

Comments of South Hams District Council in regard of the Proposal by South Milton Parish Council to seek Modification to the South Milton Neighbourhood Plan (Amendment of Policies H1, H4, and inclusion of an additional Policy H5)

May 2022

1) Introduction

1.0 The South Milton Neighbourhood Plan (SMNP) was “made” by South Hams District Council on 19th September 2019. A copy of this Plan accompanies this report. Accordingly, the SMNP forms part of the Development Plan alongside the Joint Local Plan (JLP). During last year South Milton Parish Council formally wrote to the Council requesting consideration be given to a proposal to amend **Policies H1 and H4 and include a new Policy H5**. In essence the amendments seek to ensure that principal residence requirements apply to new open market housing developed in SMNP Plan Area apart from replacement dwellings. Furthermore where conversions are approved, additional dwellings created over and above those that already exist, are proposed to be subject to principle residence requirements.

1.2 SHDC considered that the modification sought amounted to a “*material modification which does not change the nature of the plan*”. In such instances the regulations require that the proposed modification is subject to a consultation process as prescribed under Regulation 14/16. This consultation was undertaken by SMPC between 7th March 2022 and 18th April 2022. Following this, the proposal, alongside all consultations responses received, are passed to an independent Examiner for consideration.

1.3 This draft report is the proposed South Hams District Council response to this consultation and is for consideration by the Delegated Panel.

2) The Proposed Modifications

2.0 The Modification Statement issued by South Milton Parish Council is enclosed with this report. The modification sought proposes the inclusion of the following new Policy H5 shown in **blue** below:-

POLICY H5 – PRINCIPAL RESIDENCE REQUIREMENT

1. Proposals for open market housing (excluding one for one replacement dwellings) will be supported where there is a Section 106 agreement to ensure occupancy as a principal residence. A principal residence is defined as a dwelling occupied as the resident's sole or

main residence, where the resident spends the majority of their time when not working away from home. Proof of principal residence includes, but is not limited to, being registered on the local electoral roll, at the local school or for local healthcare.

2. Proposals for open market housing (excluding one for one replacement dwellings) without a requirement to ensure occupancy as a principal residence will not be supported.

3. Where proposals for the replacement or conversion of existing dwellings by more than the number of existing dwellings is approved, the additional properties will be subject to a Section 106 agreement to ensure occupancy as a principal residence.

2.1 In order to ensure consistency, with the introduction of new Policy H5, it is proposed to modify existing Policies H1 and H4 contained in the current “made” Version of the SMNP. The modifications proposed are highlighted in **red** on those policies reproduced below:-

Policy H1: Land allocation policy for housing

The selected site known as The Dairy, Milton Lane, is allocated for a maximum of 18 houses or flats during the plan period to meet local needs. The development of The Dairy shall meet the following criteria:

1. The development of this site shall be for housing and carried out in accordance with strategic policies:

- There shall be an appropriate mix including one and two bedroom units as well as larger three or four bedroom homes with 20 per cent of the total number of units designed for disabled access;
- The development shall be well designed and built in accordance with Strategic Policy and NPPF guidance, be no more than two storeys in height, use traditional materials (such as brick, timber and stone), incorporate energy efficiency measures (insulation, secondary glazing and preferably renewable energy sources) and complement the character and sense of place of the parish;
- The layout and design shall minimise the impact on the surrounding landscape, should fully respect existing heritage assets, and should include appropriate tree planting and landscaping;

- Applications for development shall be supported by a comprehensive appraisal of heritage impacts.
2. The following community benefits are necessary to make the development acceptable:
- A third of units shall be affordable and rented to people with local connections by a housing association using Devon Home Choice criteria;
 - A third of plots shall be made available to individual purchasers wishing to self-build (including custom housebuilding) their own homes;
 - A planning condition shall be included to ensure the open market and self-build houses are occupied as 'sole or principal residences' **as set out in Policy H5**;
 - The existing trees and hedges shall be protected, where practicable, and extended where necessary in order to limit the visual impact of the development from Milton Lane;
 - A planning condition shall be included that confirms the fields on three sides immediately adjacent to the site continue to be used for agricultural purposes (i.e. for grazing or the production of other crops), thus acting as a 'buffer' to further development (as indicated on Figure 7.1);
 - Confirmation as part of a legal agreement that the existing barn buildings on the site are relocated outside the current owner's landholding in South Milton parish;
 - The development of the site may be phased over a number of years so long as the community benefits are implemented to an agreed schedule;
 - The provision of car parking and a footpath/ cycleway as set out in policy H2 below.

Policy H4: General Housing Policy

An application for development will be supported only where it fully meets the following criteria:

- It fully respects the cultural and environmental heritage of the parish, particularly where development takes place within or adjacent to listed buildings, Conservation Areas, and other environmental designations;
- It respects existing entry points to the village and does not adversely affect protected views to and from the village, particularly on the seaward

side, as set out in policies E&CM1 and 2;

- It is well designed and constructed to reflect, and where possible make a positive contribution to, the character and appearance of the parish in terms of scale, height, materials and layout, and to reinforce a strong sense of place;
- **It complies with Policy H5;**

For developments of five or more housing units the following additional criteria will apply:

- It should provide a mix of homes taking into account objectively identified housing needs, and includes an element of affordable and elderly housing as specified in the JLP. It is subject to a S106 legal agreement or suitable planning conditions, ensuring that it will remain an affordable dwelling(s) for local people in perpetuity. For rented affordable housing Devon Home Choice criteria should apply;
- Where applicable, it should include other benefits to the wider community, such as community facilities, car parking, play space, appropriate landscaping and open space.

3) Officer Considerations

3.1 The Parish Council have produced sufficient evidence to support the contention that the inclusion of a Principle Residence Policy, that applies generally across the Plan Area, would be acceptable. Indeed there are a range of made Neighbourhood Plans in the vicinity that include such a Policy based upon similar evidence. As such no objection is raised to new Policy H5 nor the amendments proposed to Policies H1 and H4 to enable consistency with that new Policy.

3.2 Policy H5 requires that the Principle Residence restriction be secured only by Section 106 agreement. Members will recall that Salcombe Town Council are seeking to modify the made Salcombe Neighbourhood Plan by removing the option of using a condition, as a means of securing Principle Residence restrictions, placing reliance solely on solely upon 106 Agreements. In this instance Officers recommended, for a number of reasons, the retention of the flexibility offered by the Policy as it stood. A meeting of the South Hams District Council held on 15th July 2021 resolved to support Salcombe Town Council's proposed modification. The Salcombe Modification is currently in Examination. Recommendations from the Examiner are expected shortly these will be considered by the Delegated Panel prior to the Council's substantive decision in regard of the Salcombe Modification. It is

recommended, therefore, that the Examiner appointed to consider the South Milton modification is informed of the Salcombe [Examination](#).

3.3 Furthermore, it is suggested the Examiner's attention is drawn to the Thurlestone Neighbourhood Plan (made 19th July 2019) which, under Policy TP6, requires that Principal Residence requirements are secured solely by 106 Agreement.

- 4) **Recommendation: That the Council support the proposed Modifications to the South Milton Neighbourhood Plan whilst drawing the attention of the Examiner, appointed to consider this Modification, to:-**
 - a) **the Examination of the Salcombe NP Modification currently taking place.**
 - b) **Policy TP6 contained in the Thurlestone Neighbourhood Plan.**

11th May 2022

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Neighbourhood Planning Officer

South Hams District and West Devon Borough Councils