

## **West Alvington Parish Council, 2nd report on proposed Homefield development for meeting on Thursday 6th February.**

### **Intention of this report:**

This report is intended to provide further background information and current status of the working party's consultation process. Our request is that the report is noted at the meeting to be used as a basis for our continuing conversations. Clearly we would be happy to answer further questions, if possible, and keen to have any further suggestions we should be taking into out consultations.

### **Status report:**

This report is intended to provide the Parish Council with the status of the working party discussions on the proposed development.

Since our discussion and adoption of the first report at our meeting on 9th January, the working party was invited to a site meeting on 22nd January. The meeting was conducted by Dave Kenyon, planning officer, with land owners, proposed developer, architects and estate agent engaged in setting out their plans for the site. Supporting the planning officer were the County Highways officer, SHDC Landscape Officer, Affordable Housing Officer and other staff from the planning office. Simon Wright also attended in his District Council role.

We set out the main outcomes of the visit below. It was agreed at the end of the meeting that there was insufficient time for the architects to produce any revised plans before our scheduled Parish Council meeting, so we agreed to offer a status report and asked Dave Kenyon to postpone his planned attendance until we have proposed plans we can share with the council.

In addition to participating in the site meeting the working party has continued to meet separately and has been investigating background issues to the proposed development in response to matters raised at the previous meeting in open forum. We have also reviewed the consultation forms submitted by parishioners in July last year, a summary of which we include in this report.

### **AONB:**

In response to concerns raised at the last meeting we have sought guidance on the planning guidelines to which we are working in relation to a proposed development in an Area of Outstanding Natural Beauty.

Of particular relevance are paras 115 and 116 of the NPPF (National Planning Policy Framework recently introduced by Central Government).

*"Para. 115. Great weight should be given to conserving landscape and scenic beauty in National Parks and AONB's, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in these areas.*

*Para. 116. Planning permission should be refused for major developments in national Parks and AONB's except in exceptional circumstances where it can be demonstrated that*

*they are in the public interest. Considerations of such applications should include an assessment of:*

- \* the need for the development, including in terms of any national considerations, and the impact of permitting or refusing it upon the local economy;*
- \* the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need of it in some other way; and*
- \* any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

In discussions with Dave Kenyon we have also been considering whether this Homefield proposal falls within the definition of “a major development proposal”, as this has further implications for the weight of the planning process. During the site visit, and in previous e-mail correspondence with Dave, we understand that this proposal may well fall below this threshold, although no firm decision in this respect has been offered.

Email correspondence with Dave Kenyon has revealed there is no comprehensive case law on this particular matter, which is unsurprising as the NPPF is relatively recent, and recent appeal decisions elsewhere in the country demonstrate that there is no definitive answer as to what constitutes "major development".

SHDC officers have been investigating decisions elsewhere in the country to ascertain whether there is any substantive guidance as to what constitutes "major development" for the purposes of the NPPF. Proposals for 30 houses (Ryedale Council), 39 houses (Berrells Road, Tetbury, Glos.) and 42 houses (Cuckfield, West Sussex) have been found to not comprise 'major development' within an AONB.

However a relatively recent High Court judgement in November 2013 involving Cornwall Council and Mevagissey Parish Council appears to intimate that a proposal for 31 dwellings *does* constitute "major development" for the purposes of para 116.

Noting the above, there could well be a strong argument that this proposal for about 17 dwellings is not "major" in terms of NPPF considerations and therefore para 116 will not apply. However, rather than just looking at numbers, Dave Kenyon has opined that SHDC will need to look at the aspects of the final application proposal (such as nature, location, impact etc) which will inform a conclusion in this particular respect one way or the other.

Notwithstanding the above issue about whether or not the proposal constitutes “major development”, it does seem clear that: *“the proposed development will conflict with policy contained in the District Council's Development Policies DPD as it will result in residential development outside the development boundary, and the loss of a field that is part of the South Devon AONB. However, the NPPF encouraging sustainable development in sustainable locations has been published since the adoption of that DPD and this also will be an important consideration when weighing up the various pros and cons of this proposal.*

*The Government's National Planning Policy Framework (NPPF) advises Local Planning Authorities (LPA's) to approach decision-taking in a positive way to foster the delivery of sustainable development. LPA's need to look for solutions rather than problems and, where possible, seek to approve applications for sustainable development. In this respect, LPA's should work proactively with developers/applicants to secure developments that improve economic, social and environmental conditions of an area.”*

As Dave has suggested it is not so easy to judge the balance of local and national planning guidelines for a site within the AONB.

