

## PLANNING APPLICATION REPORT

**Case Officer:** David Jeffery    **Parish:** Frogmore & Sherford    **Ward:** Allington and Strete

**Application No:** 1430/21/ARM

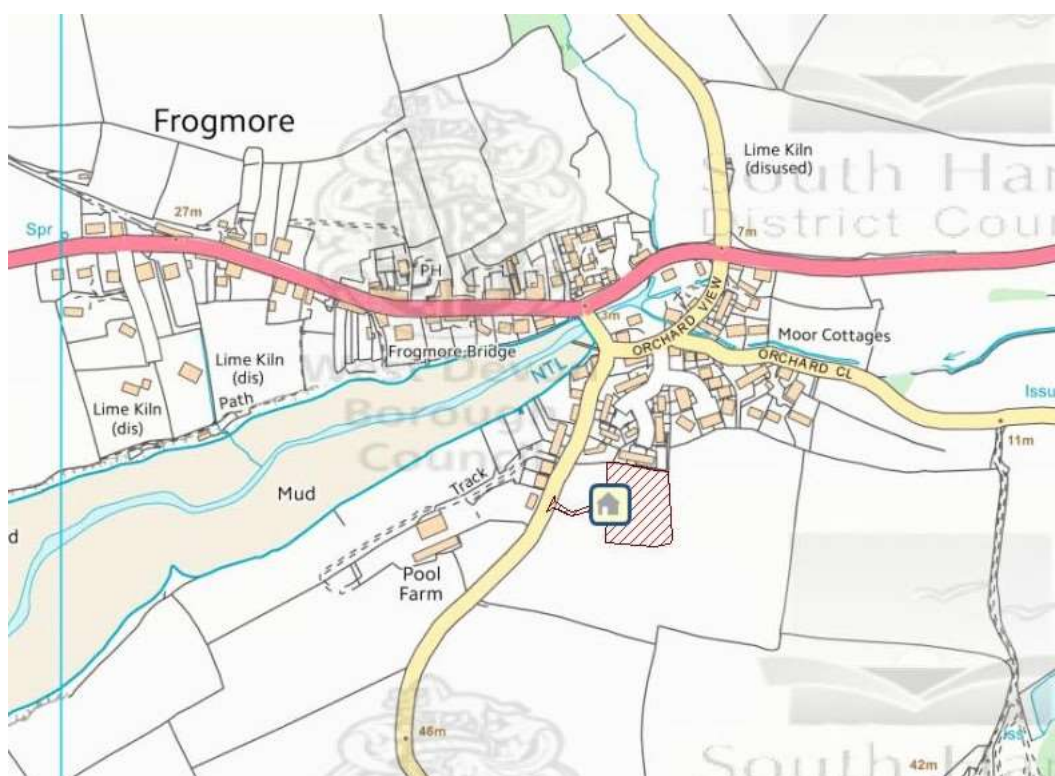
**Agent/Applicant:**

BBH Chartered Architects Ltd  
Creek House  
Island Street  
Salcombe  
TQ8 8DP

**Applicant:**

Mrs E Perraton  
C/C Agent

**Site Address:** Site at SX 775 424, East of Creek Close, Frogmore



**Development:** READVERTISEMENT (Revised plans received) Application for approval of reserved matters following outline approval 3880/17/OPA

**Reason item is being put before Committee:**

**Cllr Foss:** *“As much as I would like to sign this of I think for democracy this should come to the committee the Parish council have asked many times what is happening on this site they are very unhappy at the new development was given the go ahead so let's give them a chance to comment on the detail, I will say that one big concern is the work programme in respect of the safety of the children and residents of creeks close”.*

**Recommendation:** Grant permission

## **Conditions**

1. Time limit (2 years) – as per the outline condition
2. Accordance with plans
3. Highways engineering details
4. Drainage (Installed in accordance with plans)
5. Cirl Bunting mitigation
6. Compliance with Ecology report/LEMP
7. Biodiversity net gain
8. External lighting
9. Compliance with DEV32
10. Materials details - stonework, render and slate prior to commencement
11. Remove PD rights

## **Key issues for consideration**

The principle of development for 8 homes on this site has already been established through the outline planning permission and only those matters reserved by the outline consent need to be considered through this application. Those matters are scale, layout, appearance, access, and landscaping. As part of this assessment, other related matters to be reviewed include impacts on residential amenity, carbon reduction, drainage and ecology.

