

FROGMORE & SHERFORD PARISH COUNCIL

Planning application ref: **1430/21/ARM**

Consultee Submission

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

Applicant: Mrs E Perraton

Agent: BBH Chartered Architects Ltd, Salcombe

Description: **Application for approval of reserved matters following outline approval 3880/17/OPA**

Target determination date: 10th June 2021

1. Description

An outline application (with all matters reserved) for the erection of 8 dwellings (including affordable housing), access and associated landscaping was approved on 27/12/18 at appeal:

Ref :APP/K1128/W/18/3205992).

This application seeks consent for the reserved matters details including appearance, access, landscaping, layout and scale. The application site consists of a small section of land directly adjacent to the village of Frogmore, adjoining Creek Close to the west and Winslade Close to the north.

2. Planning History

Planning Application Ref: 1768/16/OPA

Submission 11th July 2016 for a development to include 46 houses.

Re-advertised submission 10th April 2017 for a development to include 28 houses

SHDC planning refusal notified 30th June 2017

Planning Appeal Ref: APP/K1128/W/127/3185418

Planning Appeal – SHDC notified 30th January 2018

Planning Appeal refused: 20th August 2018

Planning Application Ref: 3880/17/OPA

Submission 13th November 2017 for a development to include 8 houses

SHDC planning refusal notified 14th June 2018

Planning Appeal ref: APP/K1128/W/3205992

Planning Appeal – SHDC notified 7th September 2018

Planning Appeal- Allowed 27th December 2018 and planning permission granted for the erection of 8 dwellings (including affordable housing), access and associated landscaping at land east of Creek Close, Creek Close, Frogmore TQ7 2NX in accordance with the terms of application Ref 3880/17/OPA, dated 10th November 2017.

The site layout submitted at appeal was ref: 3139.304 revision D. This replaced the original application drawing ref: 3139.304 revision B.

Site Visit: Parish Councillors inspected the site with the Mrs. E. Perraton (applicant) and Mr. A. Perraton (agent) on 25th May 2021.

OBSERVATIONS

1. The proposed site layout

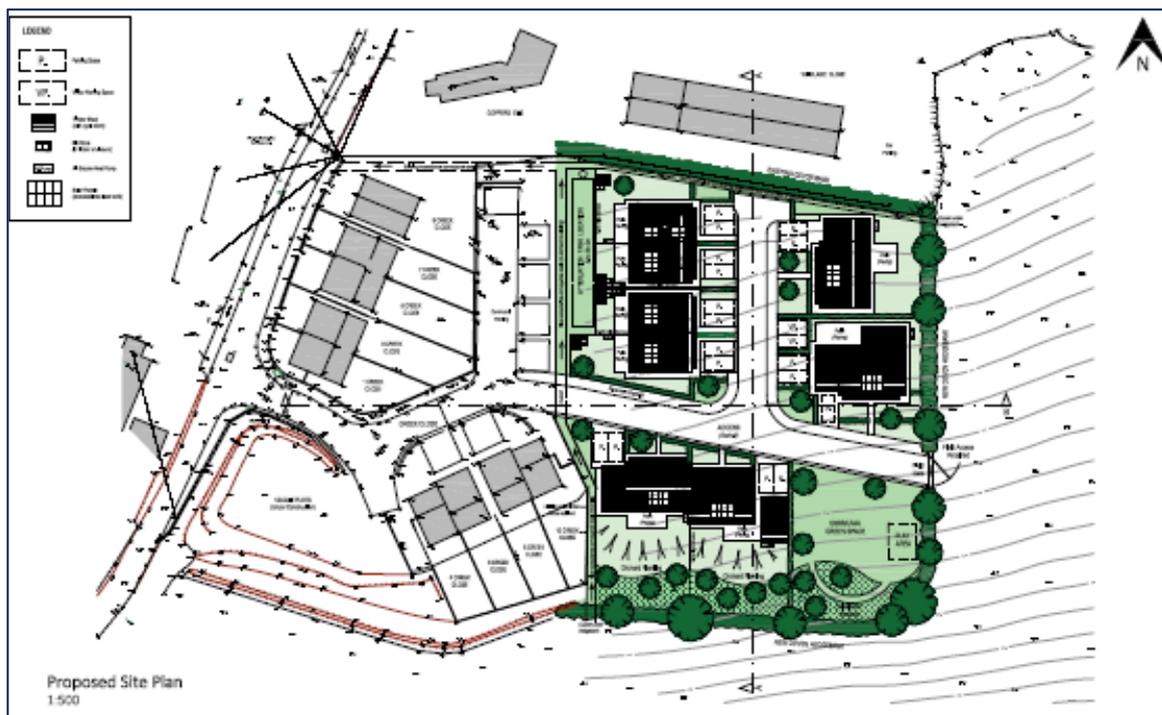
It is noted that the site layout plan now submitted is substantially changed from the layout plan submitted at the appeal stage, and reverts to a significant degree to the withdrawn ref: 3139.304 Revision B configuration.

