and Shindle Park. **(Known as Copperfield)**

**Development of the Site.** It is important to recognise that the development of this Greenfield site is **not planned development**. The proposed development of the site:

- **Is not informed by an evidence base.** There is no evidence that there is a **local need** for up to 65 houses within Chillington. In the most recent LPA assessment (Rural Areas Site Allocations Development Plan Document February 2011 Adopted), **no new development was proposed for the Parish to December 2016 and beyond.**
- **Is not informed by Community Consultation.** The comprehensive village survey in September 2015 confirmed that 55% did not want any further housing. Some of the remainder would support a **modest** development of **Affordable Housing of up to 30 dwellings with the appropriate local restrictive covenants**, but sited in a more **sustainable location in the village.**
- **Would not contribute to Good Place Making.** The Post Office and Shop in the village centre are not within easy walking distance of the site. To the east and west of the site lie traditional rural lanes (Coleridge Lane and Port Lane) along which the developer proposes pedestrians and cyclists can access the village centre.
  - Both of these lanes are bounded by traditional Devon banks.
  - Both lanes are narrow, steep and in places without room for vehicles to pass. They do not feature any pavement to enable safe walking by pedestrians and are too narrow to be used safely by cyclists and mobility scooters.
  - To widen these lanes would require a great deal of expensive engineering and this option would have a huge detrimental impact on the rural character of the established Devon banks.
  - There is virtually no street lighting in both lanes.

**Photographs of the proposed pedestrian & cyclist access lanes onto the A379.**



**Port Lane Access Point**



**Port Lane and Devon Banks**



**Coleridge Lane Access Point**



**Coleridge Lane and Devon Banks**

**Totally unsuitable access lanes and dangerous for pedestrians, cyclists and mobility scooters.**

- The lanes are typical for Devon, mostly single track and not suitable for pedestrians.
- Street lighting is a sensitive issue given the rural location. Lighting would need to be installed along both lanes.
- To try and widen the lanes by cutting back the Devon Banks to create a suitable pedestrian footpath would be near impossible, very expensive and would have a huge detrimental impact on their rural character.

**Integration with the Village.** The development would not be well integrated with the rest of the village. **The developer accepts it is a car dependant site. It is not easily accessible for pedestrians or cyclists via the proposed access routes to/from the village.**

- There would be no safe footpath link to the village centre.
- Pedestrians and cyclists would have to use the only vehicle entry / access point at the new T-junction with Green Park Way, through the existing estate (Green Park Way and Cotmore Way) and down to the main A379 road.
- Access to the village centre would then be along the A379 which has already been identified as dangerous for pedestrians due to a lack of adequate pavements.

**Planning Refusal.** On the 21 August 2008 an application for a single dwelling to be built on land between 15 & 17 Green Park Way was refused (SHDC Planning reference 53/1659/08/0).

One of the contributory reasons stated was Article 8 of the Human Rights Act thus a precedent has been set and this Article now encompasses **not only the home but also the surroundings.**

**Visual Intrusion.** The proposal is more akin to **suburban development** one might see around a city or large town rather than a development suitable for a rural village adjacent or close to an Area of Outstanding Natural Beauty.

The proposed new development is a **clear visual intrusion into the countryside** and will lack permeability with the village

**If this large scale development is deemed acceptable by South Hams planners in this location, then every village in the South Hams is at risk from inappropriate development that is grossly out of proportion with the existing infrastructure.**

#### **List of SHDC Contravened Adopted Policies.**

DP1 High Quality Design 1a,b,d.

DP2 Landscape Character 1b.

DP7 Transport, Access and Parking 1a,b.

CS1 Location of Development SO13

CS2 Housing Provision SO13, SO14, SO22

CS7 Design 1, SO22, SO23.

CS8 Infrastructure Provision CS8, SO13, SO14, SO22, SO23.

# SURFACE WATER DRAINAGE AND FLOOD RISK (Key Issue)

**Background.** The substantial 7.5 acre site is on an approximate 1 – 8 gradient with residential properties below. Up to 1.6m of the soil is Clay Head therefore the flood risk potential increases. The development of the land for up to 65 houses with the requisite internal site roads, tarmac drives and paving (around 40% of the site) **would drastically reduce the natural capability of the land to absorb rainfall.**

The Agricultural Land Classification (para 3.2.3) states “ **Agricultural land at the site is predicted to be at field capacity (i.e near saturation point) for 226 days per year, respectively, over the late autumn, winter and early spring.....**” If roads / tarmac drives / houses, cover 40% of the site (as advised by the developer) **the flood risk must increase significantly.**

There is already a known flood problem caused by muddy surface water flowing down Coleridge Lane from the surrounding countryside, blocking drains and flooding properties on the A379. You will have already heard about this flooding from the concerned residents.

Legislation dictates that surface water drainage for a major development must now be resolved by the use of **Sustainable Drainage Systems (SuDs)** wherever possible. Devon County Council (DCC) Flood Risk Management is a statutory consultee for all major planning applications. We must assume **the developer has been discussing this vital aspect with DCC.**

**Surface Water Drainage / Run-Off.** The developer has acknowledged that Chillington has suffered flooding in the past and the development must not contribute to a worsening of the overall flood situation. The size, position and sloping terrain of this large 7.5 acre has the potential **to increase the flood risk** for existing houses near the site and in the village centre.

The type of SuDs and Life Management Plan is therefore vital, especially as the developer boldly claims **surface water run-off will be disposed of on- site**, with no requirement for an off-site discharge point.

Bearing in mind the recent Bideford Floods and the link with SuDs, the village is naturally very apprehensive and wary of claims by developers, especially when some seven months after the pre-planning application was submitted it is still unclear as to whether they have consulted with the DCC Flood Risk Management who is a statutory consultee! **Some concerns are:**

- The developer boldly claims that “**all Surface Water Run-off is being disposed of on-site** through soakaways and infiltration trenches, with long swales located behind the rear gardens in Green Park Way.

- The developer talks about SWW “**adopting**” some “**piped drainage networks**” (Flood Risk Assessment paragraph 3.30) with the maintenance of infiltration trenches and swales to be managed by a Maintenance Contractor, paid for by property owners.

The developer’s Masterplan also shows the use of soakaways and 0.5m shallow swales on top of infiltration trenches (1.5m wide by 1.5m deep).

- It would appear the developer also intends to use the “**piped underground spring**” near the new T-junction entry/exit point to dispose of the dirty surface water on-site”.
- This is a natural fresh water spring to which at least 15 land owners have “**Riparian Rights**” (see page 15 for more details).