Conditions attached to the Outline planning permission require details of foul and surface water drainage including a surface water drainage management plan for the construction phase and that the timing of works takes place outside of nesting birds season. Other requirements associated with the Outline permission include the submission of a Construction Management Plan.

The Unilateral undertaking agreed as part of the Outline Permission requires the agreed affordable housing, the submission and agreement of a Landscape and Ecology Management Plan, the delivery of an equipped play/sports area and that off-site Cirl Bunting Mitigation Measures are agreed with the Council and maintained thereafter in perpetuity.

## **Financial Implications (Potential New Homes Bonus for major applications)**

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

---

## **Site Description**

The site lies on the southern edge of the village of Frogmore, immediately to the east and accessed from a recently developed housing site now known as Creek Close. The northern boundary of the site adjoins residential properties in Winslade Close. Agricultural fields adjoin the site to the east and south. The land rises to the south across the site away from the existing built form of Frogmore.

All land south of the A379 in this area, including the application site, lies within the South Devon Area of Outstanding Natural Beauty. Environment Agency mapping shows the site lies within Flood Zone 1.

## **The Proposal**

The reserved matters application seeks consent for access, appearance, landscaping, layout and scale for the construction of 8 homes. These include 4 x 2 bedroom homes (including 2 affordable homes) and 4 x 3 bedroom homes. The application also proposes a play area/communal green space in the south east of the site and a buffer of planting along the northern edge of the site between the proposed and existing development on Winslade Close.

## **Consultations**

- **County Highways Authority**

Recommends conditions requiring full highway engineering details and a construction management plan. Advice provided on the highways layout has been incorporated into the plans including that turning provision is incorporated at the point the two new roads connect using flush kerb demarcations with the remaining roads to serve the dwellings remaining private.

- **Tree specialist**

Upon review of the submitted information I would recommend the application is suitable for approval on arboricultural merit.

- **Drainage specialist**

Full drainage details have been provided to demonstrate that a workable drainage scheme can be accommodated on site therefore if permission is granted please include a condition requiring the scheme to be installed in strict accordance with the approved plans.

- **Affordable housing**

The submitted details are acceptable.

- **Ecology**

I can confirm that the the submitted plans address my previous comments and are therefore sufficient. No objections.

- **Landscape Specialist**

Comments dated 9/08/2021 (Holding Objection). The following concerns were noted:

1. The proximity, scale and positioning of new dwellings in relation to existing properties on Winslade Close, and the potential effects on their residential amenity.
2. The size of private garden areas on a number of plots, and the amount of useable garden space for future residents.
3. No proposed site levels plans have been provided to confirm the extent of ground engineering and levels changes.
4. The retention of the farm vehicle field access, which has influenced the internal road layout, and positioning of dwellings.
5. No hard landscape details have been provided.
6. The proposed Native Hedge Mix should be amended to reflect the species and proportions of other common hedge plants identified locally.
7. The 4 no. *Tilia x europaea* (common lime) should be changed to *Tilia cordata* (small-leaved lime).
8. The amenity grass within the communal green space should be changed to a flowering meadow or lawn mix.

9. The longer term retention of orchard planting and wildflower meadow located within private plots will be difficult to secure.

