

*Working together*



## South Hams District Council

Response to the

### Frogmore and Sherford Neighbourhood Plan

### Regulation 16 consultation

October 2021

The Frogmore and Sherford Neighbourhood Plan was submitted to South Hams District Council on 21st July 2021. The Council was satisfied that the submission draft and accompanying documents complied with all the relevant statutory requirements

The plan was publicised in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations and representations invited between 16<sup>th</sup> August to Monday 27<sup>th</sup> September 2021. South Hams District Council made a full response to the Regulation 14 consultation carried out by the Qualifying Body in respect of the Frogmore and Sherford Neighbourhood Plan.

This document sets out South Hams District Council's response to the Regulation 15 version of the plan, focussing on the extent to which it is considered that the current version of the draft plan has responded to comments made at Regulation 14.

Overall, the Council is satisfied that the Regulation 15 draft neighbourhood plan has largely taken adequate account of comments made at Regulation 14, and that the consequent rewording of the document has resulted in a stronger plan. There remain, however, areas of concern that are detailed below.

## Comments on the General Text

**Para 5.10** states: *'Rural exception housing sites should be well serviced, **located within or adjacent to village centres** and in order to protect its special qualities, **located outside the AONB.**'* The rural exception site approach set-out in JLP Policy TTV27.\_ There are concerns related to

the elements of the text of Para 5.10 (**highlighted**). In terms of Frogmore’s built-form, there is unlikely to be much, if any, scope for rural exception housing schemes “**within or adjacent to village centre**”. If such proposals are located within a settlement boundary then the principle of development (including open-market housing) is established – so there would be little chance of the affordable housing, at the least at the quantum required by JLP Policy TTV27, coming forward. Furthermore, the textual requirement that sites should be “**located outside the AONB**’ is not consistent with JLP policy or national guidance. The bulk of the village and surrounds are within the AONB as is the recent affordable housing development at Creek Close. Such a restriction would reduce if not negate opportunities for bringing forward rural exception sites.

Whilst these requirements are not included within the actual policy their inclusion in the text of the document could prove misleading.

Policy/Text	Comments
<p><b>POLICY FSNP 1: THE LANDSCAPE</b>            Development shall not harm but maintain and <b>eauty.’ nhance</b>  <b>(Sic)</b> the            landscape and biodiversity by:</p> <ol style="list-style-type: none"> <li>1. Having regard to national and local strategic policies for the AONB and the coast, to South Devon AONB Planning Guidance, to the protection of the SSSI and to other features of landscape or ecological importance.</li> <li>2. Safeguarding and enhancing local features that make a positive contribution to the landscape, particularly areas of green space.</li> <li>3. Incorporating high quality landscaping which retains existing features, reinforces local landscape character, restores degraded landscapes and provides mitigation from harm.</li> <li>4. Incorporating appropriate pro-active biodiversity measures.</li> </ol>	<p>Opening sentence: Typo marked in <b>red</b>.</p>
<p><b>POLICY FSNP 2: FROGMORE CREEK</b>            1. Development shall not harm but maintain and enhance Frogmore Creek, paying particular regard to its special scenic character and biodiversity value and having regard to national and local strategic policies for their protection.</p>	<p>No comment.</p>

<p>2.Public access to Frogmore Creek must not be reduced or inhibited unless in conformity with prevailing Harbour Estuary and Nature Reserve byelaws</p>	
<p><b>POLICY FSNP 3: HERITAGE AND CONSERVATION</b>  Development shall not harm but shall conserve and enhance designated and non-designated heritage assets and their settings, both above and below ground, by having regard to national and local strategic policies for heritage and conservation.</p>	<p>No comment.</p>
<p><b>POLICY FSNP 4: TRANQUILITY AND DARK SKIES</b>  1. Proposals should be designed so as to limit impact of light pollution from artificial light on local amenities, on intrinsically dark landscapes and the natural environment, in accordance with the Institute of Lighting Engineers’ intrinsically dark landscapes Category C, Zone E1.  2. Proposals should be designed to limit the impact of noise pollution from all sources.</p>	<p>No comment.</p>
<p><b>POLICY FSNP 5: SETTLEMENT BOUNDARY</b>  1. Development will be permitted inside Frogmore village’s settlement boundary shown in the plan, provided it is in scale and character with the site and surroundings and will cause no significant adverse impacts on the natural or historic environment, amenity, traffic, parking or safety.  2. Elsewhere in the parish, development will be strictly controlled and only permitted where it can be delivered sustainably and requires a countryside location or will meet a proven local need which cannot be met within the settlement boundary.</p>	<p>Paragraph 4.4 states that the “ boundary amendments to include the new affordable housing at Creek Close” have been included on Map No 4. However Map No 4 does not include this approved development site (Application Code No: 3880/17/OPA). The residential development site (referred to in the text of the plan also) associated with the Globe PH has been included on Map No 4.</p>
<p><b>POLICY FSNP 6: DESIGN AND CONSTRUCTION</b>  All new development shall:  1.Be of high design quality clearly derived from the site context, respecting the local vernacular, safeguarding local distinctiveness and in scale and keeping with its setting.  2.Enhance local character and protect local heritage, biodiversity, landscape, views and skylines.</p>	<p>No comment.</p>