**Natural Fresh Water Spring (Watercourse).** There is a natural fresh water spring on the site which can be accessed through a metal inspection manhole cover. The spring was piped nearly 50 years ago and flows under the side garden of 17 Green Park Way (close to the proposed T-junction entrance / exit), then under Green Park Way. It then bears left at the rear side corner of 14 Green Park Way, flows underground through the rear gardens of three more houses in Green Park Way and bears right towards Cotmore Close.

It surfaces in the garden of 12 Cotmore Close where it is a water feature in the garden. It then goes underground through the rear gardens of five houses in Cotmore Close to the rear garden of 18 Cotmore Way. Still underground it bears right through the rear garden of 16 and 14 Cotmore Way. Just past the rear garden wall in 14 Cotmore Way it bears left and continues under the side garden pathway of 14 Cotmore Way. There are three inspection manhole covers within the garden where **fresh water** from the spring can be seen.

On the other side of Cotmore Way it comes up in the rear garden of “The Ridge” where it flows through the rear and side garden as a water feature and comes out of the pipe by the telephone box on the A379. It then flows under the A379 and surfaces near the small bridge in Tanpits Lane before flowing down into Frogmore Creek.

The Ordnance Survey map reference for the inspection manhole cover on the site for this natural fresh water spring is 791431. **GPS reference N50.16.493 W003.41.889.**



**Spring Access Point on the site**



**Spring on the site**  
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**Spring Exit Point on A379**

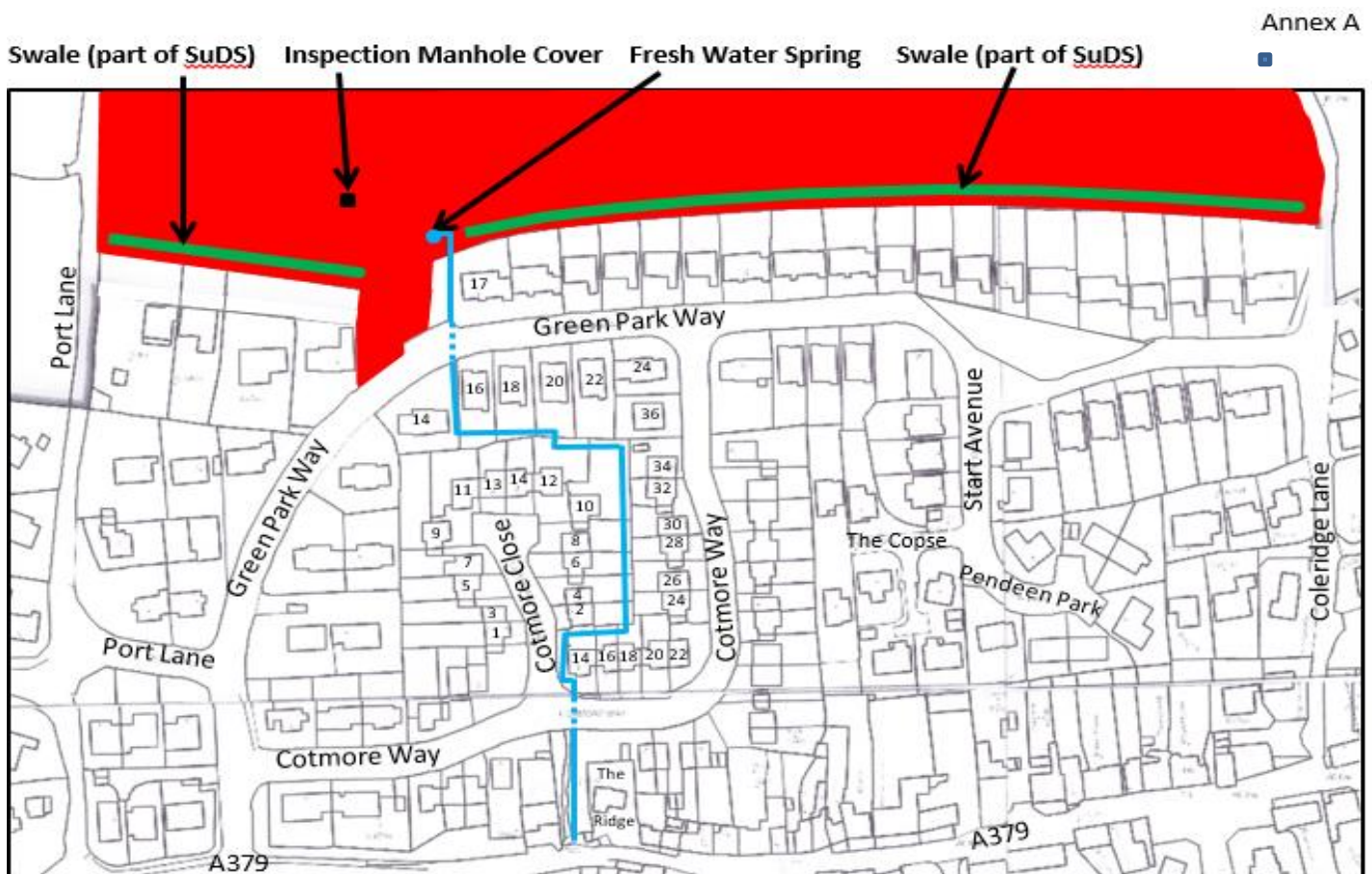
The **4 inch (100mm), butt jointed, clay pipe work is approximately 50 years old** and can only just handle the current fresh water spring volume. In the past when gardens have been flooded it was caused by a blockage, normally near one of the eight or nine very tight bends in the pipe work route from the spring on the site to the spring exit point on the A379.

The old clay butted pipework will not be able to handle the additional volume of dirty / muddy surface water run-off and could cause flooding at a number of points such as:

- Gardens of at least 15 land owners on its route downwards to the A379.
- A379 by the telephone box spilling over into the properties south of the A379.
- Tanpits Lane near the bridge where the spring surfaces on its way to Frogmore Creek.
- Anywhere on the route because water under pressure **will find its own way through the weakest points of very old unsealed, butt jointed clay pipework.**

**Risk to Property.** If water has an easy path to follow it will take it. Too much water leaking from this old unsealed clay pipework can result in soil erosion causing the pipework to move and rupture. This will not only cause blockages and flooding, **but the water leakage may also undermine existing properties, driveways, roads and hard standing causing substantial damage.**

**Watercourse Map.** A sketch map showing the route this natural fresh water spring takes before it gushes out of the pipe by the telephone box on the A379 is below:



**Pipework Blockages and Repair.** The piped fresh water spring is not adopted by SWW, SHDC or DCC and in the past (even though the piped watercourse is not shown on their deeds), property owners were held responsible for the repair of the pipe work and clearance of blockages.