The drawing ref: 3139.304 Revision D layout, submitted at appeal, provided a 'communal sports' green between Winslade Close and the proposed new houses, with an average open space depth of some

30 metres. This offered some protection to the residents of Winslade Close. These affordable-rent bungalows were built over 60 years ago for elderly people (over 50 years of age) and many residents are house-bound and infirm. The layout now proposed sets new houses within 12 metres (wall to wall) at dominant heights, sufficient to cause anxiety through noise, overlooking, vehicle movements and car head-light intrusion. The site perimeter Devon bank, even if raised, would do little to mitigate the intrusive disturbance and loss of amenity and the outlook onto tranquil countryside.



The site layout submitted at appeal was ref: 3139.304 revision D.



The present application layout drawing ref: 3139.310. Revision E.

2. The retention of a field gate access on the site's eastern boundary.

The retention of a gate, ostensibly for agricultural vehicle access, is challenged. The proposed field gate would be some 350 metres from the Winslade Farm building hub, accessed via an adjoining field gate. This is a short distance when compared with the general pattern of fields in agricultural use across the South Hams. Access to metal roads is, in many instances, across several fields at a considerably greater distance.

It would be invidious to permit agricultural vehicles, machinery and supplies to access (and egress) the field through the restricted width Creek Close residential estate road, which would be servicing 19 homes, when ready agricultural access and egress already exists via the nearby farmyard. Such traffic would present a needless road safety and environmental hazard, particularly bearing in mind Creek Close was built predominantly for families, many with young children. It would severely compromise road safety and directly threaten residents' rights to quiet enjoyment.



Google Map showing the site and its proximity to Winslade Farm Buildings and road access.

3. The curtailment of Major Development in the AONB

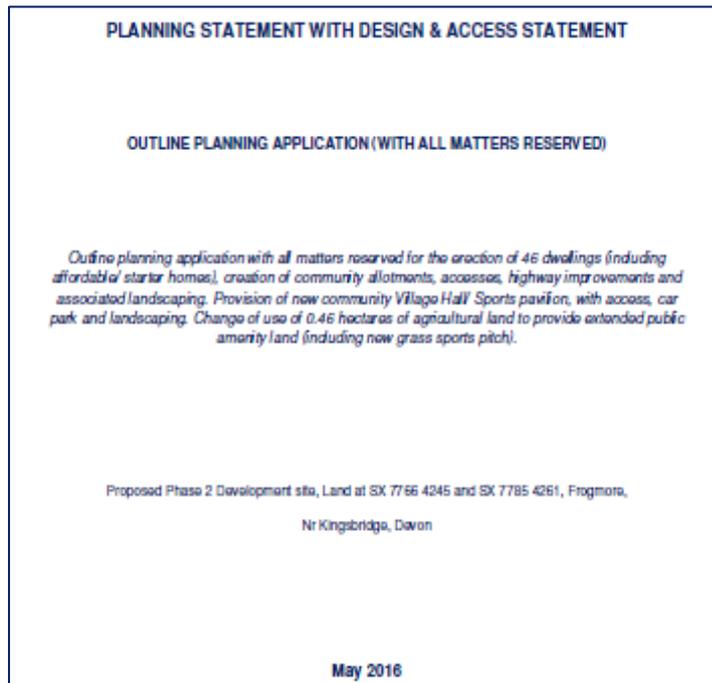
Appeal APP/K1128/W/18/3205992 was allowed and outline planning permission granted for the erection of 8 dwellings (including affordable housing), access and associated landscaping at land east of Creek Close, Frogmore TQ7 2NX in accordance with the terms of application Ref 3880/17/OPA, dated 10 November 2017, subject to the conditions.

