

# PLANNING APPLICATION REPORT

**Case Officer:** Clare Stewart

**Parish:** Frogmore & Sherford **Ward:** Allington and Strete

**Application No:** 3880/17/OPA

**Agent/Applicant:**

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

**Applicant:**

The Perraton family  
Winslade Farm  
Frogmore  
Kingsbridge  
TQ7 2PA

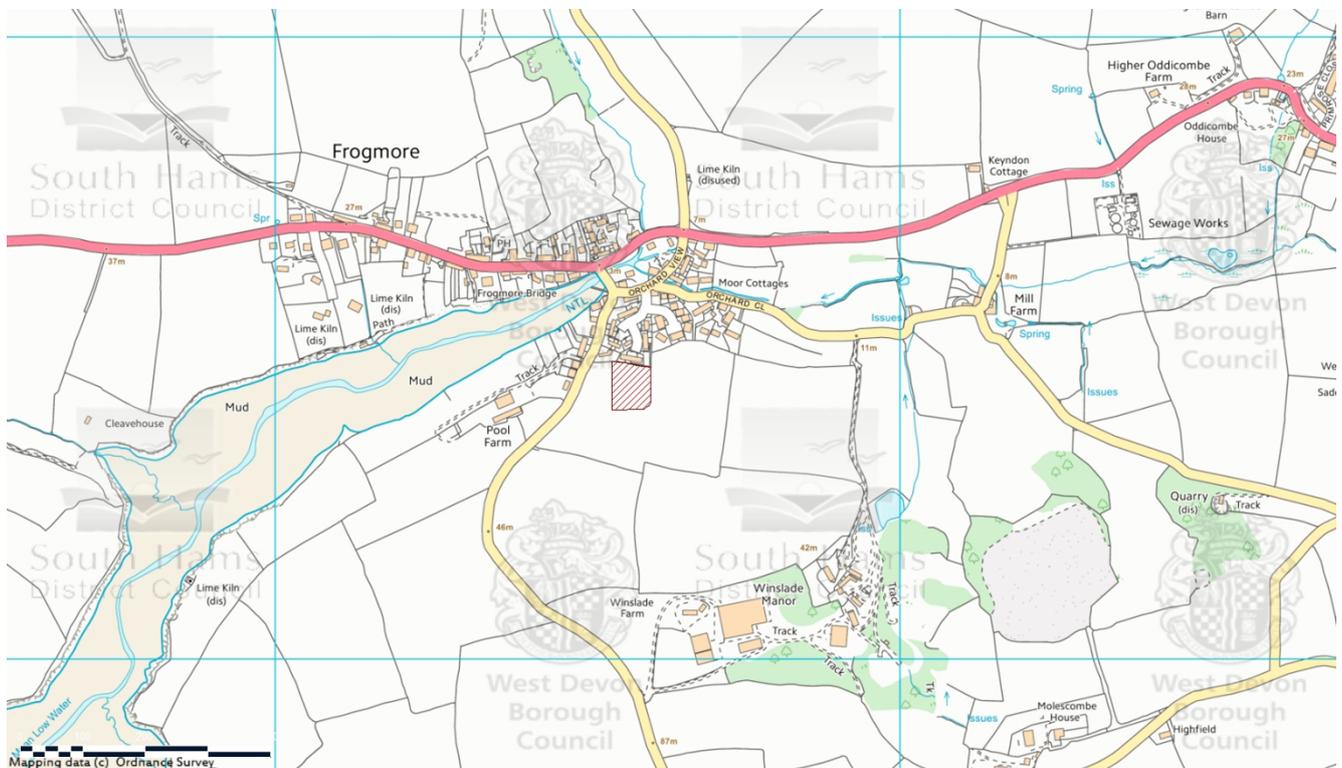
**Site Address:** Proposed development site at SX 775 424, East Of Creek Close, Frogmore, Devon

**Development:** Outline application (with all matters reserved) for the erection of 8 dwellings (including affordable housing), access and associated landscaping.

**Reason item is being put before Committee**

Called in by the Ward Member (Cllr Foss) on the following grounds:

- The application is within the AONB and all that goes with it.
  - There are issues with the access that have not been addressed
  - There are unresolved land issues with creeks close that need to be addressed
- The Parish Council have done extensive consultation which shows lack of support for housing on this site and claim there is a better site outside the AONB available within the village.



**Recommendation:** Delegate to CoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

### **Conditions**

1. Time limit (Reserved matters)
2. Submission of Reserved Matters
3. Accord with plans
4. Construction Management Plan
5. Details of highway, footpath, verges, junctions etc. to be agreed and implemented
6. Foul drainage
7. Surface water drainage
8. Construction phase surface water drainage
9. Full hard and soft landscape details, including maintenance schedules and a timetable for implementation, cross sections, boundary treatments and lighting
10. Tree/hedgerow protection plan and an Arboricultural Method Statement
11. Landscape Environmental Management Plan (LEMP)
12. Works to potential bird nesting habitats not undertaken within bird nesting season unless ecologist confirms absence
13. Unsuspected contamination

### **Key issues for consideration:**

Principle of development.  
Impact on AONB.

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### **Site Description:**

The site lies on the edge of the village of Frogmore, immediately to the east of a recently developed housing site now known as Creek Close. The northern boundary of the site adjoins residential properties in Winslade Close, with agricultural fields to the east and south. The land rises to the south.

Frogmore is a small village which straddles the A379. The village contains a bakery/café, a pub, village hall, amenity ground and a children's play area. All land south of the A379 in this area, including the application site, lies within the South Devon Area of Outstanding Natural Beauty. The site lies outside of, but adjacent to the Development Boundary of Frogmore (which does include the existing dwellings in Winslade Close). Environment Agency mapping shows the site lies within Flood Zone 1.

### **The Proposal:**

Permission is sought in Outline with all matters reserved for the erection of 8 dwellings, access and associated landscaping including a communal/sports green area.