Comments dated 29/11/2021 (Holding Objection sustained)

1. The relationship to properties on Winslade Close is improved by moving plots further south and including a planted buffer along the site's northern boundary.
2. Maintenance access should be accommodated on the planting layout and site plan.
3. Where bin storage is in rear gardens, they should be provided on hard surfaces.
4. Plots 5-8 all have sufficient external space to accommodate external bin storage without compromising the useable amenity space.
5. The external garden areas are much improved by the amended site layout.
6. The re-positioning and re-orientation of Plot 6 is much improved. A potential issue with the revised layout is the location of Visitor parking spaces in front of the dwelling.
7. The amended plot boundaries and rear garden terracing for Plots 7 and 8 is noted. The terracing will provide more useable garden space, which is welcomed.
8. No retaining features or underbuild are shown, and external steps are not detailed (and are only indicated for plots 7 & 8).
9. The 4 no. *Tilia x europaea* (common lime) have been changed to *Tilia cordata* (small-leaved lime), as requested, which is welcomed.
10. Officers previously observed that the proposed Native Hedge Mix should be amended
11. Details of 3 different species rich meadow mixes for grassed areas, in line with previous SHDC Officer feedback, which is welcomed.
12. In all other respects, the proposed planting proposals are considered acceptable.
13. The use of reinforced grids for the agricultural access, that will allow the area to be grassed over but that will withstand trafficking by agricultural vehicles and equipment, is welcomed.
14. The landscape hardworks plan is noted. Whilst it includes hard surfacing materials which are acceptable, there is no detail provided to confirm the proposals for fencing, gates or ancillary structures (sheds and bin stores), which should form part of the submission.
15. It is noted and welcomed that the DAS confirms that no street lighting is proposed in response to the intrinsically dark night skies of the protected landscape.

Comments dated 10/01/2022

The principle of the development has been established by the outline consent. Further to my consultation response dated 9th August 2021, there is no objection on landscape character, or visual amenity grounds. Overall, the changes made to the landscape proposals are broadly acceptable, and will form an appropriate landscape treatment to the site. If Officers are minded to recommend approval of the application details of external lighting provision could be secured by condition.

- **Frogmore and Sherford Parish Council – Objection.** Omission of the field access spur road would provide adequate opportunity for a scheme redesign to alleviate the oppressive effect imposed by this application on Winslade Close residents. It is noted that layout drawing ref: 3139.304, revision D, was the one presented at outline planning stage. Public green space formed a buffer between new house plots and Winslade Close. Despite the layout being subject to 'reserved issues', on granting the appeal, the Planning Inspector would have been influenced in his decision by this layout. The Frogmore and Sherford Parish Council objects to this application. The readvertised revisions do not adequately address any of the grounds for objection previously raised. As set out above, we advocate site and road layout revisions to take account of neighbouring dwellings and the impact on

the AONB, the removal of an agricultural gateway access facilitating the passage of agricultural vehicles and equipment through the residential estate, and as a pre-requisite, the submission of a Construction Management Plan.

### **Representations from Residents**

Two letters of objection have been received objecting on the following grounds:

- Agreement with Parish Council objections
- The site is already prone to flooding issues, which are likely to be exacerbated if development goes ahead.
- The houses planned shall have a greater impact on views to all residents living in Winslade Close.
- Noise, dust and disturbance from the building works.
- Light pollution from street lighting.
- Adverse impact on highways and parking.

### **Relevant Planning History**

3880/17/OPA - Outline application (with all matters reserved) for the erection of 8 dwellings (including affordable housing), access and associated landscaping. Allowed at appeal (Ref: APP/K1128/W/18/3205992) 27 December 2018.

## **ANALYSIS**

### **Principle of Development/Sustainability**

The principle of development on this site has been established under application 3880/17/OPA. The purpose of this application is to consider the scale, layout, appearance, access, and landscaping proposals and make sure that the detailed proposals are acceptable in all other regards.