<p>3.Be safe, attractive, inclusive and accessible for all.</p> <p>4.Provide for its own car parking requirements, with a minimum of two car parking spaces for two-bedroom dwellings and a minimum of three spaces for dwellings with three bedrooms or more.</p> <p>5.Support and encourage construction which exceeds the statutory minimum use of sustainable materials and minimises use of non-renewable resources, contributing to reducing carbon emissions and maximising solar gain energy capture.</p> <p>6.Mitigate risks relating to contamination, erosion or flooding and not cause unnecessary noise, light or other pollution.</p> <p>7.Provide safeguards during construction to protect against environmental damage or local nuisance.</p> <p>8.Protect residential amenity without negative impacts for neighbours in terms of privacy, overlooking, overbearing and dominant impact, loss of daylight and sunlight, noise and disturbance, odour and fumes</p>	
<p><b>POLICY FSNP 7: RENEWABLE ENERGY</b></p> <p>1.Proposals for large scale renewable energy developments will not be permitted unless they can be shown to have no unacceptable impact on landscape, vistas and views, biodiversity or local amenity,</p> <p>2.Proposals for individual and community scale renewable energy schemes, such as solar voltaic panels, biomass facilities, anaerobic digesters and wood fuel products will be supported providing they will:</p> <p>a.be appropriate in siting and scale to the local setting and the wider landscape,</p> <p>b.create no unacceptable impact on the amenities of local residents, and</p> <p>c.have no unacceptable impact on any feature of natural or biodiversity importance.</p> <p>3.Support and encouragement will be given to developers aiming to provide developments with at least 20% of energy needs from on-site renewable energy.</p>	<p>No comment.</p>

<p>4.Commercial and residential developers should aim to make provisions for electrical vehicle charging.</p>	
<p><b>POLICY FSNP 8: AFFORDABLE HOUSING PROVISION</b>  Proposals for affordable housing will be supported, subject to viability, as either infill (including reuse of previously developed land) or as a rural exception sites, including a village housing initiative or community-led housing, provided the proposal meet the following criteria that it:</p> <ol style="list-style-type: none"> <li>1.Can demonstrate that it will meet clearly identified local housing needs and is located where it will enhance or maintain the vitality of a village community and the parish as a whole.</li> <li>2.Comprises a small-scale scheme with an appropriate mix of dwelling types and sizes, reflecting the identified need.</li> <li>3.Is located in order to protect the area’s special qualities.</li> <li>4.Occupancy will be prioritised to households in bands A-E on the Devon Home Choice register with the proviso that successful applicants have a local connection to the parish of Frogmore and Sherford.</li> </ol>	<p>No comment on the Policy itself but please see “Comments on the General Text”: Para 5.10 at the outset of this document.</p>
<p><b>POLICY FSNP 9: PRIVATE HOUSING DEVELOPMENT</b>  New private housing development sites shall be small scale in order to respect and maintain the parish’s character and development and limited infrastructure capacity.</p>	<p>No comment.</p>
<p><b>POLICY FSNP 10: SUSTAINABLE BUSINESS GROWTH</b>  1 .New business premises, visitor and tourist accommodation and associated facilities will be acceptable in principle <b>within settlement boundaries</b>.</p> <p>2.Outside these boundaries such development will generally be acceptable if it involves:</p> <ol style="list-style-type: none"> <li>a.an improvement of an existing business and / or</li> <li>b. the reuse of traditional agricultural or other buildings.</li> </ol>	<p>Paragraph 1: The wording highlighted in red appears to conflicts with JLP Policy DEV 15 by excluding development that could potentially be located in rural locations.</p> <p>Paragraph 2. Appears to suggest “such development” may be acceptable in rural locations.</p> <p>The Policy requires rewording to avoid conflict with JLP Policy DEV 15 and for clarity.</p>

