

PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

Parish: Berry Pomeroy

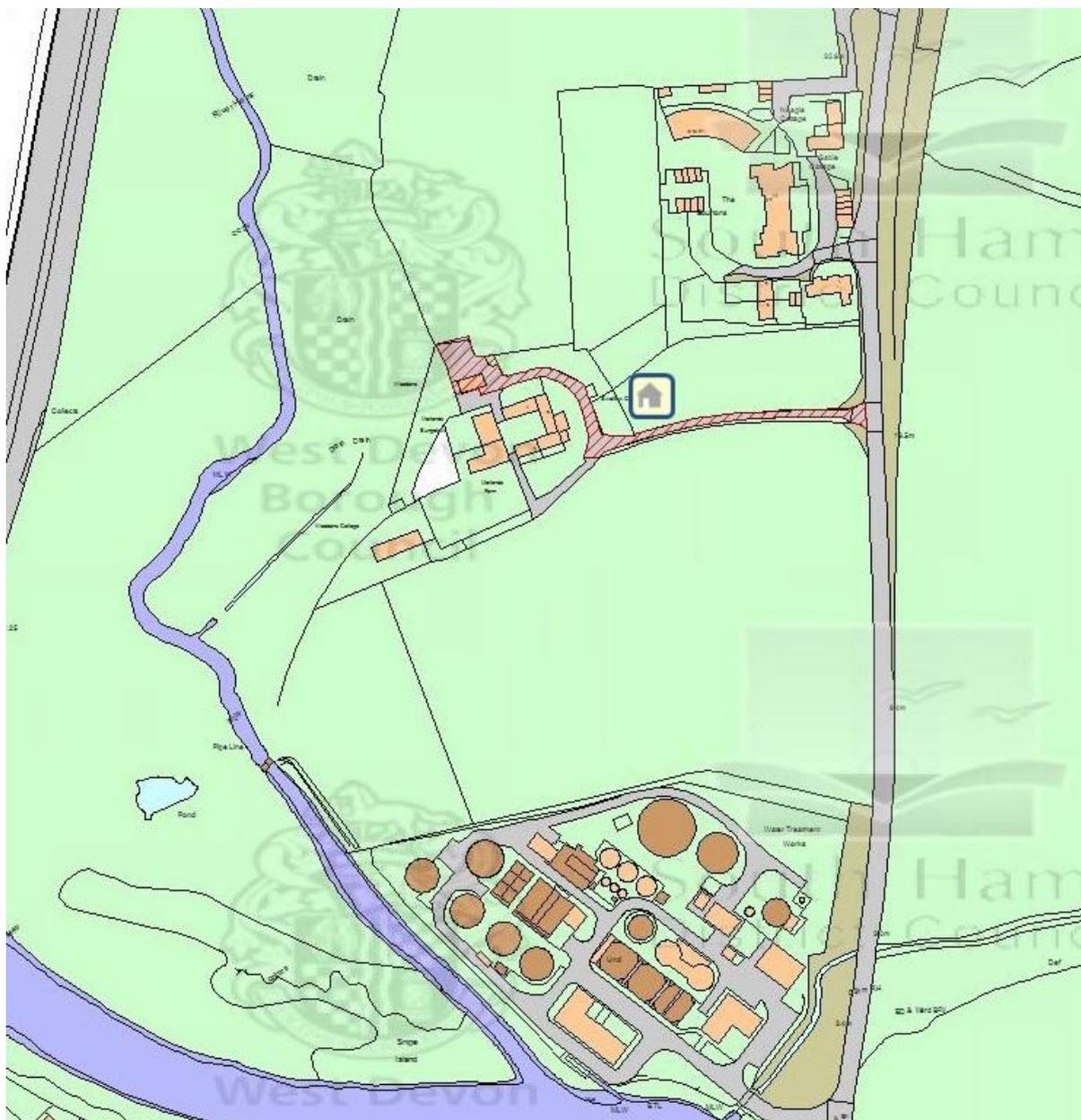
Ward: Marldon and Littlehempston

Application No: 1875/23/VAR

Applicant:

Mr Thomas Morris
Old Mill Cottage
Mill Hill
Stoke Gabriel
Totnes
TQ9 6RD

Site Address: Marlands Farm, Newton Road, Totnes, TQ9 6LS



Development: Application for variation of condition 2 (approved drawings) of planning consent 0176/21/FUL

Reason item is being put before Committee: The applicant is a member of staff

Recommendation: Conditional approval

Conditions:

Time limit as per original permission

Accord with plans

Details of materials

Surface water drainage (pre-commencement – date agreed TBC)

Low carbon development

Landscaping details

Unsuspected contamination

Details of lighting

Removal of permitted development rights

S106 informative

Key issues for consideration:

Whether or not the proposed amendments to the approved scheme are acceptable and comply with all relevant policies.