It is unfair of SHDC Planners to allow the developers to pipe any of the surface water run-off into this fresh water piped spring, unless SWW / SHDC / DCC or the developer is willing to adopt the pipework and take over the responsibility. If this is the case it needs to be discussed and agreed with all interested parties. Property owners have Rights as well as Responsibilities.

**Riparian Rights.** If SuDs are installed with the intention of disposing of surplus dirty water into this fresh water spring on-site, any interruption or alteration to the course of this natural spring (**including contamination by silt or dirty muddy water and damage to the old clay pipe work**), will default on the “Riparian Rights” of at least 15 land owners in Port Lane, Green Park Way, Cotmore Close, Cotmore Way and The Ridge on the A379.

Two land owners have opened up the spring as a water feature in their garden and we have been advised that a land owner in Port Lane has deeds showing **right of access to the water and spring access point on the site**, at Ordnance Survey map reference 791431 or **GPS reference N50.16.493 W003.41.889**

**List of SHDC Contravened Adopted Policies.** DP4 Sustainable Construction 3.

## **SEWAGE (Key Issue)**

**Responsibility.** South West Water (SWW) is responsible for Foul Water Drainage (sewerage system) which includes the sewers and the sewerage treatment works. The Environment Agency is responsible for monitoring the sewerage treatment works’ performance i.e. sampling the effluent quality to ensure it complies with all the standards to be met.

**The Sewerage System.** Despite the **previous history regarding a lack of sewage capacity** noted in:

- Planning Case Officer report for the Helmers Meadow development in 2007
- Planning Case Officer report for the Copperfield development in 2009
- South Hams Local Development Framework Rural Area Site Allocations Development Plan Document February 2001 Adopted. Stokenham / Chillington page 29 para 6.34.

**South West Water (SWW) has assured us and therefore the village, that the current sewers and sewerage treatment works has adequate spare capacity and could accept the connection of another 65 houses.**

# HIGHWAY SAFETY AND TRAFFIC CAPACITY (Key Issue)

**A379 Topography.** The topography of the A379 is well known – it widens then narrows with no regular footpaths / pavements and creates an extremely difficult and dangerous environment for both pedestrians and cyclists. They are often unsighted because of buildings / walls / bends and even parked cars. It is difficult to improve the situation because there is little space to provide a safe walking / cycling area.

The road from Kingsbridge to Torcross, Slapton Sands, Strete, Blackpool Sands and on to Dartmouth can be steep with many twists, turns and blind corners, but it also has some spectacular sea views. The area is a very popular holiday destination which is vital for the tourist industry and local economy, but not so good for the maintenance of the A379. There has been little road improvement over the years, while housing development along the A379 has continued.

**Safety and Capacity.** Where there are no pavements it is already dangerous to walk along the A379 through the village. One of the older residents in the village centre was seen just standing on the roadside too scared to try and cross over without some form of assistance. Assistance was given and the incident reported to Julian Brazil.

Recently a local resident walking through the village on the A379 was “nudged” by a double decker bus, thankfully without any injury, however the lack of suitable pavements needs to be addressed because it is an accident waiting to happen.

Cars and heavy vehicles already pass through the village centre at speeds which are unacceptable. There is a strong case for the village centre to have a **20mph speed limit imposed** in line with other villages along the A379.

The A379 cannot easily be upgraded and is not capable of carrying much more extra traffic, **but can and should be made safer for pedestrians.** Other points include:

- Holiday traffic already sees periods of stand still.
- Rush hour traffic all year round sees periods of stop start in the village creating a danger to pedestrians.
- Parking is already at a premium in the village centre and side roads.

**Traffic Generation.** We are extremely concerned about the additional traffic the proposed development will generate. At present Green Park Way is a quiet residential road /area and many home owners chose the location for that reason. It is also well back from any traffic noise generated from the A379.

**Generation Rates.** The developer and CHAT has looked at vehicle generation rates as a baseline and come up with different results.

- The developer has calculated the proposed usage using the Trip Rate Information Computer System (TRICS) **based on similar rural locations**. Chillington is not a typical small rural Devon village or hamlet, it is **the largest village in Stokenham Parish with around 550 houses, a population of over 1000 and sits astride the very busy A379**.
- It is difficult to see how the developer can claim that 65 houses will only generate **328 (160 + 168) vehicle trips** for a full day from 0700 – 1900 (**Transport Assessment Para 6.5**).
- Common sense and local experience tells us that 65 properties x 2 cars each = 130 additional vehicles x 4 movements a day = 520 additional vehicle movements each day.

This shows a **significant increase in the number of vehicles using the A379, village roads and lanes in the area on a DAILY basis**.

CHAT vehicle trip generation rates have been taken from previous calculations in the village. To look at existing traffic conditions, **we completed a series of 29 traffic counts** carried out between 7am and 7pm at different times of the day/week/month and at different locations.

The average flow along the A379 is 324 vehicles per hour (**about 4000 a day or 118,000 per month and about 1.4 million a year**). This is a conservative estimate since traffic before 7am and after 7pm has been ignored. The authorities consider the flow to be “moderate”, considering the unusual characteristics of the road however this development would now be adding approximately **520 car movements onto the A379 on a DAILY basis**.

**Local drivers who travel the road every day** consider the traffic “**excessive**”, especially during peak times, weekends, bank holidays, school holidays and the holiday season in general.

In the past, the tendency for a new development has been to underestimate the parking required and traffic movements. This “scheme” will clearly be “**up market**”. Property owners **will have at least two cars and use them frequently during the day**. The parking and traffic movements were grossly underestimated at Helmers Meadow with serious consequences to the surrounding area which we are suffering for now on a daily basis.

The village already has **severe congestion problems in the village centre** (see photographs on page 20), to add another 130 vehicles is unthinkable, will increase pollution, will increase the carbon footprint, will increase the risk of accidents and will cause even more parking misery.

**Entry and Exit Point.** The new development has only one entry/exit point and would significantly increase the traffic movements onto the A379 through Green Park Way, previously considered a quiet and tranquil residential area.