Heads of Terms for a Section 106 Agreement are proposed as follows:

- 2 affordable units to be provided within the development (detailed design to be agreed at Reserved Matters stage)

- DCC Education Contributions - £26,305.00 towards Secondary School infrastructure, £10,852.00 towards Primary School Transport, £4,997.00 towards Secondary School Transport
- Provision of on-site play equipment (full details including ongoing maintenance and management to be agreed at Reserved Matters stage)
- Management Company for management and maintenance of communal landscape areas
- Public access and on-going management and maintenance of the on-site public open space, in perpetuity and in accordance with the LEMP
- Highways – amendments as requested by DCC Highways to the adoptable road to be undertaken by the developer
- Management and maintenance of SuDs
- Appropriate compensatory commuted sum for lost arable habitat, or compensatory habitat and its ongoing management in perpetuity for Cirl Buntings
- Resolution of site boundary between application site and 6 Creek Close

### Consultations:

- County Highways Authority – *“It has been discussed previously with the highway agent for the site that the private section of road leading from the Creek Close extent of public highway has not been built in accordance with the required 4.8m width. It is in fact 4.3m wide. It has been discussed that this private section of road needs to be widened to 4.8m and the agent has agreed to these works. The Highway Authority is however concerned that the red line boundary for the application site does not include this stretch of road nor the verge required to widen the road. If this site therefore receives an approval any future purchasers may have no obligation to widen the road to the required width. The Highway Authority would ask the Planning Authority to consider this matter and advise how the matter can be resolved. No formal recommendation is made by the Highway Authority at this time. It is requested this issue is clarified.*

*Notwithstanding the above concern the Highway Authority in principle has no objections to the proposal noting the levels of traffic likely to be generated equate to around 48 daily two way vehicle movements. In the peak hours it is expected around six two way movements will be generated. It is not considered this level of traffic will have any noticeable effect on the public highway.*

*The proposals now do not provide a footway leading back towards the A379 now that the development has been scaled back to 8 dwellings. There is no evidence in the form of accidents reported to the Police to the contrary which suggests the lack of a footway should give rise to unacceptable safety issues. If there is an overriding need for houses in this location then an overriding highway safety argument should not be raised.*

#### *Recommendation:*

*Notwithstanding the first concern regarding road widths if the Planning Authority is minded to approve the application the Highway Authority would request the following conditions” – Construction Management Plan, details of estate road, footpaths, verges, junctions etc to be agreed.*

- Affordable Housing – *“The Affordable Housing team support this application as it will be providing two affordable homes in the parish of Frogmore. There is a need for additional affordable homes in the parish as evidenced by the Council’s housing register Devon Home Choice and the Help to Buy South West register for the South Hams. Further discussions would be needed with the applicant on the unit size and tenure of the affordable homes at Reserved Matters stage. We would also require the affordable homes to have a local connection criteria restriction.”*
- Environmental Health Section – No objection subject to standard unsuspected contamination condition

- SHDC Drainage – No objection based on revised details, conditions regarding final foul and surface water drainage management. Management and maintenance obligation for the SuDs to be included in the S106
- Devon County Education – “The proposed 8 family-type dwellings will generate an additional 2 primary pupil and 1.2 secondary pupils.

*Regarding the above planning application, Devon County Council would need to request an education contribution towards secondary school infrastructure and school transport.*

*There is currently capacity at the nearest primary school for the number of pupils likely to be generated by the proposed development and therefore a contribution towards primary education would likely not be sought. Devon County Council will however likely seek a contribution towards additional education infrastructure at the local secondary school that serve the address of the proposed development. The secondary contribution sought would likely be £26,305.00 (based on the current DfE extension rate per pupil of £21,921) which will be used to provide education facilities in the area.*

*In addition, DDC will likely seek a contribution towards primary and secondary school transport due to the proposed development site being on an unsafe walking route to Charleton Primary School and further than 2.25 miles from Kingsbridge Academy. The costs required would be as follows: -*

*2.00 primary pupils*

*£4.08 per day x 2 pupils x 190 academic days x 7 years = £10,852.00*

*2.00 secondary pupil*

*£2.63 per day x 2 pupils x 190 academic days x 5 years = £4,997.00*

*The County Council would also wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.”*

- Landscape – “In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:
  - Section 85 of the Countryside and Rights of Way (CRoW) Act;
  - Section 11 of the NPPF in particular paragraphs; 109 and 114-116;
  - The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and
  - The South Devon AONB Management Plan and its Annexes.

*In respect of the principle policy tests in the NPPF, this application is not considered to constitute “major development” in the context of paragraph 116, due to its small scale in the context of the village and its limited potential for significant effects on the AONB. The provisions of NPPF paragraph 116 therefore would not apply.*

### **Landscape Character and Visual Impact**

*This scheme represents a significant reduction in the scale of development proposed in this location. The proposed development would form a small area of new built form in the context of the village. As recognised in the LVIA there would be minimal adverse landscape and visual effects, and limited to the immediate site area. Built form would be seen in a clear context of the existing development at the settlement, with minor additions to dwelling ridges*

perceived in the immediate site area. Appropriate primary and secondary mitigation measures are proposed in the LVIA, which would effectively control landscape and visual effects.

In light of the above, the impacts on the AONB and its special qualities are similarly considered to be minimal, with, in principle, a well-proportioned development site for a highly sensitive location.

### **Detailed Design / Landscape Design**

As an outline application it is not relevant to consider detailed design at this stage. There are no principle issues with indicative layout, but I would note that should the application be approved, subsequent Reserved Matters applications should include the primary and secondary mitigation contained within the LVIA. Failure to do so may result in a landscape objection. I would welcome the opportunity to work with the applicant on the detailed design and mitigation proposals of the scheme if this application is approved.

### **Arboricultural Impact**

The development indicated could be achieved at this site without impacting on any significant trees or hedgerows and I would therefore raise no objection on arboricultural grounds, subject to securing appropriate protection for the existing trees and hedgerows during construction.

### **Policy**

In light of the limited impacts now considered to result from the proposed development, and the opportunity to provide appropriate and effective mitigation, I would not raise an objection on landscape grounds under policies DP2 and CS9. Although the enhancement of the landscape of the site would be limited, there are opportunities to improve the relationship of this site and the adjacent site with the rising field above with new landscaping.

### **Recommendation**

**No objection** on landscape grounds, subject to securing detailed information through conditions as set out below.

### **Suggested Conditions**

- Full hard and soft landscape details, including maintenance schedules and a timetable for implementation.
- Detailed cross sections through site, particularly detailing the relationships between the existing field level and the southern site boundary, and the site with adjacent development to the north and west.
- Boundary treatments.
- Lighting details.
- Tree/hedgerow protection plan and an Arboricultural Method Statement.”
- Open Space, Sport and Recreation (OSSR) – “The proposal is for the provision of 8 new dwellings and includes a communal/sports green to the south of the proposed new access road. Whilst the provision of the communal/sports green is welcomed, and will provide some opportunities for informal play and recreation, it is considered that the new residents will also use existing open space, sport and recreation facilities in Frogmore, particularly the existing Frogmore play area located at Apple Tree Close to the north of the A379. The play area is within walking distance of the proposed development and is a key piece of the village OSSR infrastructure along with the village amenity ground to the north of Mill Lane.