As part of the outline planning permission, the applicant submitted a signed unilateral undertaking. This included provision for: school infrastructure and school transport contributions, agreement and provision of highway works, provision of 2 of the dwellings to be affordable homes, a landscape and ecology management plan, the provision and maintenance of an equipped play area, Cirl Bunting mitigation measures, the management and maintenance of SUDS, the provision of a management company, and agreement of the boundary treatment between the site and 6 Creek Close.

### **Layout**

In considering the design and potential impacts on the AONB the Inspector for the outline application noted that: *“Mitigation measures would be important to ensure the development successfully integrates into the landscape and the form of the village. This would include the location of the open space, the siting and orientation of the buildings and landscaping. These are detailed considerations for any reserved matters submissions. However, I am satisfied that a suitable scheme could be achieved. In view of the modest scale of the proposal and its particular location I consider that the development would not result in harm to the character and appearance of the area and that it would not fail to preserve and enhance the natural beauty of the AONB”.*

The approved Outline application for this site (3880/17/OPA) provided an indicative site layout. This indicative layout allowed for an undeveloped buffer of land, marked as a ‘communal/sports green’ along the northern edge of the site. This was reported to allow for

potential drainage features on lower parts of the site as well as amenity space. This also served as a buffer of land to be provided between the proposed, and existing homes at Winslade Close.

The layout submitted as part of this reserved matters application, diverges from the indicative outline layout in that the buffer along the northern edge of the site between the proposed and homes on Winslade Close was removed and development was focused more on the lower northern parts of the site. Following Officer feedback, a revised layout has been provided that reinstates a buffer along this northern edge of the site. This has the benefit of allowing the proposed to more sensitively respond to homes on Winslade Close. The acceptability of this buffer in terms of the relationship of the proposed to existing homes is covered in more detail below as part of the assessment of impacts on residential amenity.

The site's main area of amenity space is focused in the south east of the site. As this represents the most elevated part of the application site this is likely to have the benefit of reducing the visual prominence of the development when viewed from the surrounding area. Although natural surveillance of this amenity space is only provided by means of a flank elevation it is not on balance considered preferential to rotate the adjacent property due to constraints on its amenity space and parking arrangements.

Each plot has front and rear gardens and an on-plot area of parking. Each garden contains an area of soft landscaping and a hard surfaced patio area, as well as bins/recycling storage, garden/bicycle storage and an external Air Source Heat Pump.

Overall the proposed external appearance is considered to be acceptable and in accordance with policy DEV20 in the JLP.

### **Neighbour Amenity**

An important issue to be considered as part of this application is the relationship between proposed new homes and existing single storey dwellings located on Winslade Close, which are set at a lower level. The illustrative layout submitted as part of the Outline Planning permission allowed for a generous buffer to the north of the site between new development and these existing homes. Plans initially submitted as part of this application removed this buffer and moved the proposed built form within 12m, of these bungalows. As identified in the adopted SPD, whilst 12m is usually a guide of an adequate minimum distance between a habitable room window and a flank wall, it also advises that this needs to be increased by an extra 3 metres for every 2 metres increase in height, where there is a difference in levels.

Following the receipt of Officer feedback, the applicant has reinstated a buffer along this northern edge of the site and increased the distance between the proposed flank walls to around 14m from the rear wall of No. 16 Winslade Close to plot number 1. Plot 5 is distanced around 17.9m from the rear wall of No. 14 Winslade Close (with the single storey garage setback by a distance of 14m). Although still in relatively close proximity to 16 Winslade Close, the slightly oblique angle and positioning of plot 1 is also considered to minimise any potential for adverse impacts in terms of outlook and daylight. Clarification of this relationship has been provided by way additional drawings (ref 3139.322 and 3139.321) which detail sections through the existing buildings on Winslade Close and plots 5 and 1. The details demonstrate that relationship safeguards the amenities of these existing neighbours and meets the guidance set out in the Council's SPD.