<p>3. In each case the development must be capable of being delivered sustainably, in scale and character with the site and its surroundings and cause no significant adverse impacts on the natural or historic environment, amenity, traffic, parking or safety of the area.</p>	
<p><b>POLICY FSNP 11: EXISTING BUSINESSES</b>  Changes of use of existing business premises will not be permitted unless it can be demonstrated that the existing business is no longer viable and that reasonable efforts have been made to find an alternative business user. Evidence of business failure and of the premises being marketed for business use over at least 2 years will be required.</p> <p><b>POLICY FSNP 12: TELECOMMUNICATIONS</b>  Proposals to upgrade and expand electronic communications, broadband and technologies that enhance quality of life and amenities will be supported, providing apparatus is:</p> <ol style="list-style-type: none"> <li>1. erected on existing buildings or structures wherever possible,</li> <li>2. kept to the minimum necessary for efficient expansion and</li> <li>3. sited to minimise impacts on the AONB and local landscape.</li> </ol>	<p>No comment</p> <p>No comment.</p>
<p><b>POLICY FSNP 13: LOCAL TRANSPORT, FOOTPATHS &amp; BRIDLE PATHS</b></p> <ol style="list-style-type: none"> <li>1. Improvements to pedestrian, footpath and bridle path provision will be supported where they do not adversely impact on the environment.</li> <li>2. Initiatives introducing safe pedestrian and bridleway routes linking adjacent villages and their services to Frogmore and Sherford parish will be supported.</li> </ol>	<p>No comment.</p>

<p>3. New segregated public path, bridleway and cycleway routes between Frogmore and Sherford will be welcomed.</p>	
<p><b>POLICY FSNP 14: COMMUNITY FACILITIES &amp; INFRASTRUCTURE</b></p> <p>1. Development that will demonstrably support the vibrancy and vitality of the parish and wider community will be supported provided it complies with national and local strategic policies and other policies of this plan.</p> <p>2. Proposals for more community facilities and infrastructure will be supported, provided the proposals will:</p> <ol style="list-style-type: none"> <li>a. include adequate access and parking arrangements</li> <li>b. not lead to traffic danger or congestion, and</li> <li>c. not generate unacceptable noise, smell, loss of privacy or nuisance to neighbours.</li> </ol> <p>3. Development will not be permitted that would result in the loss of, or significant harm to a local community facility or asset unless there is adequate alternative provision in the parish or the facility can be shown to be no longer viable having been unsuccessfully marketed for a period of at least two years.</p> <p><b>FSNP 14: COMMUNITY FACILITIES &amp; INFRASTRUCTURE</b></p> <p>4. Local community facilities and assets, include:</p> <ul style="list-style-type: none"> <li>• St Martin of Tours Parish Church, Sherford</li> <li>• Frogmore Village Hall, owned by Frogmore Village Community Association.</li> <li>• Sherford Village Hall, owned by Sherford Village Community Association.</li> <li>• Frogmore children’s play area, owned by South Hams District Council.</li> <li>• Frogmore Creek public pontoon, owned by Salcombe Harbour Authority.</li> </ul>	<p>No comment.</p>

<ul style="list-style-type: none"> <li>• Sherford war memorial, owned by Frogmore and Sherford Parish Council.</li> <li>• Perraton Field, Mill Lane, Frogmore, whilst kindly leased to the Frogmore Village Community Association by the Perraton Family, Winslade Farm, Frogmore.</li> <li>• Stabbs Lane lawn, Frogmore Creek, common land with unregistered tile.</li> <li>• The Globe Inn, Frogmore.</li> <li>• Swell, Frogmore’s Village shop.</li> <li>• Springfield, Frogmore’s farm shop.</li> </ul>	
<p><b>POLICY FSNP 15: LOCAL GREEN SPACE</b></p> <p>The following areas are designated as green space in the plan:</p> <ol style="list-style-type: none"> <li>1.Appletree Close, Frogmore, childrens’ playground.</li> <li>2.Mill Lane, Frogmore amenity ground</li> <li>3.St. Martin of Tours church, war memorial garden, Sherford.</li> <li>4.Stabbs Lane Lawn frontage adjoining Frogmore Creek"</li> </ol> <p>These spaces will be safeguarded from development. Only minor development directly associated with and necessary for the public enjoyment of the green space will be permitted.</p>	<p>Opening sentence amend to read..... “The following areas are designated as Local Green Space in the plan:.....” etc</p>

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