The Play Audit undertaken in 2017 as part of the Joint Local Plan evidence Base (OSSR Study, 2017) scored the play area as 3 out of 5 (average, needs improvement), noting that

*there was potential for a small expansion to accommodate additional equipment. The new residents will add pressure to this facility which has already been identified as in need of improvement, and the pressure will require mitigating to assist with making the facility sustainable.*

*Applying Tables 3 and 6 of the SHDC OSSR SPD (2006) the following sum should thus be secured within the s106 agreement:*

- *Play provision = number of occupants (based on Table 3 of the SPD) x £380*

*It is noted that planning application 1768/16/OPA, which forms a larger proposed development site, incorporating the area covered by this application, was refused in July 2017 and is currently undergoing an appeal process (APP/K1128/W/17/3185418). Application 1768/16/OPA includes provision of an equipped play area. Thus it is recommended that the play contribution should be sought for either 'improvements to the existing Frogmore play area at Apple Tree Close or towards provision of a new play area on land to the east should this come forward in due course'.*

*With regard to the proposed communal/sports green, the following should also be secured by condition/s106 agreement:*

- *submission and agreement of details of the communal/sports green to include details of on-going management and maintenance.*
- *Public access and on-going management and maintenance of the on-site public open space, in perpetuity."*

- Ecology – Holding objection overcome by amended draft Heads of Terms to secure compensation for Cirl Bunting habitat

*"Suggested conditions and s106 clauses (if minded to approve)*

- *Pre-commencement LEMP, to include maintenance schedules for the Public Open Space, including all existing and new hedgerows (which should be retained, and not form part of residential curtilage).*
- *Works to potential bird nesting habitat shall not be undertaken within the bird nesting season (March to August inclusive) unless a suitably qualified ecologist confirms the absence of nesting birds.*
- *S106 clause to secure ongoing management and maintenance of POS and boundary hedgerows in perpetuity and in accordance with the LEMP*
- *S106 clause securing appropriate compensatory commuted sum for lost arable habitat, or compensatory habitat and its ongoing management in perpetuity for Cirl Buntings*
- *Incorporation of nest sites for swifts built into the external walls of proposed new dwellings, a minimum of one per dwelling. These should be sited at least 5m above ground and high under the eaves, ideally on north (or west) elevations – to be shown on plans at RM stage."*

- Frogmore and Sherford Parish Council – *"Frogmore and Sherford Parish Council has considered the planning application and recommends that this proposed development in the Area of Outstanding Natural Beauty in Frogmore be refused.*

*This is on the basis that there are no exceptional circumstances to justify the development, and that the development would not be in the public interest.*

## ***1 PLANNING OBSERVATIONS***

*As with application 1768/16/OPA a main consideration in determining the present application is its impact on the AONB and compliance with the government's National Planning Policy Framework (NPPF).*

*The cumulative impact on the AONB must be taken into account in this assessment. The proposed new development (part of the site referred to as phase 2 in the last application, 1768/16/OPA), together with the adjacent Creek Close housing development (a parish affordable*

housing initiative) lying within the AONB, amounts to an incursion of 19 dwellings, being 8 proposed in this application plus 9 completed affordable house and 2 consented, but undeveloped, housing plots at Creek Close.

The present application would therefore give rise to incremental major development within the AONB. In determining the question of 'major' in this context we reference the Town and Country Planning (Development Management Procedure)(England) Order 2015 provisions. The Order states in paragraphs (c), (d) and (e):

"Major development" means development involving any one or more of the following: -

(c) The provision of dwelling houses where -

(i) The number of dwelling houses to be provided is 10 or more; or

(ii) The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);

(d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(e) Development carried out on a site having an area of 1 hectare or more;

If it is deemed that this application culminates in an incremental major development in the AONB, consideration must be given to whether there are exceptional circumstances to justify the development, and whether the development would be in the public interest.

The requirements of the National Planning Policy Framework (NPPF) protecting AONBs to be addressed include:

**NPPF Paragraph 14 specifies in this extract:**

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted. (Refer to Footnote 9).

**Footnote 9 (development should be restricted):**

For example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

**NPPF Paragraph 115 then goes on to say:**

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, 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 all these areas.

**And then NPPF Paragraph 116 specifies:**

Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration 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 it, or refusing it, upon the local economy.

- *The cost of, and the scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *The detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

***The applicant's proposals need to be tested accordingly under the provisions of NPPF Paragraph 116***

- ***The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.***

*30% of Frogmore's existing housing stock is in the 'affordable' category, managed by registered social landlords and, in a handful of cases, part-owned or purchased by sitting tenants under 'right to buy' regulations. This is a creditably high proportion compared with an 11% Devon county average. 9 new affordable homes were recently completed a Creek Close, Frogmore.*

*Frogmore is located in 'Rural South Hams', shown as having a 4.2 year's housing land supply. The absence of a 5-year target housing land supply is a district wide issue and does not amount to a exceptional local need for additional housing in Frogmore. There would be benefits to the local economy no matter where in the South Hams the housing was situated.*

*The determination of housing need and allocation criteria, is usually deduced through professional case examination and interview. The 2016 objectively assessed need (OAN) for housing in the Frogmore and Sherford parish was met by Hastoe Homes at Creeks Close.*

- ***The cost of, and scope for, developing elsewhere outside the AONB designated area, or meeting the need for it in some other way.***

*Alternative sites for any ascertained local housing need that lie outside the AONB within the South Hams district have not been explored. This is a pre-requisite to considering a need for major development within an AONB.*

*The applicant is silent on this policy requirement.*

*The SHDC agreed Plymouth & South West Devon Joint Local Plan 2014-2034 (JLP), now at final Government Inspectorate stage, cites Frogmore as one of 46 sustainable villages, each of which is targeted with procuring not less than 10 new dwellings during the Plan period (16 years now remaining). Since 2014 ten new homes have been built in Frogmore and planning consent has been granted for a further two.*

*JLP policy TTV30 – 'Empowering local residents to create strong and sustainable communities' supports 'the preparation of neighbourhood plans as the means of identifying local development needs in the sustainable villages.*

*SHDC designated the Frogmore & Sherford Neighbourhood Plan (NP) area on 23rd March 2017. Under the provisions of the Localism Act the community will determine and monitor, through its Neighbourhood Plan, the parish's objectively assessed (OAN) housing needs and preferred siting for future development, including housing.*

*Neighbourhood Plan community consultation meetings have taken place in the parish and the Plan is being drafted. Community engagement comments received to date highlight the need to protect the AONB against development. There is not evidence to support the development of the applicant's site. The application is premature and time should be allowed to determine demand and support, or otherwise, for substantial development within the parish within the context of the Neighbourhood Plan.*

The Parish Council mounted village hall 'drop-in' sessions on 1st and 2nd December to enable members of the Frogmore and Sherford parish community to view the current planning application details. Community comments are appended and show that the proposed development would not be in the public interest.