Site Description:

The application site is situated on the northern side of Marlands Farm complex and comprises an area of approximately 340sqm. The farm is set back 120m to the west of the A381 Totnes to Newton Abbot road and is accessed by a long driveway, which serves Marlands Farmhouse, Marlands Bungalow and nos. 1-4 Swallow Cottages, which are a group of historic barn conversions.

The area is rural in character and appearance, with open fields to the west, north and east of the site. Approximately 65m to the north west of the site, is a small residential development that appears to have been approved on previously developed land in the 1990's. Totnes is situated approximately 375m to the south on the other side of the river Dart. Part of the site is located within Flood Zones 2 and 3, and a Critical Drainage Area. The site also lies within a Special Area of Conservation

The Proposal:

Planning permission was granted in 2022 for the erection of a self-build dwelling. This application seeks to amend the design of the previously-approved development in the following ways:

- Removal and relocation of rooflights to allow for the installation of solar panels to the east and west roof slopes
- Change of roof material from standing seam metal to sinusoidal finish
- Omission of first-floor windows in northern and southern gables
- Reorientation of windows and doors at ground floor level
- Addition of air source heat pump

Consultations:

- County Highways Authority- no highways implications
- Berry Pomeroy Parish Council- "*Berry Pomeroy PC was not consulted on this Planning Application. Marlands Farm is in the Berry Pomeroy Parish boundary, yet Littlehempston was given the*

opportunity to comment. We cannot comment on the Variation of Condition 2 having not had sight of the original conditions.”

The Council's records show that Berry Pomeroy PC were sent a standard electronic consultation on the application subject of this report, as well as Littlehempston PC (who were consulted as the neighbouring parish). Berry Pomeroy PC were also consulted on the original application (0176/21/FUL)

Representations:

None received at the time of writing the report

Relevant Planning History

- 0176/21/FUL- Erection of self-build/custom build house (approved November 2022)
- 03/0298/99/F – Erection of garages for converted barns 1, 2 and 3 (approved April 1999)
- 03/1442/98/3 – Alterations, new roof and vertical tile hanging (approved October 1998)
- 03/1191/98/3 – Alterations and new roof (approved September 1998)
- 03/0434/97/3 – Conversion of barns to four dwellings (approved May 1997)
- 03/0452/97/3 – Extension to farmhouse (approved May 1997)

ANALYSIS

1.0. Principle of Development/Sustainability:

- 1.1. The principle of the dwelling has been established through the original grant of planning permission (application 0176/21/FUL). This permission remains extant, and there have been no change of circumstance that would now render the development unacceptable.
- 1.2. Noting the countryside location of the site, where development is not generally supported, the original application was subject to a S106 agreement which secured the dwelling as an affordable self/custom build permanent home with a local connection and a price cap of 80% of the Open Market Value. This S106 allows amendments to the original permission under Section 73, and the S106 would therefore be reimposed on this application, if planning permission is granted.

2.0. Design/Landscape:

- 2.1. The proposed changes to the original scheme are largely cosmetic, and do not alter the scale, height, or position of the dwelling. The proposed change to the roof material is the most significant change, but the proposed sinusoidal roof finish would result in a corrugated appearance in keeping with the rural character of the site, and is therefore considered to be an acceptable change.
- 2.2. The rearrangement of the fenestration is considered to be a minor change which does not significantly impact on the overall design of the dwelling, and the additional of solar panels and an air source heat pump are positive additions to the property.
- 2.3. Conditions applied to the previous permission which restricted external lighting, and removed permitted development rights would be reimposed on any subsequent permission granted, as well as a condition requiring details of materials to be submitted to the Local Planning Authority for agreement.
- 2.4. Subject to the listed conditions, the amendments proposed are considered to be of an acceptable design, which would not have any additional impact on the local landscape character.