The existing boundary hedgebank to the north would remain as existing. Although the landscape planting to the north of the site may potentially impact upon the existing homes on

Winslade Close in terms of shading, the proposed trees are deciduous and whilst they would potentially provide shade in summer, their impact during winter months is considered to be minimal. The number of trees along this boundary has also been reduced in favour of a screening mix, which will also reduce the likelihood of these gardens being excessively shaded.

Regarding concerns from the Parish Council over the need for the submission of a Construction Management Plan, a condition is proposed requiring the submission of and approval of a full construction management plan prior to commencement of development.

A requirement of the Unilateral Undertaking secured as part of the Outline Planning Permission was that details of the boundary treatment adjacent to 6 Creek Close are submitted to and approved by the LPA as part of the reserved matters approval. Officers confirm that the existing 1.8m close boarded fence will be retained and that these details are acceptable.

### **Highways/Access**

The proposed estate road allows for a 4.8m wide road to be provided along with a 1.8m wide pavement to one side. Following Officer feedback, turning provision has now been allowed for in the middle of the site rather than adjacent to homes on Winslade Close. This is considered to avoid increased noise and light pollution for these properties. The main access road and this turning area in the middle of the site would be offered for adoption with the remainder of road serving the north and adjacent to the field access, remaining unadopted.

It is noted that the Parish Council objects to the retained agricultural field access. Whilst not ideal that agricultural vehicles may use the estate road to access agricultural land beyond, the retention of this access is not considered to warrant refusal of the application. The application has also been amended to detail the highway access leading up to the field access as reinforced grass. This will help provide demarcation between the estate and the field access. Parking has been provided at a level of two side by side off-road spaces per unit plus an additional garage space for the three bed homes. This accords with guidance contained in the Council's SPD.

No objections have been received from the County Highways Authority subject to the inclusion of a condition requiring the approval of engineering details of the roads and a Construction Management Plan prior to commencement of development.

### **Scale**

The proposed homes are all two storeys in height and of a scale that is reflective of the recently constructed homes on Creek Close to the west of the site. The application rises towards the south and the proposed homes will mainly be visible against this slope.

The application proposes 4 x 2 bedroom homes and 4 x 3 bedroom homes. As required by the s106 agreement for the outline planning permission, 2 affordable social rented units are proposed. The house types are summarised below:

- Plots 1 and 2 are proposed to be open market 2 bed units (Approx. 90m<sup>2</sup> GIA).
- Plots 3 and 4 are 2 bed units proposed to be social rented affordable homes (Approx. 90m<sup>2</sup> GIA).
- Plot 5 is a 3 bed detached home with integral garage, a separate kitchen, lounge and a 6.5m<sup>2</sup> study to ground floor. (Approx. 120m<sup>2</sup> GIA).
- Plot 6 is a large detached 3 bed home with integral garage, separate kitchen/diner, lounge and study at ground floor. (Approx. 180m<sup>2</sup> GIA).

- Plots 7 and 8 are semi-detached 3 bed homes with integral garage, separate kitchen/diner, lounge and study at ground floor. (Approx. 145m<sup>2</sup> GIA).
- The three bed homes include single garages with clear internal dimensions of have internal clear dimension of 6.5 x 3.5m

JLP Policy DEV8 seeks to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing, and create sustainable, inclusive and mixed communities. The following provisions will apply: A mix of housing sizes, types and tenure appropriate to the area and as supported by local housing evidence should be provided, to ensure that there is a range of housing, broadening choice and meeting specialist needs for existing and future residents. The most particular needs in the policy area are:

- i. Homes that redress an imbalance within the existing housing stock.
- ii. Housing suitable for households with specific needs.
- iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency

Forgmore and Sherford have a similar mix of house sizes to the South Hams average albeit with a shortfall for 2 bed homes (23% compared to 26% on average across South Hams). The proposed mix including 4 no. 2 bed homes is therefore considered to be appropriate for the local area and will help address the current local shortfall of 2 bed homes. The proposals are considered to be compliant with JLP Policy DEV8.