- **Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.**

The site is described as 'inappropriate for development' in SHDC's 2016 land assessment. Although a reduced scale of development, the South Devon AONB Unit previously concluded that there are no exceptional circumstances to justify development, citing negative impacts, the proposals do not conserve or enhance the AONB and compromise the character of the village and its rural setting.

## **2 HOUSING NEED**

The present application includes BBH Architects' Affordable Housing Needs Survey – Frogmore and Sherford, dated May 2017.

The applicants state that the survey results 'have identified 25 households in need of affordable housing, with 24 of these households having a local connection to Frogmore & Sherford parish and requiring an affordable home within the parish'

This is a very different picture to the one to which the Parish Council referred in its May 2017 consultation report in response to application 1768/17/OPA thus:

*'The latest housing survey was carried out by Hastoe Housing Association in 2014 and has been monitored since. This indicates that the 9 new Creek Close, Frogmore affordable houses meet present local demand. As with all Registered Social Landlord housing allocations, the determination of need and qualification will be deduced through professional case examination and interview. It should be noted that the 2007 'need for 24 new affordable homes within the parish' resulted in 9 qualifying cases each of which has been met in the last few months'.*

The SHDC's planning officer's report upon which the previous planning application 1768/16/OPA was refused includes the following passages:

*'It is relevant (therefore) to consider each of the tests set out in paragraph 116. The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy*

*At present this Council cannot evidence a 5 year housing land supply; whilst sufficient sites have been identified with the emerging Plymouth and South West Devon Joint Local Plan (JLP) the evidence base for this has not yet been tested so cannot yet be relied upon. The last objective housing needs survey was undertaken in 2007 and identified a local need for 27 affordable homes. Nine affordable homes have since been provided in Creek Close. The applicant undertook a housing needs survey very recently but this has not been published.*

*Frogmore, relative to other villages in the South Hams, has a reasonable provision of affordable homes and has accommodated additional market and affordable development schemes in recent years.*

*It is likely that there will always be an argument to say that there is a need for more homes, but this on its own cannot be a compelling reason to allow major development in the AONB. Having regard to the great weight to be given to conserving the AONB and the presumption that major development should be refused, this would indicate that the need for housing would have to be an exceptional need to meet this test. The need for housing in Frogmore is not considered to be exceptional.*

*Permitting this development is likely to have a positive impact on the local economy during the construction phase, but again not in any exceptional way that would, on its own, justify major development in the AONB.*

*The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; Frogmore has this year completed a scheme of nine affordable houses, meeting an immediate need for this type of housing in the village.*

*Planning permission, outside of the AONB, has recently been granted for circa 65 dwellings (market and 35% affordable) in the nearby village of Chillington and it is expected that this site will come forward for development.*

*Frogmore is a village which straddles the AONB; it is possible that future housing need could be met on sites on the northern side of the A379, outside of the AONB. It is considered that the social and economic cost to the village of not permitting this development is low having regard to the recent provision of affordable housing in the village. There is scope for meeting future housing need outside of the designated area, or if within the designated area, with less adverse impact.*

*Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

*The section on landscape and design sets out objections from the AONB Unit and the Council's landscape specialist. This detailed analysis shows that there will be demonstrable harm to the landscape and scenic beauty of this part of the AONB as a consequence of this development. This harm cannot be overcome through mitigation landscaping, sensitive design or other means.*

*The proposed development does not meet the exception tests as set out in paragraph 116 of the NPPF and no other exceptional circumstances to justify this development have been demonstrated.*

*The Parish Council has consulted the South Hams / SW Devon Housing Office with regard to BBH Architects' housing survey in order to clarify its status. The conclusion is that it is not an objective housing needs (OAN) survey and cannot be considered in respect of any formal planning consultation.*

*There are nine households presently living in Frogmore registered on the Devon Home Choice register.*

*We are advised that:*

- One person is awaiting a re-let at Creek Close, as erroneously advised that they were ineligible when the properties were originally advertised.*
- One person is living at Creek Close with her child in a property occupied by her daughter and child and seeks separate accommodation.*
- Five people on the register are elderly / with special needs, awaiting transfer to live in Kingsbridge.*
- Two people are in private sector rented accommodation within the village.*

*There are two further registrations:*

- One is a Sherford resident seeking accommodation in Salcombe*
- One is a Dartmouth resident seeking accommodation in Sherford*

*BBH Architects' advise that their survey was distributed within the parish and that copies were available for open collection from Frogmore Bakery. They also publicised the survey in the Kingsbridge & Salcombe Gazette, Dartmouth Chronicle and Ivybridge & South Brent Gazette.*

*It would appear that the response opportunity was district wide. The survey 'summary report' is numerical and does not provide names, addresses or evidence of local connections.*

*Frogmore has a creditable track record in providing affordable housing, including the new Creek Close homes. The Parish Council does not consider that BBH Architect's 'Affordable Housing Needs Survey – Frogmore and Sherford' demonstrates exceptional circumstances for further affordable housing in Frogmore at this time.*

*As the applicant's scheme proposes less than 11 units we note that, in policy terms, there is no requirement for on-site affordable housing provision, normally an off-site financial contribution would be provided. In this case the applicants have agreed to on-site provision, although we should be aware that they could opt to vary the 106 in the future'.*

### **3 COMMUNITY CONSULTATIONS**

*In the absence of any applicant pre-application community consultations, the Parish Council mounted two drop-in sessions at Frogmore village hall in order to afford parishioners the opportunity to view the available planning application details. 32 people attended and 74 written comments were recorded. The transcribed comments are at appendix A."*

The Appendix A can be viewed in full on the Council's website – it can be noted all 74 comments are against the development.

