

COMMITTEE REPORT

Case Officer:	Charlotte Howrihane		
Parish:	Dartington	Ward:	Dartington & Staverton
Application No:	3650/23/FUL		
Applicant:	Mr Mark Edwards Green Tree House Silverhills Road Decoy Industrial Estate Newton Abbot TQ12 5LZ	Agent:	
Site Address:	Land At Sx 782 623, Symonds Drive, Dartington		
Development:	Application for the erection of a single residential dwelling(Affordable Discount Market)		



Recommendation: Conditional approval subject to completion of S106

Reason application is at Committee: Cllr Hodgson has called the application to committee for the following reason: *'I would like it to go to DM committee as it is a deviation from the JLP as the agreed site allocation is a maximum of 80 homes on this site. This a sensitive site in terms of wildlife, (protected species), drainage and visual amenity and impact on the rural character of the area and in particular Yarner Beacon.'*

Conditions:

Standard time limit

Accord with plans

No additional openings

Parking to be provided prior to occupation

Incidental use of garage

Adherence to submitted lighting strategy

Installation of EV charging point prior to occupation

Section 106:

- Sports Facilities Contribution- £928.55 (Prior to occupation)
- Sports Facilities Maintenance Contribution- £1,084.05 (Prior to occupation)
- Health Care Contribution- £528.00 (Prior to occupation)
- Travel Plan- £300
- Secure dwelling as an affordable unit, restricting the price so it doesn't exceed 80% of the Open Market Value

Key issues for consideration:

Principle of development, design, landscape impact, neighbour impact, highways, drainage, ecology

Site Description:

The site is a triangular piece of land within a wider parcel of land currently under development at Broom Park, Dartington. The wider site is allocated for residential development in the adopted Plymouth and South West Joint Local Plan (JLP) for the construction of eighty dwellings which have previously been approved is currently underway.

The site is not within any special areas of designation.

The Proposal:

The application seeks planning permission for the construction of a single dwelling, to be incorporated into the wider development already taking place on the site. The garden sizes of plots 52- 54 of the approved development have been amended, leaving space for the additional dwelling now proposed.

The proposed dwelling would be a chalet-style dormer bungalow, with two bedrooms, a garage, parking, and garden. It would be rendered, with a slate roof. The property would be accessed via a private driveway between plots 46/47-48 of the existing development.

The proposed dwelling would be an affordable dwelling, proposed as a discount market dwelling, with the discount price not exceeding 80% of the Open Market Value.

Consultations:

- DCC Highways- standing advice
- Dartington Parish Council- support: ‘

Dartington Parish Council supports this application. Dartington Parish Council would like to be reassured that the flood risk data used to support this application is the most recent data and notes its concerns about flooding in the vicinity. The Council would also like to see more planting of willow between the proposed property and the Bidwell Brook to ameliorate the potential flood risk. The lighting report which proposes to minimise light spill is supported.’

Representations:

One letter of objection has been received. This representation can be seen in full on the Council website, but can be summarised as follows:

- The house is not needed
- Doubtful that it will be affordable
- Impact of noise pollution from building extra house on neighbours
- Better to make this piece of land a biodiversity reserve

Relevant Planning History

- 3842/20/OPA- Outline application with all matters reserved, except for access, for up to 80no. residential units and associated public open space and infrastructure- conditional approval
- 4442/21/ARM- Application for reserved matters, seeking approval of appearance, landscaping, layout and scale for 80 dwellings following outline approval 3842/20/OPA- conditional approval

ANALYSIS

1.0. Principle of Development/Sustainability:

- 1.1. The overarching strategy for housing development is covered by Policies SPT1 and SPT2 in the JLP. SPT1 provides the main strategic elements of what sustainable development is and SPT2 indicates what such settlements should be providing. Policy TTV1 relates more specifically to the Thriving Towns and Villages Policy Area. This policy provides a hierarchy for growth, with the main towns being the focus for development, followed by the smaller towns and key villages, then sustainable villages and finally smaller villages, hamlets and the countryside.
- 1.2. Dartington is identified as being in the smaller towns and key villages category (tier 2) where there are allocations for 911 new homes during the plan period. The application site is part of a wider parcel of land which is allocated for residential development in policy TTV24 of the JLP. Broom Park is allocated for the provision of eighty homes. Whilst Officers are mindful that permission has already been granted for eighty homes, and the proposal would result in eighty-one dwellings, this is considered to be within acceptable margins, with the addition of just one dwelling beyond the amount specified in the policy.
- 1.3. Through the local plan consultation, examination and adoption process, the site has been considered to be appropriate for residential development and has been allocated as such. The overall principle of residential development has therefore been established.