The Inspector make reference to the scale of development:

- *The appeal site forms a small section of the lower valley slope to the south side of Frogmore. The previous appeal scheme (28 houses), would have represented a significant incursion into the undeveloped lower slopes of the valley and within his appeal decision the Inspector concluded that that scale of development would have caused harm to the character and appearance of the area and consequently that it would fail to preserve and enhance the natural beauty of the AONB.*
- *The current appeal scheme relates to a much smaller site, less than half a hectare, compared to (the previous appeal scheme of) around 2.5 hectares. The scale of the site is such that **the effect on the views, and therefore the landscape setting of Frogmore, would be much more limited. Primarily this would be confined to a small number of additional roof forms being visible. The development would be seen in the context of the existing nearby housing and the buildings would appear tucked in behind these properties, rather than being a significant extension of the village along the lower valley slopes.***
- *Mitigation measures would be important to ensure the development successfully integrated 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 National Planning Policy Framework states that planning permission for ‘major development’ in an AONB should be refused other than in exceptional circumstances and where the development is in the public interest.***
- *I accept that there may be occasions where sites have been artificially split to avoid various schemes being categorised as ‘major development’. Therefore, I am not convinced that there would never be a scenario where it is reasonable to take account of other development proposals. In this case, **the previous permission for 10 houses (subsequently 11) was initially submitted and approved a considerable amount of time ago (October 2014 and March 2015 respectively).** It was promoted by a different applicant and the basis on which permission was sought was different; being an affordable housing led scheme. I also observed that 9 of the homes had been completed and appeared to be occupied. When I consider all these factors together it is clear to me that the appeal scheme should be considered in isolation.*

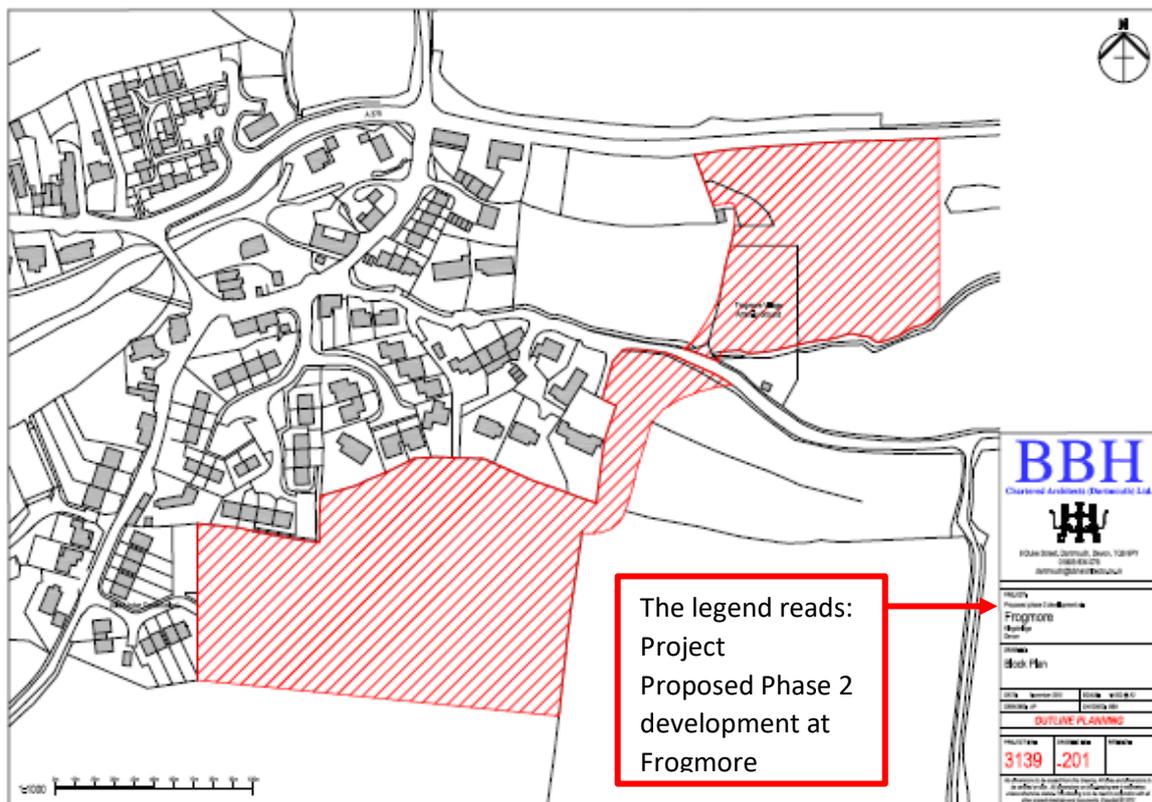
The Parish Council takes issue with the Inspector’s position in characterising the 8 dwelling appeal application as ‘in isolation’ to the 11 houses with planning consents at Creek Close. The applicant’s family launched their comprehensive AONB expansion plans, which incorporated the present site, in July 2016 (planning application 1768/16/OPA), before the completion of ‘Phase 1’ at Creek Close.