Further comments received 22/05/18:

*"Frogmore and Sherford Parish Council reviewed the planning application at its 21st May 2018 meeting. A revised 'general Plan', (ref: 3139.304 Rev D Plan) was posted on the original 13th November 2017 application planning portal on 11th March 2018.*

#### **1. Visual and environmental impact**

*The revision proposes a significant alteration to the building configuration, reintroducing houses on the upper, south site of the site, similar to the 28-house scheme layout, now the subject of a Planning Appeal, thus maximising visual impact within the AONB.*

#### **2. Major development**

*The Parish Council's December 2017 submission to the planning authority maintains that the 8-house application constitutes 'major development' within the AONB and thus full National Planning Policy Framework protection against development remains enforceable.*

*The planning authority concur in their Planning Appeal statement in relation to the 28-house application (1768/16/OPA) that the effect of the 'phase 1' (Creek Close) development should be taken into account in relation to impact on the AONB. The latest application aggregates to an AONB impact of 19 houses (9 affordable houses and 2 unbuilt plots at Creek Close and 8 in the new application). It is noted that in November 2017 HM Government's Planning Inspector dismissed a Planning Appeal for 15 restricted (older peoples') dwellings proposed for a site in the AONB at Wembury, near Plymouth on grounds that it constituted major development. Wembury parish has a population some 4 times larger than Frogmore and Sherford. The development impact on Frogmore at this scale would be substantially greater.*

#### **3. Housing land supply**

*The argument that there is less than a 5-year housing land supply is no longer supportable. The JLP Councils' 19th April 2018 response to the Inspector's request for updated housing land supply figures, following very extensive hearings and adjustment, are recorded as increased to **7.6 years** for the 'Thriving Towns and Villages' assuming a 20% buffer, and **8.7 years** land supply with a 5% buffer. These key, refined figures can no longer be afforded only 'little weight'.*

Frogmore's emerging JLP 'sustainable village' 20-year housing supply target is already met and will be monitored against objectively assessed housing needs within the context of the parish Neighbourhood Plan.

#### **4. Objectively assessed housing need**

Frogmore village boasts a rewarding ratio of 30% affordable housing to 70% private sector housing. By way of comparison, South Hams District Council's Housing Department advise that a figure of under 10% is the typical affordable housing proportion in a rural community.

Frogmore & Sherford Parish Council takes a responsible, proactive approach to optimising affordable housing opportunities, demonstrated most recently with its sponsorship of the Village Housing Initiative at Creek Close which met 2016/7 objectively assessed housing needs in full. These 9 Creek Close houses were developed and are managed on social rents by Hastoe Housing Association. Their availability was advertised twice following completion in order to secure qualifying tenants.

Meanwhile, Guinness Housing Trust built and manages 43 houses in Frogmore at Winslade Close and Apple Tree Close. 39 of these are let at social rents, 3 are now in shared ownership and 1 has been bought by the tenant.

As to housing need, South Hams Housing Office recently advised that there were 9 households within the Frogmore post code area on its Devon Home Choice housing register. They were recorded as follows:

<i>Present Parish Address</i>	<i>Current bedrooms</i>	<i>Number in Household</i>	<i>Children</i>	<i>Area preference</i>
<i>Creek Close</i>	<i>2</i>	<i>2</i>	<i>1</i>	<i>Frogmore</i>
<i>Winslade Close</i>	<i>1</i>	<i>1</i>	<i>0</i>	<i>Kingsbridge</i>
<i>Winslade Close</i>	<i>1</i>	<i>1</i>	<i>0</i>	<i>Kingsbridge</i>
<i>Apple Tree Close</i>	<i>1</i>	<i>2</i>	<i>0</i>	<i>Kingsbridge</i>
<i>Winslade Close</i>	<i>1</i>	<i>2</i>	<i>0</i>	<i>Kingsbridge</i>
<i>Apple Tree Close</i>	<i>1</i>	<i>1</i>	<i>0</i>	<i>Chillington</i>
<i>Apple Tree Close</i>	<i>1</i>	<i>1</i>	<i>0</i>	<i>Kingsbridge</i>
<i>(not identified)</i>	<i>1</i>	<i>2</i>	<i>0</i>	<i>Frogmore</i>
<i>Jeffreys Meadow</i>	<i>2</i>	<i>3</i>	<i>0</i>	<i>Frogmore</i>

6 existing households were seeking to leave the village and 3 existing households wished to exchange their accommodation within the village. Those wishing to leave are typically elderly requiring enhanced services better provided in Kingsbridge or Chillington where, for example, health services are to hand.

Consistent with its small size and rural nature, Frogmore has limited employment, no school and few facilities and amenities. Affordable housing need is a district wide consideration and there are no exceptional circumstances to justify the applicants' housing proposals in the AONB. Given consistently recorded community opposition, neither would the development be in the public interest.

## **5. NPPF (National Planning Policy Framework) compliance**

The NPPF 'Paragraph 14' presumption in favour of development is negated in respect of Areas of Outstanding Natural Beauty (AONBs). NPPF 'Footnote 9' provides that development policies within the framework should be restricted.

NPPF Paragraph 115 states great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Paragraph 116 states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration 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 it, or refusing it, upon the local economy.
- The cost of and scope for, developing elsewhere outside the designated area, or meeting the need for 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.

The applicants' site is within the SHDC /'South Hams Our Plan' site ref: SH 43 02/08/13 and assessed as follows: 'Due to the significant constraints identified relating to its location, scale and landscape impact, the site is not considered to have potential for development at this time.

The need for the development is not proven. No evidence has been submitted to indicate that the cost and scope of developing elsewhere has been considered. The imposition of a housing estate with its attendant traffic, light pollution and services will demonstrably have a serious detrimental effect on one of the nations most important Areas of Outstanding Natural beauty, set above and outside the village boundary of Frogmore and the SSSI protected estuary.

## **6. Neighbourhood Plan**

The Frogmore and Sherford Parish Neighbourhood Plan will guide provision for future housing, including the siting and quantum of new housing balanced with community life, services, the parish economy and infrastructure criteria. Following autumn 2017 community consultations, detailed completed Neighbourhood Plan Questionnaires (NPQs) were submitted by over 50 % of the Parish's adult population during February 2018. Relevant to the present application, published recorded community views include:

Question	Agree	Neutral	Disagree
Need for new housing in parish	39%	18%	43%
Priority to affordable housing where required	64%	17%	19%
Site within existing village boundaries	71%	15%	15%
New housing <b>not</b> to be in AONB	80%	7%	13%

## **7. Timing**

The Parish Council reaffirms its recommendation that the present application be refused. We submit that the concurrent Planning Appeal judgement and Joint Local Plan adoption are matters pertinent to the determination of this application."