JLP Policy DEV10 requires, amongst other things, both new and converted dwellings to have an acceptable amount of internal space that meets national space standards. An assessment of the application has shown that all units, including the affordable housing, meet the minimum areas prescribed by the Nationally Described Space Standards. Amended plans have been received omitting downstairs studies for the two bed homes that could have been considered as an additional bedroom. With regards to the provision of garden space, adopted SPD requires that the minimum provision for detached homes is 100m<sup>2</sup>, 75m<sup>2</sup> for semi-detached homes and 50m<sup>2</sup> for terraced homes. The proposed levels of private amenity space meet these standards. The proposals are considered to be compliant with JLP Policy DEV10 and the Council's SPD.

### **Appearance**

The proposed homes are two storeys. The dwellings are to be of a traditional pitched roof design covered in natural slate with recessed PV panels. Walls are to comprise a mix of render, with natural stone to bay windows. Windows and doors are to be grey uPVC. A condition is considered necessary to confirm details of the stonework, render and slate prior to commencement. The enclosure of the site using new Devon hedgebanks is considered a positive means of softening the visual impact of development.

Overall the proposed external appearance is considered to be acceptable and in accordance with policy DEV20 in the JLP subject to suitable conditions requiring material samples to be submitted.

### **Landscape**

During the assessment of the Outline application the Planning Inspector was largely satisfied that a scheme could be delivered on the site that could have an acceptable visual impact on the local landscape and the surrounding AONB. The disposition of development across the



site includes less development of more elevated areas of the site and includes positive mitigation through landscape planting.

A number of amendments have been made to the landscaping proposals during the life of the application. The comprehensive landscape comments included in the landscape specialist's feedback have been largely addressed and it is confirmed that there is no objection to the proposals on landscape character, or visual amenity grounds.

### **Drainage**

Percolation testing on the application site has revealed soakaways are not possible, so attenuation is proposed with discharge into the adjacent SWW Surface Water sewer. Surface water drainage proposals involve the inclusion of an attenuation tank under the road serving the north of the site before discharged via a conveyance swale to existing drains to the north west of Creek Close. Foul drainage would be discharged via a connection to the mains South West Water sewer. SW Water have confirmed that there is adequate capacity. The Council's drainage Specialist has confirmed no objection subject to the inclusion of a suitable condition.

Concerns over drainage raised as part of the letters of objection are acknowledged. However, as confirmed by the Council's drainage specialist the proposed scheme is considered to be acceptable. Furthermore, a condition has been carried over from the Outline Permission requiring details of a surface water drainage management plan for the construction period to be submitted to and approved in writing by the local planning authority. Officers consider that with the above conditions, the drainage proposals comply with relevant JLP policies including DEV35 and adequately respond to any concerns raised by neighbouring properties.

### **Ecology**

The application is accompanied by a Preliminary Ecological Appraisal (PEA), which notes that all hedges are to be retained and it is unlikely the proposal would damage or have negative effects on protected species or habitats. The report states no further ecology surveys are considered necessary. The RSPB provided detailed comment on the outline application particularly in relation to Cirl Buntings.

Further details have been submitted during the assessment of the application in response to comments received from the County Ecologist. Amendments to the application include the introduction of fences to separate existing hedgerows from rear gardens to allow for their adequate management and protection, amendments relating to the proposed planting mix and further details on the establishment and management of proposed ecological enhancements.