**Parking.** In the village centre the character of the area has changed over the past few years as the 44 houses in Helmers Meadow were completed and occupied. Parking is a particular problem with cars parking on pavements, in side roads and on the main road because there are just insufficient parking spaces on the estate for two car families.

The converted barns along the main A379 have “no parking” notices on the walls but cars still park with 4 wheels on the pavement because there is just nowhere else to park.

**Building up to 65 houses on a “car dependent site” will make car parking in the village centre and side roads worse, putting pedestrian safety at increasing risk.**

**Pavements.** There are some pathways in the village centre, but those “stop and start” pavements along the A379 **throughout the village** need to be supported by the creation of some “virtual pavements” with white lines to try and improve pedestrian safety.

**Road Crossing Points.** There is an urgent need for a **safe crossing facility** in the village (just past the Green Park Way junction on the A379 and near Stokenham School) to allow safe pedestrian passage across the road. Zebra type crossings? Pedestrian traffic lights?

**Site Internal Roads.** More than half if not two thirds of the internal roads are shown as **“un-adopted”** which will create problems in the future with considerable maintenance costs for the property owners. The Highways Authority recommended the **adoption of all internal roads** (Richard Jackson in his email to Cole Easdon of the 15<sup>th</sup> April 2015), yet this sensible and realistic recommendation seems to have been ignored! Why?

**Street Lighting.** On the 2<sup>nd</sup> April 2015 Agents of the developer wrote to Richard Jackson, Senior Highways Development Management Officer, Devon County Council, saying **“lighting is likely to be a sensitive issue given the rural location”**.

There is no mention of street lighting in the application. Is it the intention that this 7.5 acre site is to have no street lighting at all?

#### **List of SHDC Contravened Adopted Policies.**

- DP1 High Quality Design 1d.
- DP7 Transport, Access and Parking 1 a, b.
- CS1 Location of Development SO13, SO14.
- CS2 Housing Provision SO13, SO14.
- CS8 Infrastructure Provision SO13, SO14.

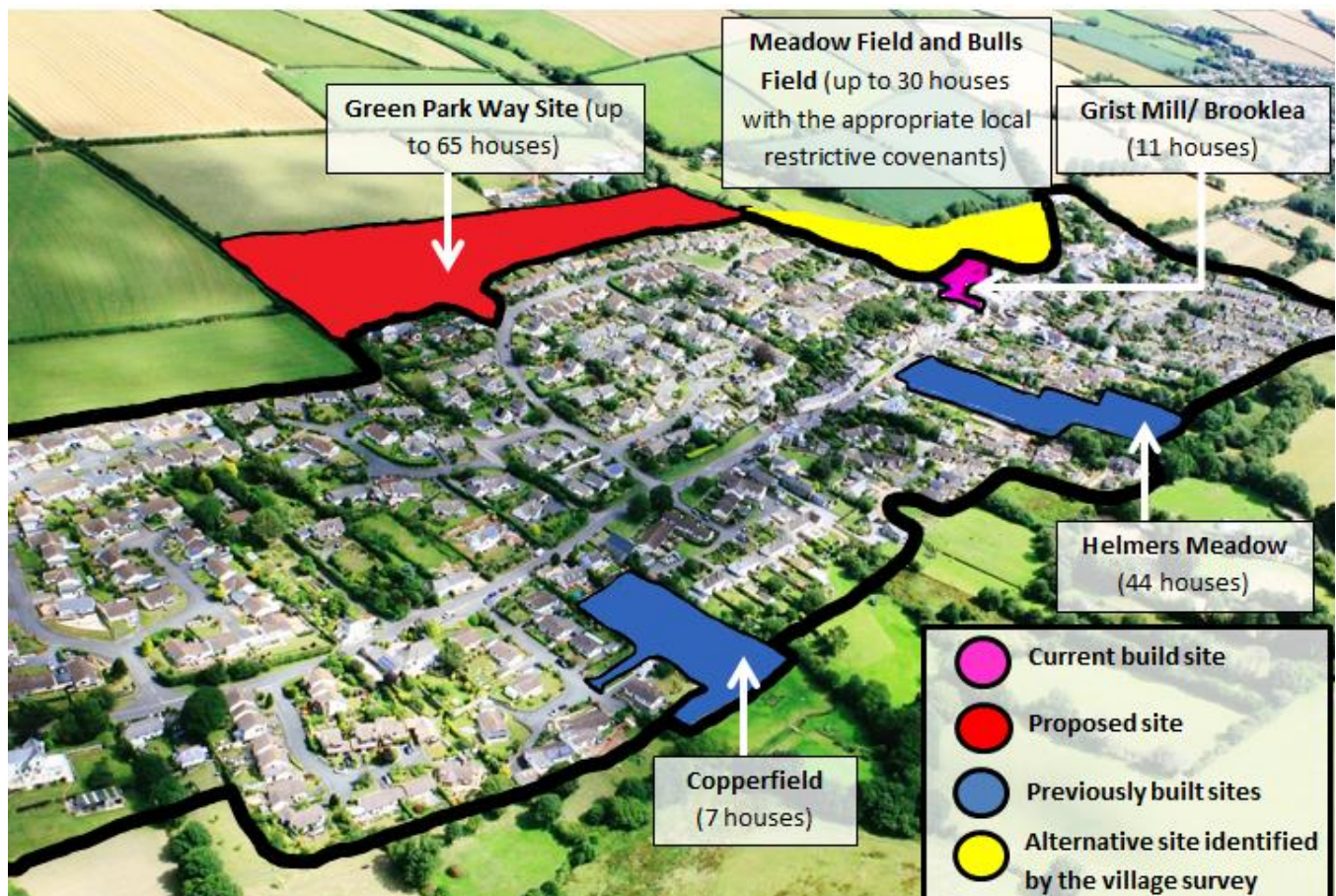
## STRAIN ON EXISTING INFRASTRUCTURE (Key Issue)

There is already a severe strain on the existing village infrastructure. Paragraph 6.6 of the Rural Areas Site Allocations DPD stresses that “associated infrastructure should be provided in phase with development”. **Where is the infrastructure improvement plan?**

**Village Shop / Post Office.** The distance from the site to the village centre, combined with the lack of a safe pedestrian access route suggests these residents are unlikely to frequent the shop / post office on foot.

- Given the distance and nature of the lanes from the site, the village facilities are not easily accessed without the use of a private motor vehicle. On arrival in the village centre there is nowhere safe to park.
- Parking in the heart of the village and on side roads near the shop and post office, is already causing congestion at unacceptable levels and is an accident waiting to happen.

