

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 17th January, 2024										
Time:	10.00 am										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Long Vice Chairman Cllr Taylor</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Abbott</td> <td style="width: 33%;">Cllr Nix</td> </tr> <tr> <td>Cllr Allen</td> <td>Cllr O'Callaghan</td> </tr> <tr> <td>Cllr Bonham</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Carson</td> <td>Cllr Rake</td> </tr> <tr> <td>Cllr Hodgson</td> <td></td> </tr> </table>	Cllr Abbott	Cllr Nix	Cllr Allen	Cllr O'Callaghan	Cllr Bonham	Cllr Pannell	Cllr Carson	Cllr Rake	Cllr Hodgson	
Cllr Abbott	Cllr Nix										
Cllr Allen	Cllr O'Callaghan										
Cllr Bonham	Cllr Pannell										
Cllr Carson	Cllr Rake										
Cllr Hodgson											
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
Committee administrator:	Amelia Boulter - Democratic Services Specialist 01822 813651										

1. Minutes

1 - 8

To approve as a correct record the minutes of the meeting of the Committee held on 13 December 2023

2. Urgent Business

Brought forward at the discretion of the Chairman;

3. Division of Agenda

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

4. Declarations of Interest

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;

5. Public Participation

The Chairman to advise the Committee on any requests received from members of the public to address the meeting;

6. Planning Applications

To see Letters of Representation and further supplementary information relating to any of the Applications on the agenda, please select the following link and enter the relevant Planning Reference number:

<http://apps.southhams.gov.uk/PlanningSearchMVC/>

(a) 2306/23/FUL

9 - 26

Ivybridge Motors Ltd, Fore Street, Ivybridge. PL21 9AE

READVERTISEMENT (revised plans) Change of use from sale of motor vehicles to sale of building supplies and associated works.

(b) 1505/23/FUL

27 - 36

Land at Sx 654 517, New Mills Industrial Estate, Modbury

READVERTISEMENT (notice served on land owner)
Provision of 3 bedroom dwelling (log cabin) to accommodate graduate vets/nurses.

PLEASE NOTE: THE FOLLOWING AGENDA ITEMS WILL NOT BEGIN BEFORE 2.00pm

- | | |
|---|----------------|
| (c) 2981/23/VAR | 37 - 44 |
| The Crab Shed, The Fish Quay, Gould Road, Salcombe. TQ8 8DU | |
| Variation of condition 9 (flood survey & removal of permitted building) of planning approval 41/0189/13/F to postpone the proposed Flood Survey from 2033 and allow the building to be retained on site until 2044 (retrospective) (resubmission of 1137/23/VAR). | |
| (d) 3855/23/CLP | 45 - 48 |
| Totnes, Skatepark | |
| Application for a Lawful Development Certificate for removal of existing modular steel skatepark ramps and construction of a new spray concrete skatepark on part of the existing site with an extension. | |
| 7. Planning Appeals Update | 49 - 52 |
| 8. Update on Undetermined Major Applications | 53 - 58 |

This page is intentionally left blank

MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 13 December 2023

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	∅	Cllr McKay
*	Cllr G Allen	*	Cllr A Nix
*	Cllr L Bonham	∅	Cllr D O'Callaghan
*	Cllr J Carson	*	Cllr G Pannell (Vice-Chairman)
*	Cllr J M Hodgson (for 6(a),(b) and (c) only (Minute DM.41/23 refers)	*	Cllr S Rake
∅	Cllr M Long	*	Cllr B Taylor (Chairman)
*	Cllr T Edie (substituting for Cllr McKay) (for 6(a),(b), (c) and (d) only (Minute DM.41/23 refers)		

Other Members also in attendance: Cllr Thomas

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Head of Development Management, Monitoring Officer (on MS Teams); Principal Planning Officer, IT Specialists and Senior Democratic Services Officer

DM.38/23 MINUTES
The minutes of the meeting of the Committee held on 15 November 2023 were confirmed as a correct record by the Committee.