The terms of the Unilateral Undertaking entered into as part of the Outline permission require that the Council approve Cirl Bunting mitigation measures and that off-site mitigation is managed and maintained in perpetuity. The current application proposes offsite provision of Cirl Bunting habitat to compensate for the loss of foraging habitat associated with the development. The submitted LEMP acknowledges that 0.45ha of compensatory habitat is required, which is agreed by the County Ecologist. As this habitat consists of winter stubble it is accepted that this would need be rotated throughout the 93ha holding, which is confirmed to be in the control of the applicant. The proposed means of securing this habitat is that the location of where the winter stubble shall be created in the first year post development shall be made available and then in proceeding years this shall be highlighted in a farm management plan or suitable register that shall be made available to the LPA as requested. This terms of this provision (originally included as part of the unilateral undertaking for the

Outline Permission) are to be secured via condition. This has been agreed with the County Ecologist.

As required by the terms of the Outline Permission swifts boxes are proposed in the external walls of proposed new dwellings.

The County Ecologist has confirmed that following the submission of further details relating to the protection and management of on and off site wildlife habitats, the proposals as detailed in the submitted plans and Landscape and Ecological Management Plan are considered to be acceptable.

A condition would be added to any planning consent requiring compliance with the submitted LEMP and the delivery of a 10% minimum biodiversity net gain.

Subject to the proposed conditions, the proposals are considered to comply with JLP Policy DEV26.

### **Low carbon development**

Since the granting of the outline permission the JLP has been adopted and Policy DEV32 requires development to identify opportunities to minimise the use of natural resources in the development over its lifetime. The Councils commitment to this issue has been demonstrated through the declaration by the Council of a 'climate emergency'.

The DEV32 statement submitted with the application considers a number of measures related to carbon reduction for the scheme. The applicant has stated that; *'The proposal is to be designed to exceed current regulations'*. Each house is to have an electric car charging point. In addition to this PV panels and heat pumps are detailed on the submitted plans. The measures detailed within this DEV32 statement, are considered to be in accordance with Policy DEV32 of the JLP and a condition requiring that the development proceeds in accordance with these details is recommended to ensure compliance.

### **Conclusion**

The principle of this development for 8 homes within the AONB has already been established through the Outline planning permission. The design response to the site adequately balances the amenities of surrounding neighbours and on balance will not have an unacceptable impact on the South Devon AONB. The submitted details of scale, appearance, layout, access and landscaping for the 8 dwellings are in compliance with planning policy and are therefore considered to be acceptable subject to the appropriate conditions.

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

### **Planning Policy**

#### Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for

Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)\* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 13<sup>th</sup> January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[\*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

SPT12 Strategic approach to the natural environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV25 Development in the Sustainable Villages

TTV26 Development in the Countryside

TTV27 Meeting local housing needs in rural areas

TTV29 Residential extensions and replacement dwellings in the countryside

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV9 Meeting local housing need in the Plan Area

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV23 Landscape character

DEV24 Undeveloped coast and Heritage Coast

DEV25 Nationally protected landscapes

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV27 Green and play spaces

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

DEV30 Meeting the community infrastructure needs of new homes

DEV31 Waste management

DEV32 Delivering low carbon development  
 DEV35 Managing flood risk and Water Quality Impacts  
 DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

**Frogmore & Sherford Parish Neighbourhood Plan**

Currently at the Regulation 15 stage, where feedback from the community has been incorporated into the draft plan and can be submitted for expert scrutiny.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 172 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

South Devon AONB Management Plan

**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.

|   |  |
|---|--|
| <p><b>Chairman of Planning Committee -</b></p> <p>Date cleared –</p> <p>Comments made -</p> |  |
| <p><b>Ward Member -</b></p> <p>Date cleared -</p> <p>Comments made -</p>                    | <p><b>Ward Member –</b></p> <p>Date cleared</p> <p>Comments made -</p> |

**Conditions**

1. Time limit

The development to which this permission relates must be begun not later than the expiration of two years beginning with the date on which this permission is granted.