### **Site selection:**

Also raised at the last meeting was an oft repeated question about how Homefield has been selected as the proposed site for development out of the three contenders previously discussed.

As well as engaging in conversations with some of those involved at the time, we have reviewed a string of e-mail correspondence in the period June to September 2012 when the Parish Council was pursuing the plan for a Village Housing initiative to provide for local, affordable housing and an improvement to the village amenities.

There were three sites under consideration, Butts Cottages, Horsemans Close and Woodhouse Farm (now known as the Homefield development). The e-mail trail reveals that there were Highways issues with all three proposals. These effectively ruled out Horsemans Close on grounds of access.

While there were no definitive objections from Highways to the other two sites, so far as we can tell, there was an ongoing discussion about both vehicle but particularly pedestrian access to both sites.

The deciding preference, it seems, was offered by Dave Kenyon at the time: *“The opinion from officers was that the site behind the pub was far preferable to the other two sites in terms of visual impact and integration within the perceived village envelope. Whilst it is acknowledged that there would be an impact on existing residents, it was considered that the slope of the land could allow development to be designed and laid out which would not cause unacceptable dominance and overlooking of the existing properties at the higher level. Of course, much would depend on the skill of the architects/designers involved, the quantum of development being proposed on the site and the precise extent of land being proposed for development. With that in mind, we were discussing principles of development on the site, rather than any specific layout, quantity and design of development”.*

So far as we can tell, as a consequence of this clearly stated preference, the developer engaged in proposals for the Butts shifted their attention to what is now Homefield.

As a consequence of this process, we note that parishioners were never invited to state a preference between the two sites, but that rather the decision was taken by a combination of planning officers and developer.

The other consequence of note is that we are now engaged in a proposal for an ‘departure’ site rather than the initial intention for a ‘village housing initiative’. The implications of this are an increased proportion of ‘open market’ houses, with a consequent increase in the scale of the site proposed. It also means that there will be a difference allowed between the design of the ‘affordable’ houses and those available on the open market, a factor we return to again. In terms of the affordable homes the need is for 1,2 & 3 bed homes. Although all homes should be of a similar materials and colour etc housing associations are required to build to specific design & quality standards.

## **The consultation process:**

As we noted at the last meeting, as well as asking local officers to respond positively to sustainable development proposals, *“The NPPF encourages early engagement and front loading as this has significant potential to improve the efficiency and effectiveness of the planning system for all parties. Good quality pre-application discussions enable better coordination between public and private resources and improved outcomes for the community. LPA's have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage and should encourage any developers/applicants to engage with the local community before submitting their formal planning applications. The more issues that can be resolved at pre-application stage, the greater the benefits. For the planning system to be effective and positive, statutory planning consultees are encouraged to take the same early, pro-active approach, and provide advice in a timely manner. This assists in issuing timely decisions, helping to ensure that there are no unnecessary delays and costs.*

*With this Government guidance in mind, SHDC expects all developers/applicants to be open and positive in their engagement with communities and to follow the Council's pre-application process. Communities have a key role in identifying issues and opportunities around community facilities. The pre application process and interaction between developers/applicants, local communities and the LPA will allow those communities to express their thoughts and opinions on scale, nature and form of development in a way that is proportionate to the scale of the development proposal.*

*Developers/applicants will be expected to consider all suggestions brought forward through the community consultation process and to set out detailed explanation and reasoning why they have either incorporated or excluded community suggestions and opinion. The aim of the "pre application" is that all comments and suggestions raised by various parties are given serious consideration during the evolution of a development proposal so that, when a formal planning application is submitted, many, if not all, of concerns and suggestions raised can have been addressed as part of the development proposal or adequately responded to and reasons given as to their exclusion from the proposal.*

*The fact that a development proposal may have evolved through pre application discussions does not preclude written representations being able to be submitted by third parties and consultees once the formal planning application has been submitted. As stated above, the pre application service is advisory in nature; it is not a decision making process. The final decision on any development proposal follows the submission of a formal planning application and is taken by SHDC, either by the elected Members on the Council's Development Management Committee, or by Officers under delegated powers in consultation with the Chairman of the Development Management Committee and the Ward Member/s if the proposal is contentious.”*

This guidance forms the basis of the working party's involvement, on behalf of the parish as represented by the Parish Council. As noted above, we expect to see evidence of an evolving development proposal as a result of the concerns and suggestions we are introducing to the process.