DM.39/23 DECLARATIONS OF INTEREST
Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr L Bonham declared an Other Registerable Interest in application 2790/22/FUL (Minutes DM.41/23 (d) below refer), as he was a Member of the Caravan and Motorhome Club. The Member remained in the meeting and took part in the debate and vote thereon.

DM.40/23 PUBLIC PARTICIPATION
The Chairman noted the list of members of the public, Town and Parish Council representatives, and Ward Members who had registered their wish to speak at the meeting.

DM.41/23 PLANNING APPLICATIONS
The Committee considered the details of the planning applications prepared by the relevant Case Officers as presented in the agenda papers, and considered the comments of Town and Parish Councils, together with other representations received, which were listed within the

presented agenda reports, and **RESOLVED** that:

6a) 1505/23/FUL Land At SX 654 517, New Mills Industrial Estate, Modbury

This application was withdrawn.

6b) 1668/23/VAR The Mooring, Newton Hill, Newton Ferrers, PL8 1BG

Development: Variation of Condition 1 (approved plans) of planning consent 0068/20/VAR

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Whether the proposed changes affect the external appearance of the completed development.
- Whether the changes give rise to loss of amenity for neighbours

The Case Officer raised that the previous objection to the fence was now accepted by the neighbour and clarified the process for planning applications and the rules around planning enforcement. They also explained that the condition requires the applicant to construct within the approved plans but can amend that condition for screening to be a 1.8 metre height if required.

Having heard from speakers on behalf of the Parish Council together with the Ward Councillor, Members debated the application. During the debate, one Member was happy to go with the officer recommendation because of the agreed compromise between the applicant and the objector. Another Member was frustrated by the process because they were unaware whether the applicant would be happy with the proposals.

Recommendation: Conditional Grant

Committee decision: Delegated approval to the Head of Development Management subject to alterations to the screening to be agreed with Chairman, Ward Members, Proposer (Cllr Rake) and Seconder (Cllr Nix).

Conditions: Adherence with approved plans.
Adherence with approved CMP.
Privacy screens to be installed prior to use of balcony.
Landscaping.
Timber to undercroft door North western boundary wall to be clad in natural stone (5 months).

Wall on south eastern elevation to be clad in stone.

6c) 3161/23/FUL

Linhay Barn, Budlake, Ermington, PL21 9NG

Development: Construction of a new replacement dwelling to replace proposed barn conversion under 2767/17/FUL

The Case Officer provided an update since the agenda was published and reported that following discussions with the agents and architects the JLP Officer has made some comments regarding the climate emergency and has highlighted some inconsistencies.

Case Officer Update: The Case Officer summarised the key issues, namely that:

Policy

- Within countryside location but does not meet criteria of TTV26.
- Not a replacement dwelling.
- Contribution to housing supply does not justify location.
- Contrary to pattern of development.
- Insufficient information to show that the proposal would conserve and enhance rural landscape.

Other Matters

- Barn Conversion
 - Doubt whether permission would still extant.
 - Effectiveness of Legal Agreement.
 - Securing long term further of barn.
 - Comparison of carbon calculations for both proposals were uncomplete.
- Approved agricultural building:
 - Cannot prevent future prior approval applications.

Conclusion

- Unsuitable location without appropriate planning justification for countryside location.
- Does not have regard to the pattern of local development or conserve the landscape character of the surroundings.
- Previous permissions do not outweigh the policy considerations.

The Principal Planning Officer provided an update on the carbon neutral status on the application to ensure that Members have the information before them to make an informed decision.

The Case Officer raised that this application was not made as an agricultural dwelling. The Case Officer reported that pedestrian access on the road was unsafe as it was unlit at night and outside the 30mph restriction. The Case Officer also reported that S106 to cease the conversion of the Linhay Barn.