3.0. Neighbour Amenity:

3.1. The site is situated in a relatively isolated location, with the nearest dwellings Marlands Bungalow and 1 Swallow Cottages, situated approximately 28m to the south. The proposed amendments do not alter the position, height, or footprint of the proposed dwelling, and as such, do not raise any additional issues with regard to neighbour amenity. No third-party representations have been received.

4.0. Highways/Access:

4.1. The proposed amendments would not impact on the existing highways arrangements.

5.0. Low carbon development:

5.1. The amended scheme would include renewable energy sources which were not part of the original proposal, through the installation of solar panels on both roof slopes, and an air source heat pump. In respect of policy DEV32 and the Council's promotion of low carbon development, the current application is considered to be better than the original scheme.

6.0. Summary:

6.1. The proposed amendments are not considered to be so significantly different from the approved scheme that they now render the development unacceptable. The design and landscape impact of the development would remain acceptable, and no impact to neighbouring properties is identified. All relevant conditions imposed on the original approval would be reiterated, and the application is recommended for approval on this basis. The original permission is subject to a Section 106 agreement to ensure the development is for an Affordable Self-build/Custom-build Plot. The agreement includes reference to any subsequent permissions granted under Section 73 or 73A of the Town and Country Planning Act 1990, and any approval of the current application would still be bound by the same terms. An informative regarding the Section 106 Agreement forms part of the Officer recommended as detailed at the beginning of this report.

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

Planning Policy

Relevant policy framework

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development

Neighbourhood Plan: n/a

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

Joint Local Plan Supplementary Planning Document Climate Emergency Planning Statement

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:

1. *The development to which this permission relates must be begun not later than 8th November 2025, which is the date of expiration of planning permission 0176/21/FUL, which this application varies.*

Reason: To comply with Section 73 of the Town and Country Planning Act, 1990 as amended.

2. *The development hereby approved shall in all respects accord strictly with drawing number Morris/5/PL10, received by the Local Planning Authority on 31st May 2023, as well as the drawings approved as part of the original application, Morris/5/BPL02.B, Morris/5/BPLLP.B, and Morris/5/BPLBP.B, received by the Local Planning Authority on 3rd February 2021.*

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.

3. *Prior to their installation details of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.*

Reason: In the interests of visual amenity.

4. Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

- a. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
- b. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
- c. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
- d. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.
- e. The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.
- f. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership. The soakaways should be sited 5m away from all buildings and highways to accord with Building Regulations and 2.5m from all other site boundaries for best practice. The plan should also show gardens of all units separated from each other.
- g. 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. The application site is located within flood zone 2/3 hence pre-commencement conditions are considered necessary to ensure workable drainage solution is in place prior to work commencement.

5. Prior to development above slab level, details shall be submitted to, and agreed in writing with the Local Planning Authority to demonstrate how the requirements of JLP policy DEV32 (Delivering Low Carbon Development) will be delivered.

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

6. Prior to development above slab level, details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- any earthworks proposed, showing existing and proposed finished levels or contours (where applicable);
- any means of enclosure and retaining structures;
- vehicle parking layouts;
- hard surfacing materials;
- indications of any existing trees and hedgerows on the land, identifying those to be retained and set out measures for their protection throughout the course of development;
- a planting plan

All elements of the landscaping plan shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

7. 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.

8. There shall be no floodlighting or other external lighting at the site unless a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority prior to its installation. Details shall include the position, type, luminance and cowling of all external lights to the building and these areas. Upon the commencement of the use the external lighting shall accord strictly with the approved details.

Reason: To safeguard the appearance and character of the area.

9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

(a) Part 1, Class A (extensions and alterations)

(b) Part 1, Class AA (enlargement of a dwellinghouse by construction of additional storeys)

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

(d) Part 1, Class D (porch)

(e) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)

(f) Part 1, Class F (hardsurfaces)

(g) Part 1, Class G (chimney, flue or soil and vent pipe)

(h) Part 1, Class H (microwave antenna) and;

(i) Part 2, Class A (means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.