**Scale of Development.** This proposal is on a par with large scale residential developments proposed in the towns (**Area Centres**) of the South Hams (such as area K1 and K5 in Kingsbridge). Chillington/Stokenham is a **Local Centre** only suitable for **modest** development.



Photograph of Chillington village showing the scale of the proposed development (red)

**Traffic Congestion.** The traffic congestion in the village centre and side roads during peak travel times, is not just seasonal and is getting worse. Obviously like many villages in the South Hams, congestion is worse in tourist season, particularly as the A379 is the main route for caravan traffic from Kingsbridge to Torcross, Slapton Sands, Strete and on to Dartmouth.

The daily congestion due to the very narrow nature of the A379 and lack of suitable parking in and around the village centre will get to near gridlock if this major new development is approved. **Photographs of traffic congestion in the village centre close to the Shop and Post Office. Traffic congestion will be considerably worse during the tourist season!**



**Main Road**



**Orchard Way**



**Post Office and Local Shop**



**Post Office and Orchard Way Junction**



**Main Road after Post Office**

These photos clearly show the current traffic congestion issues in Chillington.

There is genuine and justifiable concern that the addition of at least 130 cars generated by the potential housing development would cause a further unacceptable strain on the village infrastructure and along the A379.

**Pollution.** The significant increase in traffic over the years has created considerable carbon pollution and further development will continue the process. In this rural area it is now essential to own at least two cars to meet work and family commitments. Although the recent replacement of the old buses on route 3 with modern vehicles is welcomed, it remains to be seen whether this will attract more passengers because the fares are expensive in relation to the average local wage.

**Light Pollution.** Where Light Pollution is concerned, the 7.5 acre site is elevated and above the village therefore the effect of the development on the surrounding area will be considerable. There will be lights from the houses, vehicles and street lighting, all on an elevated site clearly visible from inside the AONB viewed from the southern side of the valley.

**Parish Primary School.** The Stokenham Primary School (including the pre-school nursery facilities in the local area) is already full and experiences severe parking, congestion and consequent highway safety problems at school drop off and school pick up times.

- A clear indicator of the severity of these problems is the frequent police presence at the school and notices outside the school reminding parents to park considerately.
- There appears to be no planning regarding the capability of schools to absorb unplanned growth. **A few more will not hurt mentality** seems to be accepted by local councils. It has not worked anywhere else in the country so why will it work here?

**The photographs show some of the parking problems just before Stokenham school pickup. You can imagine what it is like when the children come out of school!**



**There is a frequent police presence at the school**

## Healthcare.

Chillington has a small rural GP practice (covering some 45sq miles) and has opted to be part of the South Devon and Torbay Clinical Commissioning Group (South Devon CCG). It is one of seven practices within the Moor to Sea Locality and currently needs to cope with the extremes of an NHS system in crisis mode.

- The Health Centre is already struggling to find another GP to join a rural Practice. Any unplanned increase in the population of Chillington is something to be considered carefully because increasing patient numbers at this time would put even more pressure on all current healthcare professionals in the Practice.
- Routine waiting times have increased and the time required for repeat prescriptions has been extended.
- Parking at the Practice or in Orchard Way is at a premium and getting worse, which could restrict emergency services getting to the Health Centre and adjoining side roads quickly when needed.
- The journey times by road to acute services in Derriford NHS Trust in Plymouth (around 30 miles) and Torbay's South Devon Healthcare Trust (around 22 miles) are substantial, especially in emergency situations and during the long tourist season.
- The Devon air ambulance is in emergency demand throughout the county and should not be offered as a solution but accepted as a welcomed emergency bonus for patients.