Having heard from speakers on behalf of supporters and the Parish Council together with the Ward Councillor, Members debated the application. During the debate, one Member raised that the application went against the policies however there were a lot of mitigating circumstances and whether this application should be deferred to look at the carbon neutrality. Another Member felt that the development would result in a better heritage outcome with the preservation of the linhay. Another Member felt this application ticked all the good boxes.

Recommendation: Refusal

Committee decision: Delegated approval to the Head of Development Management in consultation with the Chairman, Proposer (Cllr Abbott) and Secunder (Cllr Hodgson) to agree conditions and S106 agreement going forward with the Linhay.

6d) 2790/22/FUL Quay Caravan Club Site, Steamer Quay Road, Totnes, TQ9 5AL

Development: Re-development works include internal refurbishment of site facilities block and installation of solar panels, replacement service points, installation of new barrier system, conversion of existing grass pitches into 47no. all-weather serviced pitches, a new tractor store & prefabricated reception building

Case Officer Update: The Case Officer summarised the key issues, namely that:

Principle

- Use as a caravan site permitted through Caravan and Motorhome Club exemption certificate.
- Proposed development improves on site facilities and operation of caravan site, all-weather pitches to offer better access to those with mobility issues.
- Accords with SPT1, SPT2, TTV1 and DEV15 of JLP and C9 and E1 of Totnes NP. C9 of NP supports the principle of leisure or river related development of Steamer Quay.

Design/Landscape/Heritage

- Existing development on site and land has been used as a caravan site for many years.
- Formalisation of the pitches, along with the provision of new service points and a MVWP would change the character of the site but not considered to result in a significant change that would detrimentally harm the character of the site and surrounding area or harm the setting of heritage assets providing an appropriate landscaping scheme was secured and that existing trees/hedges were retained wherever possible (see conditions list)
- Subject to conditions accords with DEV20, DEV21 and DEV 23 of

the JLP and Policy C9, En1, En2, En3, En4 and C1 of the NP.

Neighbour Amenity

- Site has been used as a caravan site for many years under the Caravan and Motorhome Club exemption certificate. Relationship between the caravan site and neighbouring properties already exists.
- Landscaping would help to screen development and lighting to be controlled (see conditions list)
- Subject to conditions, accords with DEV1 of the JLP and Policy En2 of the NP.

Ecology/Trees

- PEA, BNG Metric and Lighting Strategy submitted DCC Ecology reviewed and no objections subject to conditions.
- AIA submitted. Tree Officer raised no objections subject to conditions.
- Subject to conditions, accords with DEV26 and DEV28 of the JLP and Policy C0, En2, En5 and En6 of the NP.

The Case Officer said that the Drainage Officer was happy with the proposed drainage which was subject to condition.

Having heard from speakers on behalf of the Parish Council together with the Ward Councillor, Members debated the application. During the debate, Members supported the application as this was a good step forward for tourists and the local community. Concerns were raised that pitches were gravelled disadvantaging people with tents and the need for more hedging to increase biodiversity. Another Member raised whether a condition for a hedgehog highway could be included.

Recommendation: Conditional Approval

Committee decision: Conditional Approval - to include provision for hedgehogs to traverse the site.

Conditions:

1. Time limit
2. Approved plans
3. Landscaping scheme (Pre-commencement agreed 17/11/2023)
4. LEMP – BNG Net Gain (Pre-commencement agreed 17/11/2023)
5. CEMP (Pre-commencement agreed 17/11/2023)
6. Accordance with Tree Reports, submission of AIA (Pre-commencement agreed 17/11/2023)
7. Tractor store details
8. Details of fencing/gates/walls
9. Details of timber cladding to external walls reception unit and temporary permission 1

10. Surface water drainage
11. DEV32 measures
12. Accordance with Ecological Appraisal
13. No vegetation removal, clearance or demolition during nesting season
14. No raising of ground levels across the site
15. External lighting
16. Lighting controls
17. PD removal – no new hardstanding
18. PD removal – buildings and structures

6e) 2839/23/FUL Land At SX 740 393, The Fish Quay, Gould Road, Salcombe

Development: Construction of food preparation unit associated with Crab Shed restaurant