**Representations:**

4 letters in support of the application have been received, with comments made summarised as follows:

- Provision of home for young working people and families with local connections
- Provision of much needed housing, smaller homes
- Small scale, 'infilling' nature
- Obvious place for extension to village without detriment to the AONB
- Proposal is not 'major' development
- Communal green space will be of public benefit

35 letters of objection have been received, with concerns made summarised as:

- Applicant trying to achieve greater ambitions by stealth
- Should be refused for same reasons as previous applications
- Trying to avoid "major development" definition when in fact it is
- Derogation tests for building in the AONB have not been met
- Does not conform with NPPF
- Progressive erosion and encroachment of the AONB
- No special circumstances to warrant approval
- Frogmore has already met its target for housing identified within the JLP
- Two previously approved houses on adjoining site still not built, demonstrating lack of need for additional housing
- At odds with Frogmore and Sherford Neighbourhood Plan
- Duty to protect AONB
- Disturbance to natural environment
- Light pollution
- Proposal not informed by an evidence base
- SHLAA considered site does not have potential for development
- Village has limited facilities, shop is currently for sale
- No school places, doctors surgeries stretched
- High risk of flooding
- Traffic pressure
- Sewage
- Residential amenity
- Lack of engagement with community from applicant
- Impact on neighbouring property values

The RSPB have commented that the site lies in an important area for curlew buntings, and threats to this farmland bird include built development that removes important habitat. They support the recommendations of the submitted PEA in relation to retention and enhancement of hedgerows. In the absence of a site-specific curlew bunting survey to show otherwise it is reasonable to assume the site has the capacity to support them. A planning obligation is recommended to provide for suitable management of retained and new native hedges, and to provide a habitat equivalent to that lost to the development to be managed for curlew buntings in perpetuity. Also recommend a condition to ensure potential nesting habitat is not removed in the bird breeding season. Integral nest sites for swifts should be built into the external walls of the new dwellings.

### **Relevant Planning History**

In relation to the development immediately to the west of the current application site:

- 3749/16/VAR: Variation of condition 2 (revised site layout plan) following grant of planning permission 43/2855/14/F. Development Site of Sx 7752 4240, Creek Close, Frogmore,

Kingsbridge. Under consideration – it can be noted the decision on this application does not affect the Council's ability to determine the application subject of this report.

- 3704/16/FUL: Retrospective application to alter boundary and new site layout (following planning approval 43/2855/14/F). Creek Close, Frogmore. Under consideration - it can be noted the decision on this application does not affect the Council's ability to determine the application subject of this report. Whilst it appears there would be some overlap between the two sites the boundary treatment etc. could be resolved at the Reserved Matters stage. It is also proposed to reference this issue in the Section 106 Agreement for the current application.
- 1708/16/ARC: Application for approval of details reserved by conditions 5 (Hardsurfacing Materials), 6 (Landscaping Details), 7 (Inbuilt bat and bird nesting Details) & 10 (Lighting Details) planning consent 43/2855/14/F. Development Site of Sx 7752 4240, Creek Close, Frogmore, Kingsbridge. Discharge of condition approved: 27 Jul 16
- 43/2058/15/DIS: Application for approval of details reserved by condition 3 (schedule of materials and finishes) of planning consent 43/2855/14/F Development site of SX 7752 4240 Frogmore Kingsbridge. Discharge of condition approved: 21 Oct 15
- 43/1661/15/F: Amendment to Plot No 10 of planning approval 43/2855/14/F to include erection of two semi-detached dwellings in-lieu of one detached dwelling. Plot 10, Proposed Development Site At Sx 7752 4240, Frogmore. Conditional approval: 07 Dec 17
- 43/1646/15/DIS: Application for approval of details reserved by conditions (9, 11, 14-16) of planning approval 43/2855/14/F Development site of SX 7752 4240 Frogmore Kingsbridge. Discharge of condition approved: 25 Nov 15
- 43/2855/14/F: Erection of 9 affordable houses and 1 open market house together with creation of new vehicular access parking and turning facilities and landscaping. Development site of SX 7752 4240 Frogmore Kingsbridge. Conditional approval: 31 Mar 15

Also of relevance including and to the east of the current application site (including a much larger parcel of land):

- 1768/16/OPA – READVERTISEMENT (Revised Documents submitted) Outline Planning application (with all matters reserved) for the erection of 28 dwellings (including affordable/starter homes), creation of community allotments, accesses, highway improvements and associated landscaping. Proposed Phase 2 Development Site Land at Ngr Sx77664245, Mill Lane, Frogmore. Refusal: 17 Jul 17. Appeal ongoing (APP/K1128/W/17/3185418). This was a reduced scheme from an original submission for 46 dwellings and a new community hall/sports pavilion.

## **ANALYSIS**

Principle of Development/Sustainability:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

The application site lies outside the established Frogmore Development Boundary. Notwithstanding the latest comments from the Parish Council, the Council is currently unable to demonstrate a five year supply of housing. Paragraph 49 of the NPPF states:

*“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.”*

Paragraph 14 of the NPPF states:

*“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking....*

*For decision-taking this means:*

- *approving development proposals that accord with the development plan without delay and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or*
  - *specific policies in this Framework indicate development should be restricted.”*

The “tilted balance” set out in paragraph 14 above is engaged in relation to this application. In terms of restrictive specific policies consideration of the impact on the AONB is set out in the landscape section below. If it were concluded that overall the proposal would not result in sustainable development, the presumption in favour of development would not apply. The main issue, therefore, in respect of whether the development is acceptable in principle is whether the proposal represents sustainable development and if it is, whether there are significant and demonstrable adverse impacts that would outweigh its benefits with strict regard to the AONB which is afforded the highest status of protection.

Paragraph 7 of the NPPF identifies three dimensions to sustainable development – economic, social and environmental. The economic and social benefits of the scheme include the provision of new housing, including two affordable units within the application site. The site is well-related to the village of Frogmore, which historically benefits from a Development Boundary and has been identified as a Sustainable Village within the emerging Plymouth and South West Devon Joint Local Plan (although the emerging policies can be given only limited weight at this stage). Devon County Council are seeking financial contributions towards education infrastructure, and do not object to the application providing these are secured through a Section 106 Agreement. Consideration of the environmental/landscape impact of the development is included later in this report.

Whilst third parties have questioned the need for more residential development in Frogmore, commenting that new dwellings on the adjoining site have remained undeveloped, in the absence of a five year housing land supply it is considered refusal on the sole basis of lack of housing need could not be substantiated.

There are outstanding planning matters on the development immediately to the west of the site subject of the current application – two possible resolutions have been put forward (application refs. 3749/16/VAR and 3704/16/FUL). Neither application has been determined to date – both options require the signing of a new legal agreement, and it is understood discussions have become protracted. It is considered that the current application can still be determined in Outline, but it should be noted that the situation on the neighbouring site would need to be resolved prior to any subsequent Reserved Matters approval as the access and boundary treatment between the two sites would need to be agreed.

Design/Landscape:

The application is submitted in Outline with all matters reserved, although indicative details have been provided which suggest the quantum of development proposed can be adequately accommodated within the site. The final layout and detailed design of the dwellings could be appropriately dealt with at Reserved Matters stage.

Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Given the location of the site within the South Devon AONB, great weight must be given to the impact of the development on this landscape. Notwithstanding comments made by the Parish Council, there is no definition of major development within the AONB for the purposes of paragraph 116 of the NPPF (there being no specific reference to the definition provided in the Development Management Procedure Order within the NPPF as suggested by the Parish Council). This paragraph states that applications for major development in an AONB should be refused unless there are special circumstances and the development is in the public interest. At present it is for the Council to determine what constitutes major development in the AONB on a case by case basis. The consultation response from the Council's Landscape Specialist includes the following: *"In respect of the principle policy tests in the NPPF, this application is not considered to constitute "major development" in the context of paragraph 116, due to its small scale in the context of the village and its limited potential for significant effects on the AONB. The provisions of NPPF paragraph 116 therefore would not apply."*

(A draft revised NPPF which does provide definition of major development in the AONB is out for consultation, but does not yet carry weight. It can be noted that using the definition proposed in the consultation draft the development subject of this application would not constitute major development in the AONB.)

The consultation response from the Council's Landscape Specialist is included in full above, and raises no objection subject to a number of conditions. The reduced scale of development being proposed compared with the previous application is noted. Officers do not dispute the assessment provided by the Landscape Specialist, and the basis of this technical advice it is considered an objection on landscape grounds could not be sustained.

Whilst concern has been raised in objection regarding potential plans for further development in this area, the Council can only consider the application as currently presented. Any subsequent applications would have to be considered on their own merits and having regard to the planning policy situation at that time. (The outcome of the appeal on the larger site to the east would also be a consideration in due course.)

#### Neighbour Amenity:

Whilst some concern has been expressed regarding amenity impacts, this would need to be considered in more detail at Reserved Matters stage and does not form grounds for refusal at this stage.

#### Highways/Access:

DCC Highways have commented that the access road through the neighbouring Creek Close development has not been constructed to the required width, but has raised no in principle objection to the application subject of this report. There are two outstanding planning applications which seek to resolve the planning issues on this site. As the application subject of this report has been submitted in outline with all matters reserved it is considered highways matters can be dealt with at the Reserved Matters stage, having regard to the resolution of matters on the adjoining site.

#### Drainage:

There have been lengthy discussions between the Agent and their specialist advisors and the Council's Drainage Specialist after an initial holding objection was raised. On the basis of revised drainage details the holding objection has been removed and conditions requested (with management and maintenance of SuDs to be included in the Section 106 Agreement). In the absence of any technical objections it is therefore considered that drainage does not constitute grounds for refusal.

#### Ecology:

The application is accompanied by a Preliminary Ecological Appraisal (surveys carried out August 2017), 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 habitat. The report states no further ecology surveys are considered necessary.

The RSPB have provided detailed comments on the application particularly in relation to Cirl Buntings. They include recommending a planning obligation to provide suitable management of retained and new native hedges at the application site and to provide an equivalent to that lost to the development for the management of Cirl Buntings in perpetuity. The Council's Ecologist raised concern regarding the lack of reference to Cirl Buntings within the submitted PEA, and initially raised a holding objection:

*"Typically, detailed cirl bunting surveys would be expected to establish the presence of and impacts upon this species (noting that Cirl buntings are a red listed bird of high conservation concern, specially protected by the Wildlife and Countryside Act 1981 and a species of principal importance (Natural Environment and Rural Communities (NERC) Act), and accordingly the NERC Act requires LPAs to have due regard to the conservation of the species.*

*In the absence of such surveys, cirl buntings must be assumed present, and an equivalent habitat would need to be provided and its management secured (including arable, hedgerow and margin habitats). Or a commuted sum would be required to enable subsequent provision and management of a compensatory habitat (in accordance with the latest Wildlife and Development Guidance Note: Cirl Bunting, October 2017). I note that the proposal includes creation of approx. 130m Devon hedgebank, and despite such habitat being less than ideal for Cirl Buntings (due to potential predation from domestic cats) it is noted that the existing hedgerow bordering the application site also backs on to residential development. Accordingly, it is considered that it is arable habitat (and associated winter stubble) which must be compensated."*

The Applicant/Agent subsequently submitted revised draft Heads of Terms to address the above issue, and the holding objection was removed on this basis. A number of conditions and Section 106 clauses are still recommended as listed at the beginning of this report.

#### Planning Obligations:

The Applicant is proposing two affordable housing units to be provided within the development and secured through a Section 106 Agreement. The Draft Heads of Terms also provide a commitment to pay the education contribution being sought by DCC Education – whilst third parties have raised lack of school places as grounds for objection the issue can be dealt with through a financial contribution as requested by DCC. Following further discussion in respect of OSSR an on-site solution has been proposed to be secured through the Section 106 Agreement.

#### Other Matters:

There was no statutory requirement for the Applicant to carry out their own community consultation/engagement.

Impact on neighbouring property values is not a material planning consideration.

The Planning Balance:

In the absence of a demonstrable five year housing land supply that can be relied upon, on the basis that the proposal does not in the view of Officers constitute major development in the AONB and that the proposed development will conserve the scenic beauty of the AONB as required by para 115 of the NPPF, the “tilted balance” needs to be applied in this case. Decisions should be taken in accordance with paragraph 14 of the NPPF which sets out a presumption in favour of sustainable development. This tilts the balance heavily in favour of housing development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted.

The proposed development would contribute towards the housing needs of the district including affordable housing, and this weighs in favour of the application. There has been notable concern raised by third parties regarding landscape impact, however the Council’s Landscape Officer has not raised an objection (subject to a number of conditions). Other technical matters can also be addressed by condition/Section 106 obligation.

In the absence of any significant harm arising from the proposal, which is considered to be a sustainable form of development, the balance tilts in favour of the application. It is therefore recommended for approval subject to conditions as detailed above and signing of a Section 106 legal agreement.

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

## **Planning Policy**

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.

The relevant development plan policies are set out below:

### ***South Hams LDF Core Strategy***

CS1 Location of Development  
CS7 Design  
CS9 Landscape and Historic Environment  
CS10 Nature Conservation  
CS11 Climate Change

### ***Development Policies DPD***

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

## **Emerging Joint Local Plan**

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

## **PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)**

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

TTV1 Prioritising growth through a hierarchy of sustainable settlements

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

TTV29 Site allocations in the Smaller Towns and Key Villages

TTV30 Empowering local residents to create strong and sustainable communities

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV3 Sport and recreation

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

DEV9 Accessible housing

DEV10 Delivering high quality housing

DEV15 Supporting the rural economy

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

DEV24 Landscape character

DEV27 Nationally protected landscapes

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)

DEV30 Trees, woodlands and hedgerows

DEV31 Specific provisions relating to transport

DEV32 Meeting the community infrastructure needs of new homes

DEV33 Waste management

DEV34 Delivering low carbon development

DEV35 Renewable and low carbon energy (including heat)

DEV37 Managing flood risk and Water Quality Impacts

## **Neighbourhood Plan**

A Frogmore and Sherford NP area has been designated but not progressed to next formal stage.