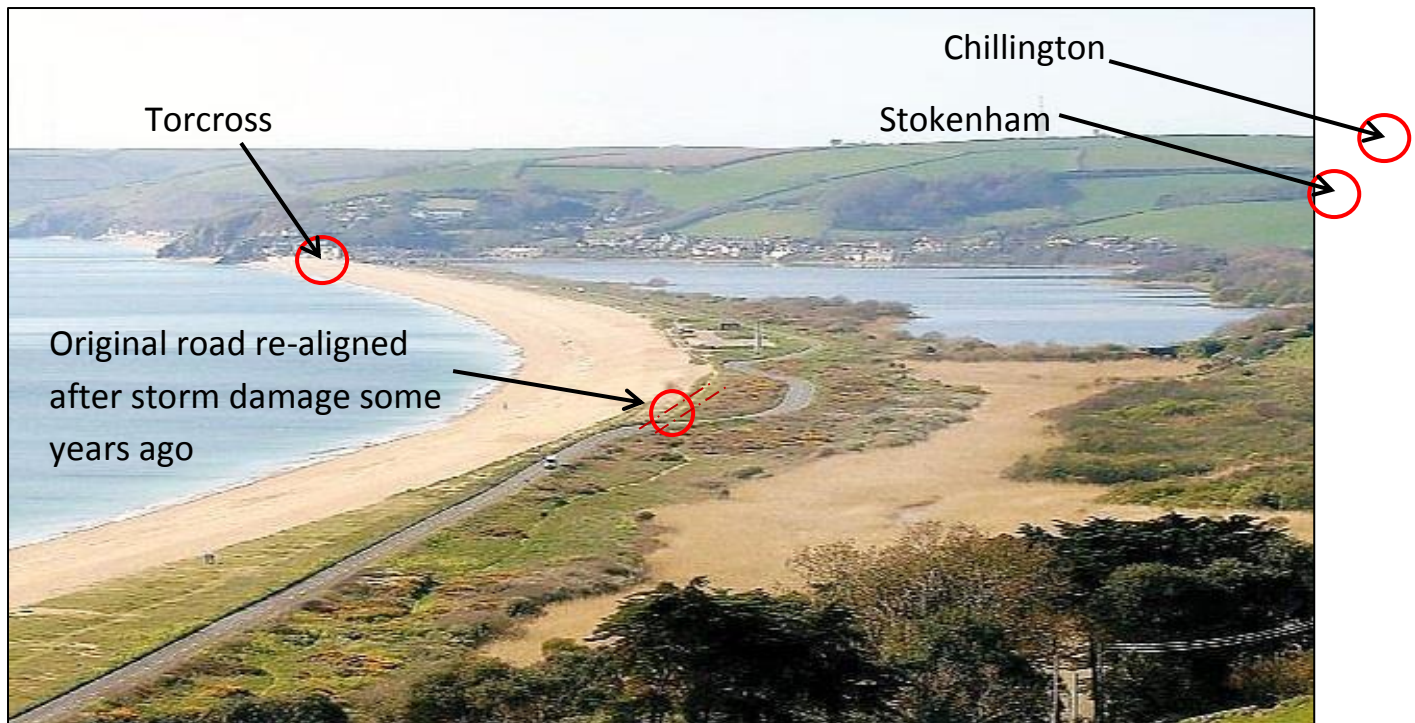
**Chillington Health Centre Car Park**



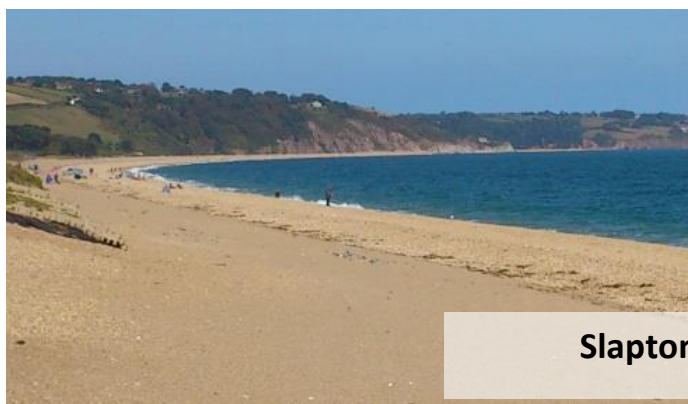
**Parking on Orchard Way next to the Health Centre Car Park**

**Slapton Line.** It is well known the long term future of the A379 along Slapton Line linking the Kingsbridge side of Torcross with Dartmouth, is in serious question due to frequent damage to the coastal road as a result of storm events. **Sadly this has recently been highlighted in Torcross by the collapse of the sea wall and damage to the A379 resulting in a short closure.**

In a relatively short space of time Chillington / Stokenham / Torcross could become the end of the A379 from Kingsbridge. In this respect, if the Local Planning Authority approve this planning application **they could be responsible for the creation of dead end villages.**



**Slapton Sands and Slapton Ley showing the A379 meandering towards Torcross, Stokenham and Chillington**



**Slapton Sands**



With this in mind it may be prudent to look at what the National Planning Policy Framework says that “Sustainable” means:

**“Sustainable means ensuring that better lives for ourselves does not mean worse lives for future generations”**

**New Bridge.** New Bridge (known locally as Bowcombe Bridge), **built in 1845**, is a vital transport link on the A379 near Kingsbridge. With all the additional heavy transport passing over this bridge the durability and structural condition is **“of local concern”** especially after the collapse of a similar highway structure near Tenbury Wells in Worcestershire on the 24<sup>th</sup> May 2016. Both of these old bridges **are vital transport links** and were built at a time when there was **no heavy traffic**. Approximately **1.5 million vehicles now cross New Bridge every year** and there is considerable local concern that any **additional contractor heavy construction vehicle traffic may cause damage to / collapse of the bridge** which will be extremely costly to resolve.

**Infrastructure Summary.** For the reasons stated above, it can be argued:

- This is neither a suitable nor sustainable location in terms of infrastructure where significant residential development should be focused.
- The significant problems experienced as a direct result of recent/ongoing developments in the village indicate that the current village infrastructure is already under severe strain.
- The village does not have adequate infrastructure to accommodate a further major large scale residential development.
- The infrastructure has **no long term planning** and just adding more houses will just add to the existing problems. Infrastructure Improvements are required.
- Up to 65 additional houses **is not sustainable growth** for the village.

The village needs solutions to existing surface water drainage and flood problems, rather than a large new residential development that will create an additional burden on the already overstretched infrastructure.

This planning application represents just one example of the intense pressure currently being applied by developers to try and bulldoze their way through planning regulations and build housing on Greenfield sites in the South Hams, in or outside the AONB.

**“The development is clearly out of proportion with the existing infrastructure and there is only so much development this Local Centre can accommodate”**

**List of SHDC Contravened Adopted Policies.**

- DP1 High Quality Design 1d.
- DP7 Transport, Access and Parking 1a
- CS1 Location of Development SO13, SO14.
- CS2 Housing Provision SO13, SO14.
- CS8 Infrastructure Provision SO13, SO14.

## IMPACT ON THE SETTING OF THE SOUTH DEVON AONB (Key Issue)



**View of the elevated site from inside the AONB near Wells Farm**

**Site Location.** The site (marked in red) lies outside but close to the boundary with the South Devon Area of Outstanding Natural Beauty (AONB).

**Impact on Landscape Character.** The development would result in an adverse impact on landscape character, given that this 7.5 acre oblong Greenfield site is on elevated land and the three fields are **outside the established rural edge of the village**.

**Scale of Development.** The development does not conserve nor enhance the natural beauty and special qualities of the South Devon AONB.

- The elevated nature of the application site is viewed from within the AONB therefore the impact that the development will have on the AONB requires careful consideration.
- Adverse landscape impact of the development includes not just the visual intrusion into the rural countryside but also light pollution, traffic and noise pollution with reduced tranquillity
- The proposal for a large scale development is not appropriate to the setting.
- The large scale development is not proportionate to the village.
- **Two storey buildings** at the heart of a village is just about acceptable (Helmets Meadow and Brooklea (Grist Mill) and Copperfield are good examples) but on a slope above the village and impacting on the setting of the AONB is just not appropriate or acceptable.

**Economic and Social Needs.** The development would not meet the economic nor social needs of the community. It is paramount that these community needs are considered carefully if expansion, via further housing, is proposed in the village.

If the target age group is younger than the current population, employment opportunities must exist in the locality. **Currently there are very few local employment opportunities.** If this situation does not change, new residents would have to travel to find work causing even more congestion on the already stressed A379.

- The economic and social needs of the community must be taken into account.
- The community needs to attract young people into the village to lower the average of the population.
- Employment opportunities are needed locally and the developer has not put forward any such proposals in the planning application.

**AONB Management Plan.** The effects of such **unplanned, large scale development** are recognised in the AONB Management Plan. The plan recognises that mechanisms for managing and mitigating wider off-site environmental impacts such as additional traffic, light pollution, waste water etc. are not working effectively.

It is in this context that we have requested the South Devon AONB to look very closely at this major planning application.