Case Officer Update: The Case Officer summarised the key issues, namely that:

Principle:

- Building was for storage, food preparation and staff resting area in connection with existing Crab Shed Restaurant. No cooking facilities with the building as cooking would be completed in main restaurant.
- Condition 6 – requires removal of the building by 15 March 2033 (matching condition 9 on 41/0189/13/F)
- Condition 7 – requires development to be used ancillary to the Crab Shed.
- Subject to conditions, accords with SPT1, DEV14 and Dev15 of JLP and objective 3 of Salcombe NP (Section 1.0 Officer Report)

Design/Landscape

- Site was with AONB and Undeveloped Coast.
- Proposal was for a simple timber building, positioned adjacent to timber fence and timber clad buildings.
- Subject to appropriate materials/finished being used which would be secured by condition 5, accords with DEV20, DEV23, DEV24 and DEV25 of the JLP and Policies SALC Env1, SALC Env5, SALC Env6 and SALC B1 of the Salcombe NP (Section 2.0 Officer Report)

Flood Risk

- Site was in Flood Zone 2/3.
- EA and Drainage Officer raised no objections.
- Amended FRA including specific flood risk mitigation measures and Flood Warning and Evacuation Plan secured by condition 3.
- Condition 6 – requires removal of the building by the 15 March 2033 (matching condition 9 on 41/0189/13/F which was imposed due to flood risk of the site)
- Subject to conditions, accords with DEV35 of JLP (Section 5.0 Officer Report)

Ecology

- Site was within SSSI Salcombe to Kingsbridge Estuary.
- Natural England and DCC Ecology raised no objections subject to development being carried out in accordance with CEMP which was required by condition 4.
- Subject to conditions, accords with DEV26 of JLP and SALC Env5 of the Salcombe NP (Section 6.0 Officer Report)

The Case Officer was not aware of a safe pedestrian route from the food preparation unit to the Crab Shed.

There were no speakers for this application, Members debated the application. During the debate, Members raised the importance of supporting local businesses but had concerns on the access from the unit to the restaurant.

Regarding the concerns raised by the Committee, a request to be forwarded to the Assets Team to ascertain whether provision could be provided for a safe walkway.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions:

1. Time limit
2. Approved plans
3. FRA mitigation measures (pre-commencement agreed 24.10.2023)
4. CEMP
5. Materials
6. Temporary period
7. Restricted use – in connection with the Crab Shed

DM.42/23 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report.

DM.43/23 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

Members noted the update on undetermined major applications as outlined in the presented agenda report.

(Meeting commenced at 10.00 am with a lunch at 12.53 pm. The meeting adjourned at 12.43 pm. Meeting concluded at 15.15 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 13 December 2023

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
1505/23/FUL	Land At SX 654 517, New Mills Industrial Estate, Modbury	This item was deferred				
1668/23/VAR	The Mooring, Newton Hill, Newton Ferrers, PL8 1BG	Conditional Grant	Cllrs Abbott, Allen, Bonham, Carson, Edie, Hodgson, Nix, Pannell, Rake and Taylor (10)			Cllrs Long, McKay and O'Callaghan (3)
3161/23/FUL	Linhay Barn, Budlake, Ermington, PL21 9NG	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Nix, Pannell and Rake (8)		Cllrs Edie and Taylor (2)	Cllrs Long, McKay and O'Callaghan (3)
2790/22/FUL	Quay Caravan Club Site, Steamer Quay Road, Totnes, TQ9 5AL	Conditional Approval	Cllrs Abbott, Allen, Carson, Edie, Nix, Pannell, Rake and Taylor (8)		Cllr Bonham (1)	Cllrs Hodgson, Long, McKay and O'Callaghan (4)
2839/23/FUL	Land At SX 740 393, The Fish Quay, Gould Road, Salcombe	Conditional Approval	Cllrs Abbott, Allen, Bonham, Carson, Nix, Pannell, Rake and Taylor (8)			Cllrs Edie, Hodgson, Long, McKay and O'Callaghan (5)