It is a matter of public record that the July 2016 planning application was presented as a ‘phase 2’, extension to Creek Close. This is evidenced on the application plans and the Design and Access statement.



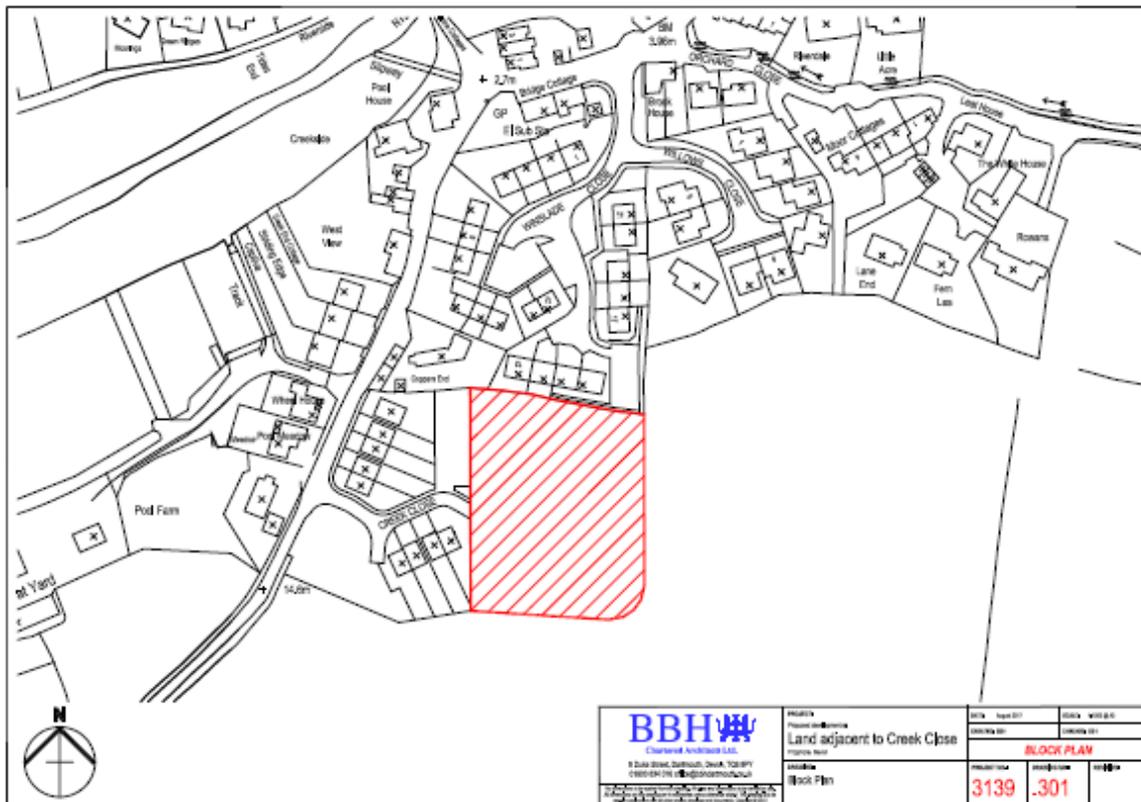
The applicant's 2016 Design and Access Statement title page referred to:

**Proposed Phase 2 Development Site.
Land at SX7766 4245 and SX7785 4261,
Frogmore**



The planning application 1768/16/OPA submitted plans were similarly titled 'Phase 2'.