**“Granting approval for this development would send a clear signal to developers that planning controls in the South Hams have been relaxed to the extent that any development in or near the boundary of the AONB will be accepted”.**

**List of SHDC Contravened Adopted Policies.**

- DP1 High Quality Design 1e.
- DP2 Landscape Character 1a, b, c, d, e.
- CS1 Location of Development SO18.
- CS2 Housing Provision SO18.
- CS7 Design SO18.
- CS9 Landscape and Historic Environment 1, 3.
- CS10 Nature Conservation SO18.

## RESIDENTIAL NEIGHBOUR AMENITY (Key Issue)

**Green Park Way “Street Scene”.** The residential make up of Green Park Way and the surrounding roads consists mainly of bungalows. The properties along Green Park Way which adjoin the proposed development site are all:

- Bungalows with large plots.
- Some bungalows to the east have a sizeable area of grass in front of them.
- The properties on the opposite side of the road to the proposed development site are also mainly bungalows.

**The photographs below illustrate the bungalow dominated “Street Scene”.**



**Contravention of SHDC’s Core Strategy and Development Plan.** The proposed development is a direct contravention of a number of SHDC’s Core Strategy and Development Plan Adopted policies as follows:

### **List of SHDC Contravened Adopted Policies.**

- DP1 High Quality Design (a, c, d, e,)
- DP2 Landscape Character (1)
- DP3 Residential Amenity (1) (2 a, b, d,) Core Strategy Design (1, 2,)

In addition, this planning application:

- Does not respect local context and street pattern.
- The scale and proportion of surrounding buildings would be **entirely out of character for the area and to the detriment of the local environment.**

On the 21st August 2008 an application for the erection of one dwelling and garage on the land between 15 and 17 Green Park Way ( Ref 53/1659/08/0 ) was refused as it **“would be incongruous with the locality “**.

**Overlooking and Loss of Privacy.** All 25 of the properties whose boundaries adjoin the proposed development **will be adversely affected by overlooking and loss of privacy.**

Those properties in close proximity to the only entrance/exit to the site will be subjected to excessive noise, disturbance and pollution as vehicles entering/exiting the site stop/start at the new T junction into Green Park Way.

Properties in close proximity to the new T junction will be visually disturbed whilst vehicles are stationary because the drivers and passengers will be able to look straight in. At times of darkness / low light, vehicle headlights will project straight into some properties causing more disturbance and concern.

The property most affected is 14 Green Park Way which is located directly opposite the site entrance/ exit junction. In addition to the above, this property will also lose the current on-street parking in front of it. Please refer to the photograph below taken from the proposed entrance/exit.



**View of 14 Green Park Way from the sight entry/exit point.**



**View of the sight entry/exit point from 14 Green Park Way**

**Human Rights Act.** We must also consider the responsibilities of the Council under the Human Rights Act. Protocol 1, Article 1 states that:

**“a person has the right to peaceful enjoyment of all their possessions,  
which includes the home and other land”.**

Additionally, Article 8 of the Act states that:

**“a person has a substantive right to respect of their private and family life”.**

In the case of *Britton v SOS* the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8:

**“Private and family life therefore encompasses not only the home  
but also the surroundings”.**

Due regard must therefore be given to this Act. Residents whose properties adjoin the proposed development site have rights under Article 1 and Article 8 along with number 14 Green Park Way as stated previously.

We must also look at the rights of the developer. 25 Properties adjoin the site and are affected by the loss of overlooking and privacy therefore their considerations under this act overwhelm those of the developer because:

**“The developer can look at other land to develop but  
25 families have made this their home”.**

The application to build a single dwelling and garage between 15 and 17 Green Park Way (Ref 53/1659/08/0) which was refused on 21st August 2008 had the Human Rights Act considered. The Planners came to the conclusion that, **although the applicant had rights, the impact on the wider community interest took precedent.**

**SHDC List of Contravened Adopted Policies.** DP3 Residential Amenity (1) (2a).

## **POLLUTION (Key Issue)**

**Light Pollution.** Darkness at night is one of the key characteristics of rural areas and it represents a major difference between what is rural and what is urban:

- Light doesn't respect boundaries.
- Light can spread for miles from the source.
- Light blurs the distinction between town and country.

There is increasing awareness of the impact that light pollution can have on wildlife:

- Interrupting natural rhythms including migration.
- Interrupting reproduction and feeding patterns.
- Man-made light is known to cause confusion to migrating birds, often with fatal outcomes, and many of us will have heard birds singing late into the night in trees lit by a streetlight.

A survey by CPRE found that **light pollution can cause a great deal of distress to humans too**, including disrupted sleep, and in some cases can result in people moving house to get away from light pollution.

Recent studies suggest that exposure to light at night can disrupt the body's production of Melatonin, a brain hormone best known for its daily role in resetting the body's biological clock.

The proposed development is at present a **Greenfield site which has no lighting of any sort**. We agree with the contents of an e-mail from Cole Easdon Consultants (Agents of the developer) dated 2nd April 2015 to Richard Jackson, Senior Highways Development Management Officer, Devon County Council, that " lighting is likely to be a sensitive issue given the rural location ".

- This large 7.5 acre elevated, sloping site is also located close to the AONB therefore lighting will clearly be seen and will have an impact upon the AONB. This is illustrated by the photograph on page 23 taken from inside the AONB.
- The residents whose properties adjoin the proposed development site will all be blighted by the man-made light source as at present it is a "**dark area**".
- The protected wildlife (listed on page 32) which inhabits the fields (as confirmed by the ecological reports actioned for the developers and residents in Green Park Way) will also be affected by this potential new light source.

#### **SHDC List Of Contravened Adopted Policies.**

- DP2 Landscape Character (1) (d).

## **Noise Pollution.**

Tranquillity is a highly valued characteristic of the English countryside and one of the most important indicators of its quality.

The proposed development of this large 7.5 acres sloping Greenfield site is in an area of **great tranquillity** where only **natural sounds** dominate. The CPRE Tranquillity Map can be viewed on [cpre.org.uk/resources/countryside/tranquil-places](http://cpre.org.uk/resources/countryside/tranquil-places)).

The site (**which is outside the development boundary**) is also **outside the established rural open countryside edge of the village** and has always been protected from development.

Planning decisions should aim to identify and protect areas of tranquillity which have remained relatively undisturbed by noise.

This site is prized for its **tranquillity and amenity** value. It must stay this way to avoid noise pollution affecting the residents of Green Park Way and the surrounding area.