**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.

**Recommended conditions in full:**

1. In the case of any matter reserved by this permission application for approval of any reserved matter must be made not later than the expiration of three years beginning with the date of grant of outline planning permission.

The development to which this permission relates must be begun not later than whichever is the later of the following dates:

(i) the expiration of three years from the date of the grant of outline planning permission; or if later

(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. PRE-COMMENCEMENT CONDITION: Before the development hereby permitted is commenced, application shall be made to the Local Planning Authority for the approval of reserved matters which shall show the details of the development. Reserved matters shall include the design and external appearance of all proposed buildings, their siting, the materials of which they are to be constructed, the arrangements for the disposal of foul and surface water, the means of access from public highways, areas for vehicles parking, landscaping, and all other works including walls, fences and other means of enclosure and screening. The application drawings shall indicate the location and species of all trees existing on the site, those which it is proposed should be retained and those to be felled, and no tree on the site shall be felled until these drawings are approved.

Reason: To enable the Local Planning Authority to obtain adequate information for consideration of the ultimate proposal.

3. The development hereby approved shall in all respects accord strictly with drawing number .300 (Site Location Plan) received by the Local Planning Authority on 13th November 2017.

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

4. PRE-COMMENCEMENT CONBDITION: Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site (k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking. (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

The development shall thereafter be carried out strictly in accordance with the approved CMP.

Reason: In the interests of highways safety and amenity.

5. 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.

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

6. PRE-COMMENCEMENT CONDITION: Notwithstanding the submitted details, no development shall be commenced until:

1. Details of the works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority, and the dwelling shall not be occupied until the approved works have been completed to the satisfaction of the Local Planning Authority. {Details to include a completed FDA1 form and justification for private foul system}.

Reason: In the interests of the prevention of pollution.

7. PRE-COMMENCEMENT CONDITION: Notwithstanding the submitted details, no development shall be commenced until:

1. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until full details of drainage scheme for the surface water have been submitted to and approved in writing by the LPA. The drainage scheme should follow the drainage hierarchy with soakaways as the first choice. Only if soakaways are not feasible will an alternative scheme be considered. Design steps as below • Percolation testing in accordance with DG 365 will be required to support the use of soakaways, or justify an alternative option. The report should include the trail logs and calculate the infiltration rate.

- Soakaways to be designed for a 1:100 year event plus an allowance for climate change. (Currently 40%)

- If the ground conditions are not suitable then a controlled discharge a water course or Sewer can be considered. The surface water should be attenuated for a 1:100 year event plus 40% for climate change. The discharge must be limited to the green field run off rate.

2. Full details of the drainage system to manage the overland flows through and around the site from the upper catchments to mimic pre-development flow routes

3. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority

4. 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.

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.

8. PRE-COMMENCEMENT CONDITION: No part of the development hereby permitted shall be commenced until a detailed surface water drainage management plan for the full period of the development's construction, has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system shall then be constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, and shall thereafter be so maintained.

Reason: To ensure that surface water from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

9. PRE-COMMENCEMENT CONDITION; No development shall take place until full details of a hard and soft Landscape Scheme have been submitted to, and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:

- details of ground preparation prior to importation of topsoil, including decompaction of material and removal of any debris including plastic, wood, rock and stone greater in size than 50mm in any dimension;
- arrangements for stripping, storage and re-use of top soil; • arrangements for importation of top soil, including volume, source, quality, depth and areas to be treated;
- details of earthworks associated with the development, including volumes of cut and fill and arrangements for disposal of any excess excavated material or importation of material;
- details, including design and materials, of ancillary structures such as bin stores and signage;
- details of lighting including function, location, design and intensity;
- details and cross sections of new ground profiles including retaining bunds and banks, particularly detailing the relationships between the existing field level and the southern site boundary, and the site with adjacent development to the north and west; • materials, heights and details of fencing and other boundary treatments;
- materials, heights, levels and extent of hard landscape treatment, including access points, tracks, roads and any hardstanding areas;

- the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- the method of planting, establishment and protection of tree, hedge and shrub planting;
- maintenance schedules for the establishment of new planting and its ongoing management;
- a timetable for the implementation of all hard and soft landscape treatment

All elements of the Landscape Scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed in writing.

Reason: In the interest of public amenity and the conservation and enhancement of the local landscape character and the natural beauty of the AONB.

10. PRE-COMMENCEMENT CONDITION: No works or development shall take place until a scheme for the protection of the retained trees has been agreed in writing with the LPA. This scheme shall be in accordance British Standard 5837:2012 -Trees in relation to design, demolition and construction - Recommendations and shall include:

- Arboricultural method statement
- a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars (section 4 of BS5837:2012). The positions of all trees to be removed shall be indicated on this plan.
- the details of each retained tree in a separate schedule (section 4 of BS5837:2012).
- a schedule of tree works for all the retained trees in the paragraphs above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Work.
- the details and positions (shown on the plan at paragraph (a) above) of the Root Protection Zones (section 6.2 of BS5837:2012) • the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 of BS5837:2012), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6.2 of BS5837:2012)
- the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837:2012) • the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring or nearby ground • the details of any special engineering required to accommodate the protection of retained trees (section 7 of BS5837:2012), (e.g. in connection with foundations, bridging, water features, surfacing) • the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of “No-Dig” construction
- the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site

- the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity
- the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 5.5 of BS5837:2012)
- the details of tree protection measures for the hard landscaping phase
- the timing of the various phases of the works or development in the context of the tree protection measures.

The approved scheme shall be strictly followed throughout the course of development works.

Reason: In the interests of the protection of trees of public amenity value.

11. PRE-COMMENCEMENT CONDITION: No development hereby approved shall commence until a Landscape Environmental Management Plan (LEMP) has been submitted to and agreed in writing with the Local Planning Authority. Maintenance and management shall thereafter be carried out strictly in accordance with the approved LEMP.

Reason: In the interests of biodiversity and amenity.

12. Works to potential bird nesting habitat shall not be undertaken within the bird nesting season (March to August inclusive) unless a suitably qualified ecologist confirms the absence of nesting birds.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended).

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

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

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