2.0. Housing need:

- 2.1. There is a target to increase and maintain affordable housing in the South Hams and West Devon adopted Housing Strategy 2021 – 2026. South Hams District Council declared a Housing Crisis in September 2021 due to the difficulties local people are experiencing seeking affordable accommodation.
- 2.2. Policies SPT2.4 and DEV8 of the JLP seek to provide a good balance of housing types and tenures to support a range of household sizes, ages, and incomes, and to meet identified housing needs. ONS census data for the parish shows that there is a shortage of two-bed units when compared to the district average, and so the proposed dwelling, whilst adding an extra unit of affordable housing, would also help to meet a wider need for smaller units. The development therefore complies with policies SPT2.4 and DEV8 and would contribute towards an identified housing need.

3.0. Design/Landscape:

- 3.1. The proposed dwelling would be of a similar design to other properties in the surrounding development. The dwelling would be a dormer bungalow-style; a single storey property with living space in the roof.
- 3.2. The proposed use of render for the walls, and a natural slate roof, is considered acceptable, and in keeping with the local pattern of development.
- 3.3. The proposed landscaping would also follow that which has previously been approved on the wider site, with a new Devon hedgebank along the southern boundary. To the rear boundary, which borders plots 52, 53, and 54, there is a substantial change in ground levels, resulting in a gabion basket retaining structure approximately 2m height. Above that, a time close-boarded fence would be installed as boundary for the plots behind.
- 3.4. Overall, the design and landscaping of the proposed dwelling would be in keeping with the previously approved development. It is proposed to condition the materials, to ensure that they remain appropriate for the site. Noting the position of the dwelling, on the southern edge of the development, and adjacent to the wildlife corridor and woodland beyond, a

lighting strategy has been submitted which follows the approach taken across the rest of the site, using internal downlights and external wall lights. Adherence to this report, and no other lighting to be installed, is recommended as a condition of this application.

- 3.5. Subject to the recommended conditions, the design and landscape impact of the development is acceptable, and complies with policies DEV20 and DEV23 of the JLP.

4.0. Trees:

- 4.1. There are no trees within the application site for the proposed dwelling. An Arboricultural Impact Assessment Report was submitted and approved at the reserved matters application stage for the larger development, which included tree protection measures. As there are no trees within, or adjacent to this application site, the proposed dwelling would not impact on the agreed tree protection measures or ongoing management strategy.
- 4.2. The Parish Council have asked in their comments whether more willow trees could be planted between the proposed dwelling and the Bidwell Brook. However, this area is outside of the application site, and would therefore not be something which could be secured through this application.

5.0. Ecology:

- 5.1. The application does not trigger the need for an ecological survey, due to the size of the plot and the nature of the development. However, the larger development on the site is subject to a Landscape and Ecology Management Plan (LEMP) and Construction Ecological Management Plan (CECoMP), which would not be impacted by this development and will still be implemented as approved.
- 5.2. The proposed development is not considered to have an adverse impact on biodiversity or any protected species of wildlife. A Devon hedgebank would continue to form the southern boundary of this part of the site. A lighting scheme has been prepared for the site which follows the approach taken across the rest of the site, incorporating internal downlights and external wall light. The lighting report demonstrates that the dwelling will not result in any light spill into the proposed dark corridor and would not therefore have a negative impact upon sensitive receptors. A condition is recommended to require the development to accord with the lighting strategy.

6.0. Neighbour Amenity:

- 6.1. Although still under construction, the proposed dwelling would eventually be surrounded by other dwellings to the north, east, and west. The proposed dwelling has been sited so that the windows would not face directly towards any other dwellings, and the rear of the dwelling, which would back onto plots 48-50 and 52-54 to varying degrees, would have no openings above ground floor. This design, along with the changes in ground levels, leads officers to conclude that the additional dwelling would not have any harmful impact on the amenity of other dwellings previously approved. In order to ensure that neighbour amenity is preserved, a condition is recommended to prevent any additional openings being installing in the roof, so that any such proposals in the future can be considered in terms of potential overlooking.
- 6.2. One objection has been received to the application, which makes reference to the impact on neighbours resulting from the noise of constructing an additional dwelling. It is assumed that the proposed dwelling, should planning permission be granted, would be constructed alongside the other dwellings already consented, and so the noise levels would not be significantly different between building eighty dwellings, or eighty-one dwellings. Notwithstanding this point, disturbance during construction is not a valid reason to refuse planning permission.

6.3. For these reasons, the development is considered acceptable in terms of amenity of current and future neighbours, and accords with policies DEV1 and DEV2 of the JLP in this regard.

7.0. Drainage:

7.1. The proposed development will utilise and connect to the new site-wide surface water sewers, in turn discharging to the approved new attenuation pond. The attenuation pond has capacity for the additional dwelling, and the proposal therefore provides sufficient provision for the disposal of surface water, as required by policy DEV35.

7.2. Foul drainage would be dealt with via the public sewer, through the new estate sewer network.

8.0. Highways/Access:

8.1. The proposal includes a private driveway from the approved road network within the site, to a single garage and parking/turning area for two cars. This meets the required parking provision for two-bed dwellings as detailed in the JLP Supplementary Planning Document (SPD), and it is considered that sufficient parking is provided. There is also adequate space within the site for vehicles to turn, so that they can enter and exit the site in forward gear.

