

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Malborough **Ward:** Salcombe and Thurlestone

Application No: 1744/19/NMM

Agent/Applicant:

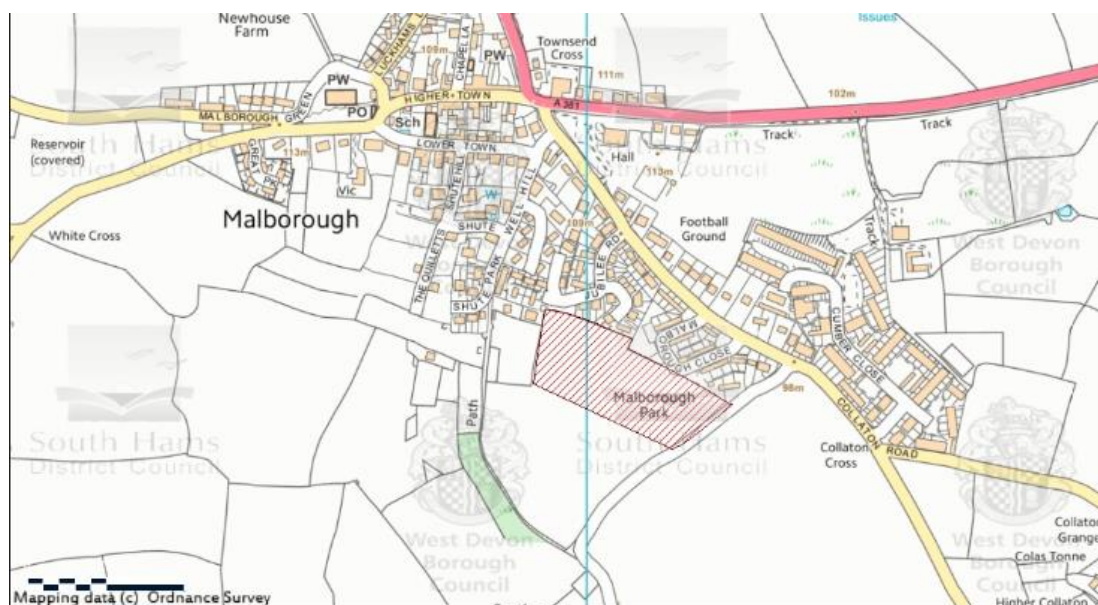
Mr Tom Biddle - Baker Estates Ltd
Green Tree House
Silverhills Road
Decoy Industrial Estate
Newton Abbot
TQ12 5LZ

Applicant:

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Site Address: Land at SX711 394, Adjacent to Malborough Park, Malborough

Development: Application for a non-material amendment following grant of planning permission 1780/18/ARM (additional bedrooms within roof space on plots 30, 38, 44 & 45 and provision of conservatories on plots 35, 36, 39 & 42)



Reason item is being put before Committee: At the request of the Ward Members, in agreement with the HoP Lead, for the following reasons:

- This should not be a non-material minor amendment because the public should have been consulted on the proposals, not just the Parish Council.
- This is likely to lead to an increase in second home ownership in the village

Recommendation: Conditional Approval

Conditions

1. Accords with plans

Key issues for consideration:

The impact of the additional bedrooms on the housing mix within the development
The impact of the proposed conservatories on the layout, design and appearance of the development.

Whether or not the proposed changes are non-material.

Financial Implications (Potential New Homes Bonus for major applications):

The Government have advised that the New Homes Bonus scheme will end after the 2019-2020 financial year and this year is the last year's allocation (which was based on dwellings built out by October 2018). A statement about a replacement scheme is expected in September 2019.

Site Description:

The site of 2.17 hectares was part of a larger agricultural field located on the southern edge of the village of Marlborough and is currently being developed for the provision of 53 dwellings. The remainder of the adjoining field will remain in agricultural use. The development site has planning permission for 53 dwellings.

The northern site boundary adjoins residential properties. To the south east the site adjoins a rural road running from Collaton Road to Portlemore Barton. Access into the site has been created from this road

There is an existing public right of way access to the south and west which follows the perimeter of the larger field area to the south. This PRow connects the existing lane to Shute Park and from there links into the village.

The site is on a south facing slope rising towards the settlement to the north. It is exposed in the landscape and offers wide views of the surrounding countryside

The adjoining residential development to the north is relatively modern, it is mainly two story terraced or semi-detached houses of styles typical of the late 1960's/1970's.