COMMITTEE REPORT

Case Officer: Lucy Hall

Parish: Ivybridge

Ward: Ivybridge West

Application No: 2306/23/FUL

Applicant: Palladium Building Supplies Limited
Higher Union Road
Kingsbridge
TQ7 1EQ

Agent: Mr Ian Hodgson - DMR Design
The Acorn Centre
Oak Court, Pennant Way
Lee Mill Industrial Estate
Ivybridge
PL21 9GP

Site Address: Ivybridge Motors Ltd, Fore Street, Ivybridge, PL21 9AE



Development: READVERTISEMENT (revised plans) Change of use from sale of motor vehicles to sale of building supplies and associated works

Reason item is before Committee:

At the request of the Head of Development Management due to the level of public interest and the scale of the development proposal.

Recommendation: Refusal**Reasons for refusal:**

1. The application site includes a shared access with Highlands Health Centre. Insufficient information has been provided to satisfy the Local Planning Authority that there will not be a conflict between users accessing Highlands Health Centre and large vehicles using and moving around the application site, contrary to the provisions of policies SPT2, DEV1 and DEV29 of the adopted Plymouth and South West Devon Joint Local Plan.
2. The proposed 2.4m high palisade boundary fencing and open storage area in front of Highlands Health Centre would create a stark and obtrusive uncharacteristic feature in this prominent town centre location which does not represent good design and would be detrimental to the character and appearance of the area including the setting of the Grade II listed Ivybridge Methodist Church. Insufficient information has been provided to demonstrate that the fence and storage area could be adequately screened. The development is therefore contrary to the provisions of policies SPT11, DEV20, DEV21 and DEV23 of the adopted Plymouth and South West Devon Joint Local Plan; policy INP1 and INP8 of the made Ivybridge Neighbourhood Plan and the National Planning Policy Framework (including but not limited to paragraphs 195, 203, 208 and section 12 'achieving well-designed and beautiful places').
3. Insufficient information has been provided to satisfy the Local Planning Authority that the proposal is acceptable in terms of providing adequate visibility splays and on-site parking/turning facilities to serve the use proposed contrary to policy DEV29 of the adopted Plymouth and South West Devon Joint Local Plan, policy INP7 of the made Ivybridge Neighbourhood Plan and the National Planning Policy Framework (including but not limited to paragraph 110).

Key issues for consideration:

Principle of development, design, trees, impact on setting of Grade II listed Ivybridge Methodist Church, impact on street scene, highways (access, parking, on site turning), impact on the shared access Highlands Health Centre, low carbon development, drainage, contamination, and neighbour amenity.

Site Description:

The application site is situated at the south-western end of Fore Street, close to the roundabout where Western Road, Fore Street and Majorie Kelly Way meet. The site is surrounded by a mix of uses. To the south, there are several residential properties, some commercial properties and Ivybridge Methodist Church. The Methodist Church and the boundary wall to the north and west are Grade II listed (list entry number 1325417). There are commercial uses, which adjoin the site to the east and beyond several residential properties. Highlands Health Centre is located to the west.

The site extends from Fore Street, around 70m northwards towards a group of trees on the northern boundary. The site also includes a parcel of land between Fore Street and

Highlands Health Centre. There are two buildings on the site, a larger one which fronts Fore Street, and a smaller single storey structure behind. The land rises towards the north and the smaller of the two buildings sits behind the larger building but on higher ground.

The site has two access points adjoining the highway (Fore Street). The first is on the south-western side and is a shared narrow access that also serves the health centre main entrance and customer parking area. This is well used by vehicles and pedestrians accessing the health centre. After the health centre entrance, the access continues into an existing triangular shaped hardstanding area to the north of the smaller building. The second access is located on the south-eastern frontage of the site.

The site benefits from a commercial use, historically as a petrol station and more recently by Iybridge Motors, for the sale and repair of motor vehicles. The hardstanding to the front of main building and to the west, beyond the access road, was used to display vehicles.