The subsequent schemes which went to appeal were progressively paired down versions of the original 'Phase 2'.



The present application site.

It is considered likely that, aggregated, the development of Creek Close (11 houses) and the present application site (8 houses) constitutes a major development incursion into the South Devon AONB. As restated by the Planning Inspector, ***the National Planning Policy Framework states that planning permission for 'major development' in an AONB should be refused other than in exceptional circumstances and where the development is in the public interest.***

The Joint Local Plan and the draft Frogmore and Sherford Neighbourhood Plan (at Regulation 15) are in conformity with the NPPF in not supporting major development in the AONB. Any future applications within or related to land incorporated within planning application 1768/16/OPA must stand the test of major development aggregated with Creek Close (Phase 1) and the current application (part of the proposed phase 2).

4. Minimising impact on the AONB

The omission of a vehicular field gate releases opportunities for a reduction in road infrastructure, improved land utilisation for housing and potential reductions in building landscape profiles. The Planning Inspector observed that ***the development would be seen in the context of the existing nearby housing and the buildings would appear tucked in behind these properties, rather than being a significant extension of the village along the lower valley slopes.***

The Parish Council is concerned to see minimum visual impact within the AONB.

5. Estate Road Configuration



Road layout as proposed

The road configuration gives rise to the following concerns:

- a. The spur to the north ends in a turning 'head' for residents' and visitors' cars and small commercial vehicles. It is shown located on the site perimeter, adjoining Winslade Close. In use it will give rise to noise and, during darkness, head-light sweep causing environmental harm and disturbance to elderly Winslade Close residents.
- b. The road extension to the east, serving only as a vehicular access to the adjoining field, is unnecessary given adequate agricultural access across the field, south to Winslade Farm. In addition, agricultural machinery and vehicle movements through the 4.8m wide residential estate 'cul-de-sac' would have a negative environmental impact and present an ever-present hazard to road safety.
- c. Provision is required for a turning head for all vehicles at the intersection of the internal roads.
- d. It is noted that an increase in road width to 4.8m (presently 4.5m) is required at Creek Close to facilitate HGV movements to the site and to discourage parking on the footway.

6. Construction Management Plan

The development site is situated in a highly sensitive location in a small village, adjoining family homes, accessed off a restricted width main road through a quiet residential cul-de-sac. Construction logistics, including off-site procurement and delivery considerations, will be a determinant in judging the scale of development which can be accommodated.

The Parish Council regards a professionally prepared and agreed Construction Management Plan to be paramount and a pre-requisite in the grant of any detailed planning consent.

A construction Management Plan will determine whether or not the intended site capacity can be achieved. Construction programming, materials delivery and storage, welfare, protection and safety measures require to be addressed as follows:

1. Daily hours of construction.
2. Construction sequencing.
3. Delivery and construction traffic; numbers and sizes and programming of vehicle movements.
4. Banksmen/ holding bay provisions for vehicle access / egress for vehicle site movements.
5. Proposed access and delivery routes and management.
6. Building materials volumes and storage capacity within site boundary and/or elsewhere.
7. Enclosure and security of site and signage.
8. Site traffic and pedestrian management.
9. Vehicle parking provisions for all operatives / contractors.
10. Site Environmental Management Plan, to include provisions for:
 - Ecology and biodiversity
 - Water pollution control
 - Energy: fuel for vehicles, plant and machinery on site etc.
 - Traffic and transport
 - Community relations
 - Noise and vibration
 - Emissions
 - Waste management
 - Hazardous substance management
 - Environmental site rules

RECOMMENDATION

The Frogmore and Sherford Parish Council **OBJECTS** to this application.

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 and, as a pre-requisite, the submission of a Construction Management Plan.

Nigel Smith
Chair, Frogmore and Sherford Parish Council

3rd June 2021.