8.2. As such, the proposal includes safe and satisfactory traffic movement and vehicular access to and within the site, and is not considered to result in any adverse impact on the highways network. The Highways Authority has raised no objections, and the development is considered to accord with policy DEV29 of the JLP.

9.0. Financial obligations:

9.1. Although this is a stand-alone full application for a single dwelling, there is an existing S106 agreement covering the wider development. This application is therefore accompanied by draft Heads of Terms to agree a S106 for the new dwelling, to make the proportionate financial contributions in line with the existing S106 agreement. This S106 for the proposed dwelling would secure the following:

- Sports Facilities Contribution- £928.55 (Prior to occupation)
- Sports Facilities Maintenance Contribution- £1,084.05 (Prior to occupation)
- Health Care Contribution- £528.00 (Prior to occupation)
- Travel Plan- £300

9.2. These amounts have been calculated as per the existing S106, and are based on an average household size for a two bed house, of 2.45 persons. In addition, the S106 would secure the affordable housing provision, fixing the affordable discount so that the discount price does not exceed 80% of the Open Market Value. Although the other affordable discount properties within the wider site are subject to greater discount (60% of OMV), Officers acknowledge that the site as a whole is policy compliant in terms of affordable housing provision, and the proposed dwelling would exceed policy requirements. After discussing the proposal with the Council's Affordable Housing Officers, it is concluded that a discount price of 80% of OMV is acceptable, and the Council has no policy justification to refuse the application on this basis.

9.3. The applicant has provided the draft Heads of Terms as detailed above, and a S106 agreement is currently being prepared.

10.0. Summary:

- 10.1. The proposed dwelling is considered to be in keeping with the wider development currently being constructed, and would make more efficient use of the space in this part of the site, reducing some large garden plots and providing an additional affordable dwelling. The proposal includes proportionate financial contributions, and would not have a harmful impact on the surrounding landscape, or measures relating to trees, wildlife, drainage, etc, as already agreed on the wider site. The proposal accords with all relevant local and national planning policies, and is therefore recommended for conditional approval.

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

Planning Policy

Relevant policy framework

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

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

On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

SPT11 Strategic approach to the Historic environment

SPT12 Strategic approach to the natural environment

SPT14 European Protected Sites – mitigation of recreational impacts from development

TTV1 Prioritising growth through a hierarchy of sustainable settlements

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

TTV24 Site allocations in the Smaller Towns and Key Villages

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic 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
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Dartington Neighbourhood Plan: The site is within the Dartington neighbourhood plan area, however this plan is not yet at an advanced enough stage that it can be given any material weight in the decision-making process.

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:

Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)

Plymouth and South West Devon Climate Emergency Planning Statement (2022)
South Hams Special Area of Conservation (SAC) Habitats Regulations Assessment Guidance (October 2019)

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 hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers: 191105.L.01.01, 191105.Sk.230919, 191105.L.02.102, 191105.L.02.100, 191105.L.02.01.B, 191105.HT.26.02, 191105.GT.06.01, 191105.D.02.07, 191105.D.02.05.A, 191105.D.02.04, 191105.HT.26.01.A, 1063.A and 1064.A, received on 7th November 2023.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) no openings other than those authorised by this permission (if any), including rooflights, shall be at any time be inserted in the dwelling hereby permitted, without the prior permission, in writing of the Local Planning Authority.

Reason: In the interests of neighbour amenity and to comply with policy DEV1 of the Joint Local Plan.

4. The garage hereby approved shall be used only for purposes incidental to the private dwelling and for no business or commercial purposes.

Reason: To safeguard the residential amenities of adjoining occupiers in accordance with policies DEV1 and DEV2 of the Joint Local Plan.

5. The external lighting to the dwelling hereby approved shall be installed in accordance with the details included within the Technical Design Note (by Hydrock, dated 26th October 2023). There shall be no other external lighting installed unless otherwise agreed in writing by the Local Planning Authority prior to installation.

Reason: In order to preserve the woodland and adjacent wildlife corridor, in the interests of protecting species of wildlife in accordance with policy DEV26 of the Joint Local Plan.

6. Prior to the occupation of the dwelling hereby approved, the parking provision for the dwelling shall be laid out in accordance with the approved plans.

Reason: To ensure that there is adequate parking provision in accordance with policy DEV29 of the Joint Local Plan.

7. The EV charging points as shown on the approved plans shall be installed prior to the occupation of the dwelling hereby approved, and hereafter be retained and maintained for the life of the development.

Reason: To ensure that the development contributes to the carbon reduction aims of policy DEV32 of the Joint Local Plan.

INFORMATIVES

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
3. This permission should be read in conjunction with the Section 106 agreement dated XXX between XXX and XXX (to be finished on completion of legal agreement)