Most of the site is located within the primary shopping area for Iybridge (but excludes land to the north beyond the buildings). The whole site falls within a Critical Drainage Area which covers the majority of Iybridge. The group of trees on the northern boundary form part of a woodland TPO (ref 127) which covers a large swathe of land to the north.

The Proposal:

The application seeks full planning permission for the change of use from the sale of motor vehicles to the sale of building supplies. The site would be operated by Palladium Building Supplies, an existing and well-established local business. The business is expanding, and the applicants are keen to remain within the town.

The site includes 2 existing buildings, 'Unit 1', located within the lower part of the site, off Fore Street, and 'Unit 2', located behind Unit 1, but within the higher part of the site. Externally, the buildings would largely remain unaltered by the proposal. Currently there are two vertical roller shutter doors on the south-west elevation of Unit 1 which would be replaced with one door. Furthermore, a lean-to canopy structure is proposed off the south-east elevation of the single storey element of Unit 1. This is required for the storage of timber and would be constructed from timber posts set under a sloping roof, covered in profile metal sheeting. It would sit just below the eaves of the host building.

The site includes a large amount of hardstanding, all of which would be retained. The space to the south-west of Unit 1 and immediately south of Highlands Health Centre would be used for the storage of materials including dumpy bags (sand, gravel & aggregate), paving slabs and blocks. The space in front of Unit 2 (to the north) would be used for external bulk storage including paving slabs, drainage products, roofing materials and blocks/bricks, as well as parking for employees, lorries and sundry work vehicles. The area immediately in front of Unit 1 would be used for general parking.

The storage and parking areas would be enclosed by a 2.4m high galvanised steel palisade fence located inside the perimeter walls, accessed through security gates. A planted hedge/screen is proposed to screen the fencing on the south-western corner of the site opposite Iybridge Methodist Church.

The access way to Highlands Health Centre would remain unrestricted. The plans show a painted 'demarked pedestrian zone' on the western side of the access track.

During the life of the application additional information was received to address some of the comments raised. A revised red line plan was also provided as some of the proposed development was shown outside on the original iteration (specifically part of the gates within the south-eastern corner). The application was readvertised.

Consultations:

- South Hams District Council Trees
No objection
- Devon County Council Local Lead Flood Authority
No objection
- Devon & Cornwall Police 'Designing Out Crime'
No objection
- South Hams District Council Heritage
Objection

The site is presently an open yard of non-descript character that was previously used as a car sales site. JLP policies DEV20(5) and DEV21 are of relevance here and in accordance with DEV21 it is certainly desirable to look for enhancement of the setting of the grade II church in particular. To this end we have sought the provision of an appropriate hedgerow (perhaps beech?) along the frontage to both lessen the impact of the proposed security fencing and also achieve the desired enhancement to the streetscene and setting of the listed building. Hedges and forecourt planting are a positive feature as the town centre is approached along Western Road so continuation of that character is a reasonable expectation. Whilst this would take a few years to establish and would not entirely screen the materials stored on site it would improve the appearance.

I note that the revised plans indicate hedge planting opposite the listed church which is to be welcomed. It is not stated what species is proposed or at what height it is intended to maintain the hedge and that information is, of course, essential. It has been suggested that there is an issue with ground contamination preventing the establishment of hedging but that appears weak reasoning in this peripheral position on the site. It is unfortunate that more information has not been provided as a simple cross section drawing with a planting specification would suffice.

If you consider the plans presented are sufficient basis on which to apply an enforceable condition for the hedge planting then I would consider that achieves an appropriate level of enhancement to the setting of the church. On that basis I would accept that the aim of DEV21 to enhance the setting of the listed building would be achieved.

- South Hams District Council Environmental Health
Recommend conditions relating to noisy reversing alarms, plant noise, opening/delivery hours, and a CEMP. Safety concerns raised regarding the shared access with the health centre.
- Devon County Council Highways:
Objection

- Ivybridge Town Council:
Support

Comments below were received following the first round of consultation.