This is identified in the **NPPF National Planning Policy Framework (para 123)**. Planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, through the use of planning conditions.
- Recognise that development will often create some noise. Existing businesses wanting to develop in continuance of their business, should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.
- Identify and **protect areas of tranquillity** which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

## **SHDC List Of Contravened Adopted Policies.**

- DP 2 Landscape Character (1) (e).
- DP3 Residential Amenity (1), 2 (d).

## BIODIVERSITY (Key Issue)

**Landscape and Ecological Management Plan (LEMP).** We have been advised that a LEMP is not required for an Outline Planning Application but will be required by SHDC at a later stage should the application be approved.

**Hedgerows.** One in six hedgerows on the site qualified as important under the ecological criteria of the Hedgerow Regulations 1997 (as amended).

**Wildlife.** A number of surveys have been carried out on wildlife in and around the proposed development site:

- **Great Green Bush-Crickets** have been recorded within the grassland of the site and have been located in gardens bordering the proposed site.
- Low populations of **slow worm, grass snakes and common lizard** were recorded within the site and have also been found in surrounding gardens. **Slow worms are protected under the Wildlife and Countryside Act.**
- **Cirl Buntings** have been recorded on site, although not thought to be breeding within the boundary. However, they feed in fields above the site and in gardens below the site so **breeding within the development site is possible. Cirl Buntings are protected.**
- The **Dormouse** population exists in the hazel thickets bordering the site and have been found in neighbouring gardens and is **a European protected species.**
- No badger sets recorded within the site however **badgers** are frequent visitors to the gardens bordering the site. **Badgers are protected under the Protection of Badgers Act 1992.**
- **Bat** activity shows that there are a number of different species of bat roosting in the area. **Large horseshoe bats and the smaller pipistrelle bat** are frequent visitors over the ponds in a garden bordering the site. **Bats are a European protected species.**
- **Hedgehogs** are active and breeding in gardens bordering the site. Hedgehogs are now **an endangered species**, becoming rarer annually. Any development would wipe out the hedgehog population because the site is a wildlife “corridor” for the hedgehog and the many other species which use it as an important habitat. **Hedgehogs are partially protected under the Wildlife and Countryside Act.**

**Barn Owls.** The Barn Owl Trust holds 28 records of Barn Owls on this site, including one regularly used nest site, indicating that surrounding habitat is suitable and provides sufficient foraging opportunities for this Protected and Endangered species.

**Wildlife Protection.** The developer's ecological report should be treated with some caution because it makes an assumption that species that have not been recorded on the site, are not present in the private gardens of houses that back onto the site. The residents of Green Park Way are well aware of the wildlife species seen in their gardens.

- Wildlife aspects are being degraded every day and the habitat is being destroyed at an alarming rate, **which never seems to be important until it is too late.**
- Chillington is a village which provides many species (some endangered) with habitats and sanctuary.
- The site is a wildlife "corridor" and important habitat for many species and is **outside the village development or settlement boundary.**
- This 7.5 acre open countryside site is **outside the established rural edge of the village.**

## **SOUTH HAMS LOCAL DEVELOPMENT FRAMEWORK VISION FOR RURAL AREAS**

It is encouraging to see that the South Hams LDF Vision for Rural Areas is now clearly documented in the **Rural Areas Site Allocations Development Plan Document February 2011 Adopted up to December 2016 and beyond.**

Chillington is a rural area and the vision for rural areas is **"Sustainable Rural Communities"** whose development:

- Provides affordable homes for local people.
- Provides good local job opportunities.
- Enhances rural character and local distinctiveness.
- Supports accessible rural services.

Achievement of the vision will require close working and cooperation with key organisations and agencies that cover the District. New development will be expected to deliver **essential affordable housing, employment opportunities and contribute towards the provision of local community facilities** that will help achieve the vision set out above. The Chillington Housing Action Team is encouraged by the new South Hams Local Development Framework Vision for Rural Areas outlined above.

## ACORN PROPERTY GROUP PLANNING APPLICATION

REFERENCE : 0771/16/OPA

**Refusal of Planning Application.** This inappropriate, unsustainable planning application to build up to 65 houses on an open countryside 7.5 acre (3 hectare), unallocated Greenfield site should not be approved for many reasons clearly highlighted in this Planning Application Response, but especially because:

- The site was **rejected** In the Rural Areas Site Allocations Development Plan Document February 2011 Adopted, **due to the significant constraints identified relating to impact on landscape character for the period up to December 2016 and beyond.**
- The site lies on elevated land in close proximity to the South Devon Area of Outstanding Natural Beauty and this major development would result in **a significant adverse impact on landscape character.**
- The site is not only **outside the village development boundary for Chillington** as defined in the SHDC1 Development Boundaries of the Adopted Local Plan but is also remote from the services and facilities offered by the settlement.
- The site is clearly **outside the established rural edge of the village** and would be a prominent intrusion into the open countryside in the form of a suburban style extension to the village.
- Development of this Greenfield site **is not planned development** and the existing infrastructure of the village cannot support such a major residential extension. With the current infrastructure problems, particularly in relation to traffic and drainage, **it is questionable as to whether the village can support any additional growth.**

- **Development of the site is not informed by an evidence base.** There is no evidence of a local need for more houses in Chillington.
  - There is a need for improved pedestrian routes to access village facilities.
  - There is a need to reduce traffic congestion in the village.
  - There is a need to make the A379 safer for pedestrians and cyclists.
  - There is a need to improve parking facilities in the village.
  - There is a need to address the flooding issues experienced by the village.
  - There is a need for more local employment opportunities.

**“The proposed development would increase the infrastructure and sustainability problems already being experienced by this local community”**

- **Development of the site is not informed by Community Consultation.** The village survey carried out in September 2015 confirmed that 55% did not want any further housing. This is the direct result of the unresolved problems caused by recent housing developments in the village.
- Many of the remaining 45% of the villagers would support a more modest development of up to 30 truly affordable housing (with the appropriate local restrictive covenants), self-builds, starter homes and some sheltered housing for the elderly, but sited in a more sustainable location closer to the village centre (See page 19 for location details).
- **Development of the site would not contribute to Good Place Making.** It is a car dependent site. The distance from the site to the village centre combined with the lack of a safe pedestrian access route, suggests these residents are unlikely to frequent the shop / post office unless they use a car and **then there is nowhere safe to park.**

Port Lane and Coleridge Lane are both unsuitable village access lanes because they are **dangerous for pedestrians, cyclists and mobility scooters.**

# NOTES