Reason: To comply with conditions attached to the outline permission (Ref: 3880/17/OPA) and section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

## 2. Accordance with plans

- 3139.310 H As Proposed Site Plan (Received 16/12/2021)
- 3139.315 D As Proposed Plots 1 & 2 (Received 08/11/2021)
- 3139.316 D As Proposed Plots 3 & 4 (Received 08/11/2021)
- 3139.317 E As Proposed Plot 5 (Received 16/12/2021)
- 3139.318 E As Proposed Plot 6 (Received 16/12/2021)
- 3139.319 E As Proposed Plots 7 & 8 (Received 16/12/2021)
- 3139.320 D As Proposed Site Cross Sections (Received 16/12/2021)
- 3139.321 Additional cross sections (Received 29/4/2022)
- 3139.322 Additional cross sections (Received 29/4/2022)
- JG01 Rev 2 - Proposed Estate Road Layout (Received 7/1/2022)
- JG02 Rev 2 - Swept Path Analysis (Received 7/1/2022)
- JG03 Rev 7 - Proposed Area of Adopted Road (Received 7/1/2022)
- 723/01 Rev F - Planting/Landscaping Plan (Received 3/3/2022)
- 723/02 Rev G - Landscape details and notes (Received 3/3/2022)
- 723/03 Rev F- Landscape details and notes (Received 3/3/2022)
- Colmer Ecology LEMP Amended Dec 2021 (Received 6/1/2022)

## 3. Highways details

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 by the Local Planning Authority in writing 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. Construction of these approved details must be completed before any of the homes are occupied.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

## 4. Drainage

The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development. If drainage scheme other than that approved as part of this permission is proposed then alternative drainage details shall be agreed with the Local Planning Authority.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

## 5. Ecology – Cirl Buntings

Appropriate habitat for Cirl Buntings in the form of 0.45ha rotational winter stubble shall be provided. The location of this habitat and management of this habitat for the first year post development shall be submitted to LPA for agreement before first occupation of the development hereby approved. In proceeding years, the location of the 0.45ha winter stubble shall be highlighted in a farm management plan or suitable register that shall be made available to the LPA when required.

Reason: To safeguard the interests of protected species.

## 6. Ecology – Accordance with LEMP

The recommendations, mitigation and enhancement measures of the Landscape and Ecological Management Plan (LEMP) (Draft 4) prepared by Colmer Ecology Ltd received 6/1/2022 shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

#### 7. Biodiversity net gain

Prior to commencement of development, details of landscaping and ecological enhancements must be submitted to, and approved in writing by the Local Planning Authority, details shall include details demonstrating how an onsite bio-diversity net gain of at least 10% will be achieved.

Reason: In the interest of public amenity and the conservation, enhancement of the local character and protect species.

#### 8. External lighting

There shall be no flood lighting or other external lighting at the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance and character of the South Devon AONB and Undeveloped Coast.

#### 9. Carbon reduction

Notwithstanding the submitted details, the development hereby permitted shall not commence until precise details of how the development will meet with the objectives of Policy DEV32 of the Plymouth and South West Devon Joint Local Plan shall be submitted to and approved in writing by the Local Planning Authority - these details include, but are not limited to, the measures in the submitted 'DEV32 Checklist' and 'Design and Access Statement' (received 10/5/2021) and the approved plans including the installation of PV panels, Air Source Heat Pumps and Electric Vehicle Charging Points for each house.

The development shall be carried out in accordance with the approved details and maintained in perpetuity thereafter.

Reason: To ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy.

#### 10. Materials

Prior to commencement of the development, samples or details of the roofing materials and natural stone and render used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The work shall proceed in accordance with the approved materials.

Reason: In the interest of visual amenity and to ensure the development will deliver betterment in relation to the existing and safeguard the character and appearance of the site and its surroundings.

#### 11. Remove PD rights

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order revoking and reenacting 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:

Part 1, Class A (extensions and alterations)

Part 1, Classes B and C (roof addition or alterations)

Part 2, Class A (means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and to ensure the scale of the dwellings are retained in the interests of the housing needs of the Parish.