The site lies within the South Devon Area of Outstanding Natural Beauty, the Heritage Coast and Undeveloped Coast.

The Proposal:

Outline planning permission was granted in December 2017 for the erection of circa 50 no. dwellings. Reserved matters approval has since been granted for 46 houses in one application, followed by a further reserved matters application for 7 houses.

The housing mix approved in the first reserved matters application for 46 houses was as follows:

Affordable:

- 1 bed x 4 (all social rent)
- 2 bed x 9 (5 social rent and 4 discount market)
- 3 bed x 3 (1 social rent and 2 discount market)

Overall (affordable and market)

- 1 bed x 4
- 2 bed x 12
- 3 bed x 15
- 4 bed x 15

This equated to the provision of 36% 1 and 2 bed houses, 33% 3 bed and 33% 4+ bed.

Following the second reserved matters application the overall housing mix changed to the following (with no change to the affordable provision):

1 bed x 4
2 bed x 12
3 bed x 21
4 bed x 16

This equates to the provision of 30% 1 and 2 bed houses, 40% 3 bed and 30% 4+ bed and a total of 53 houses over the whole site.

This current application proposes to provide an additional room in the roof space of 4 of the larger 3 bed homes. Externally the only difference would be the insertion of 2 small rooflights.

The housing mix would then be as follows:

1 bed x 4
2 bed x 12
3 bed x 17
4 bed x 20

This would equate to 30% 1 and 2 bed houses, 32% 3 bed and 38% 4 bed.

The proposal also includes the addition of a modest sized flat roofed conservatory onto the rear elevations of 4 dwellings (different plots to the plots where the additional bedrooms are proposed). The conservatories would be optional, the purchaser could choose to have the house built with or without the conservatory.

Consultations:

- County Highways Authority: No comment
- SHDC Strategic Planning: No objection
- Town/Parish Council: Objection:

Further to the recent meeting of Malborough Parish Council, the Councillors voted unanimously to object in the strongest terms to the recent application reference 1744/19/NMM Baker Estates Ltd.

The councillors do not consider that Baker Estates have been transparent with this amendment, the garden rooms/conservatories should be classed as a material amendment and as such be subject to a full planning application.

The Council have already previously agreed an amendment allowing more properties to be built than originally approved. The properties currently in question are all three bedroom properties and should not be developed in the rooftop, nor should additional garden rooms/conservatories be given approval.

The houses that these proposals apply to are affordable to a range of people living in the area, by adding an additional room, be it a bedroom, garden room or conservatory, the developer, Baker Estates Ltd can significantly uplift the sales price of the properties outside the realms of affordability for those people. In turn, this will increase the second home ownership ratio and will have a direct affect on the local community as we see second home percentages rise further - and we already have unacceptable levels of second homes! This goes against the whole ethos of the estate and the basis on which it was originally agreed.

We understand that the addition of the extra bedroom would breach DEV8.1.

Councillors are very concerned that fundamental changes such as those proposed can be seemingly approved in advance by planning. They are also extremely concerned that had Cllr Long not noted that the email notice of the application had been sent to Salcombe, this application could have been finalised with no feedback from the local parish.

We trust that our opinions and this objection are not being taken in vain!

Representations:

Being a non-material minor amendment application this application has not been advertised. The Parish Council however was consulted.

Relevant Planning History

0549/17/OPA - Outline application with some matters reserved for erection of circa 50no. dwellings and means of access (all other matters reserved) - Conditional approval

1780/18/ARM: Application for approval of reserved matters for the scale, appearance, landscaping and layout of 46 no. dwellings and associated garages, infrastructure and landscaping, following outline approval 0549/17/OPA (phase 1 of reserved matters) and discharge of conditions. – Conditional approval

4077/18/ARM - Application for approval of reserved matters following outline approval 0549/17/OPA for scale, appearance, landscaping and layout of 7no. dwellings, associated garages, infrastructure and landscaping - Conditional approval

ANALYSIS

Principle of Development/Sustainability:

When the outline planning permission was granted for circa 50 dwellings in 2017 an informative on housing mix was included in the planning decision notice which stated the following:

Any reserved matter(s) application should provide a mix of housing tenures, types and sizes to help support the creation of a mixed, balanced and inclusive community. The Council would normally seek a mix on the following basis:

35% 1 and 2 bedroom properties

35% 3 bedroom properties

30% 4 bedroom properties;

unless it can be demonstrated that the local need is for a different mix.