We have now had the opportunity to review the consultation papers copied for the Parish Council by the architects resulting from the 'drop in' meeting last July. These documents

provide a record of the views of parishioners which were taken into account by the Parish Council in their decision to support, in principle, development on the Homefield site.

### **Summary of parishioners' views:**

Points raised	Those in favour	Those undecided	Those against	Totals
	63	14	25	
Want to live there	11	nil	nil	11
Other points for	16	nil	nil	16
Affordable/local	22	4	10	36
Traffic issues	2	6	18	26
access (pedestrian)	4	5	16	25
AONB/Conservation	nil	nil	8	8
Other points against	nil	3	7	10
Site lower south	4	1	nil	5
Sustainable development	3	nil	nil	3

### **Our agenda:**

As a consequence of all the above we continue to consider our agenda to include:

1. Clearly the request for affordable/local houses is central to the proposed development and the only basis on which a development on AONB can be considered. We will continue to focus on the need for the site to consider the primary need for affordable houses for local people.
2. The related issues of traffic through the village and practical and safe access for pedestrians is crucial.
3. We continue to seek improved amenities for the village as originally proposed in the parish plan. We continue to consider that there is merit in expanding the site further south to the existing village boundary to provide additional space. We note that the present proposal is for a site significantly extended westwards in relation to the original Woodhouse farm suggestion.
4. We would like to see design and build proposals which seek to set local standards for sustainability to justify the development on prime agricultural land in an AONB.

### **Progress and proposals:**

Debbie Holoway, SHDC Housing Officer confirmed that the original need established for affordable housing continues to stand for planning purposes for a period of five years.

As a consequence of the site visit and conversation we note some progress.

1. Access - there is a clear understanding that pedestrian access is an issue, both in terms of access through the narrow footpath and safe access on to the main road. The Highways Officer clearly has these issues in mind, noting that the present path is unsuitable for the disabled and parents with prams, and is engaged in discussions with the local planning officer who has the ultimate responsibility to make a recommendation.

**We considered, essentially, two proposals. One is to retain the existing, restricted, footpath and to create a crossing point to the right of the lane exit using dropped**

**kerbs. Various sites for this crossing were considered noting present parking arrangements and the location of sloped access to the opposite, raised, pavement.**

**The other option we discussed is to create a pedestrian access alongside that for vehicles. The crossing would be to the raised pavement via slopes excavated into the present bank.**

**In either case we discussed the possibility for extra, precautionary measures given the volume of traffic negotiating the narrows through the village. These would be subject to current Highways regulations and policies.**

**There was also further consideration to residents going down the footpath to enter the village via the farm lane. However, at this stage we noted that the siting of houses is to the north of the site as is the currently proposed exit to the footpath. As the school, church and village hall are closer to the main road, this continues to be the access point for consideration.**

2. **Intrusion - we spent some time considering the likely impact of the development on existing properties. The slope of the site clearly provides for levels to be excavated which will reduce the visual impact from existing properties to some extent. We also noted that while the views from the footpath will be substantially reduced, there may be sightlines available through the development, although these are not yet clear.**

**We are keen to see clearer plans for the development showing ground/floor levels and eaves/ridge heights of the proposed dwellings in relation to existing ground levels and eaves/ridge heights of nearby properties. We are also particularly concerned about the visual impact and intrusion on Swallowfields given that the property is sited at a lower level than others along the northern perimeter.**

3. **Landscaping - we understand that there will be further discussions about landscaping around the boundaries to the site. While there seems to be no interest on the part of land-owners or developers to extend the site to the south, as we have previously suggested, there is a proposal to build a Devon bank to the southern border contiguous with that which exists inside the present boundary.**

**We note that while the site has been extended in breadth to the west to accommodate open market houses, there remains a relatively small area of land to the south of the site outside the proposed boundary. Given, also, that there appear to be no proposals for directly improved amenities for the village through the proposed development, we would like to see how this parcel of land could be developed through landscaping.**

4. **Integration of affordable with open market homes - there have been no further plans developed at this stage to adapt the site in the ways we have previously suggested.**

**Given our clear priority as set out above, we continue to promote the view that affordable houses should be integrated through their siting and design with those intended for the open market. We would like to see some of the affordable houses occupying the southern area of the site, rather than all being to the northern perimeter. This could also open up the possibility of opening a pedestrian access to the footpath further south.**

5. Sustainable development as well as sustainable site location - at this stage there has been no discussion of the proposed design and build of houses on the site.

**We continue to promote high levels of sustainability in design and build, to try to create an exemplary site of which the parish could be proud.**

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