This advice was based on a Council Statement published in 2016 reflecting what was understood to be the district wide housing need at the time. Since then the JLP has been prepared and adopted based on a detailed evidence base. Part of this evidence base has looked in more detail at housing need and using for example, ONS data, it is now possible to look at housing need at a Parish level rather than the broader district wide level reflected in the advice above.

Policy DEV8 of the JLP requires housing development to respond to locally identified need and this is also reflected in Malborough Neighbourhood Plan Policy 2, Community Balance

In this case the proposal is to add a fourth bedroom into four high value, spacious 3 bedroom homes (changing from approx. 155 sq m to 174 sq m). The dwellings are sited on the south west site boundary, benefiting from scenic views of the AONB and set within large plots with 4+ on plot parking

spaces and large double garages. Other 3 bed dwellings within the development are set in plots up to one third of the size, estimated to be up to half the price of these larger dwellings having a floor area of 86 – 88 sq m. Officers consider that adding a fourth bedroom to these already high value homes will not make a significant difference to the number of households that could afford to purchase such a home and as such will not make a significant difference to the way in which these dwellings meet local need.

The proposal has been considered by the JLP Team who have considered the policy implications of this proposal and they raise no objection, commenting as follows:

The changes to 4-bed numbers will not result in a conflict with DEV8 based on the ONS data we use by parish.

Notwithstanding that the wider aims of DEV8 include delivering more smaller units across the TTV policy area, Malborough is something of an anomaly in that there is already a significant proportion of 2-bed homes within the parish – 40% compared to the SH average of 26%. Combine that with the current figure for 4+ beds in the parish, which is 21% compared to the 29% for SH, and I do not think that the proposed amendments will result in a policy conflict.

I appreciate that the discussion regarding wider affordability levels requires much more than an understanding of how many bedrooms houses have got, but when using ONS data alone I cannot find any grounds for objecting to the proposed amendments.

Based on the above it can be concluded that there is no objection to the principal of the insertion of one additional bedroom into four, already large, dwellings; it is also considered to have no material impact on the overall nature of the development and is acceptable as a non-material minor amendment.

Design/Landscape:

The addition of 2 small roof lights into the roofs of the 4 no. dwellings will have no material impact on the external appearance of the development.

The proposed conservatories to be offered as options for purchasers of units 35, 36, 39 and 42 are modest in size and with flat roofs. They are proposed for houses set well within the scheme so will have no potential for any wider landscape impact. Other properties are already consented with conservatories within the scheme. Being single storey and within private gardens they will be largely screened from view in most cases.

The design and landscape impact of the conservatories will have no material impact and is acceptable.

Neighbour Amenity:

The proposed amendments will have no material impact on existing or future neighbours

Highways/Access:

There is no change to highways or access.

Planning Balance

For the reasons set out in this report the proposed amendments will have no material impact on the nature and impacts of this housing development and as such are considered to be in accordance with planning policy, acceptable and non-material.

It is recommended that this application be granted conditional consent.

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. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be 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 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

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
TTV27 Meeting local housing needs in rural areas
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
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes

Malborough Neighbourhood Plan

Policy 1 – Planning For Growth
Policy 2 – Community Balance
Policy 5 – High Quality Design

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.

Proposed conditions in full

1. The development hereby approved shall in all respects accord strictly with drawing numbers

170102 HT 00 00 House Type Pack
170102 L 02 01 G Proposed Site Layout
General plan - Proposed Site Layout 170102 L 02 01 H
General plan - Plot 39 & 42 Elevations 170102 HT 14 02 E
General plan - Plot 39 & 42 Floor Plans 170102 HT 14 01 F
General plan - Plot 38 Elevations 170102 HT 13 31 E
General plan - Plot 38 Floor Plan 170102 HT 13 32 C
General plan - Plot 45 Elevations 170102 HT 13 29 D
General plan - Plot 45 Floor Plans 170102 HT 13 30 C
General plan - Plot 44 Elevations 170102 HT 13 27 C
General plan - Plot 44 Floor Plans 170102 HT 13 28 C
General plan - Plot 30 Elevations 170102 HT 13 09 D
General plan - Plot 30 Floor Plans 170102 HT 13 10 C
General plan - Plot 35 & 36 Floor Plans 170102 HT 12 01 E
General plan - Plans and Elevations 170102 CON 01 01

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.