The Committee considered the numerous objections from the public, but had to balance these with material planning considerations and the information supplied in the application, responses from the applicant on the SHDC planning website and the information supplied by the speaker in support of the application during Public Participation. The main concerns raised included the appearance, deliveries to site and general traffic.

There is a precedent for deliveries as this site has long been used for commercial purposes including a petrol station, convenience store and car showroom, all requiring deliveries up to and beyond the size of vehicles to be used by the applicant. The unloading of deliveries will be taking place on site, not the road, and so it was felt this would not have a significant impact on traffic or parking. Many items are delivered infrequently, some only 3 or 4 times a year. The addition of a marked yellow vehicle exclusion path for pedestrians accessing the doctors surgery was welcome. It was understood that only the local customer delivery vehicle (up to four times a day), staff, plus the forklift, will be accessing the back area.

Traffic for the previous uses of the site would not have been insignificant, plus as the applicant is already in Ivybridge, the overall town traffic levels, including on Western Road and the Western Road/Fore Street/Marjorie Kelly Way roundabout should not be significantly affected. There is also on-site parking for staff (although many walk to work, another reason the applicant wants to stay in the town) and parking on site for the delivery vehicle. The Committee felt the planning authority should request a revision or impose a condition to make the fencing more attractive and in-keeping with the streetscene, either through design and appearance eg style/colour of fencing, or the addition of attractive signage, planting scheme, community use eg noticeboard, art work etc. The Committee were pleased that an adjustment had already been made to protect the view of Western Beacon for residents in Grosvenor House. It was understood the fencing is essential not only for security but health and safety and so could not be omitted. It was also recognised that a well-maintained visually enhanced fence would be more attractive than a derelict site. It was also noted that the application may result in 2 or 3 additional jobs at the site, on top of those transferred from the applicant's current site.

Representations:

Following the two rounds of consultation on the application, the Council has received over 100 objections (around 140). The comments received can be summarised as follows.

Highways/Access

- Vehicles will have to cross footpath which is well used by pedestrians with a range of mobility issues. Hazard in the morning during peak operational periods when children are going to school.
- Car parking provision is inadequate resulting in customers parking anywhere within the site.
- Roads are unsuitable for large vehicles and regular access to the site by HGVs will cause disruption to the high street.
- Exacerbate existing traffic congestion with traffic tail backing around the roundabout when deliveries are made causing significant disruption.
- Off a main route to a number of schools.

- This end of town is congested with vehicles always parked on the road and on driveways.
- Lorries need a big area to turn so there will be constant obstruction.
- Vehicle swept path analysis demonstrates 18t vehicles and articulated lorries can't use the site without tracking over parking spaces.
- Of the 10 proposed parking spaces, 1 isn't usable when the gate is open, 8 aren't available during artic vehicle movements and 4 aren't available at regular frequency due to lorry use.
- Disingenuous to suggest articulated vehicles only require 5-minute restrictions.
- Transport statement requested by DCC Highways has not been provided.
- Additional traffic will bring pollution and will be dangerous to pedestrians including school children and those accessing the health centre. Many ad-hoc trips from customers which haven't been considered; vehicles will reverse into the street.
- Proposal will have a detrimental impact on access to the medical centre which is in constant use between 8am and 6.30pm.
- One way system which visitors may not realise, creating hazards turning around.
- Western road is already heavily trafficked, and this will exacerbate existing issues.
- Access to health centre and dentist compromised.
- Will there be a full time banksman?

Neighbouring Amenity

- Adverse impact on amenity of surrounding properties including elderly residents of the adjoining retirement flats.
- Noise and dust from the site will adversely affect neighbouring properties and users of the town centre and adjoining health centre. Adjoining properties will not be able to open windows due to dust.
- Deliveries should be restricted to between 9am and 5pm.
- Disruption from reversing alarms.
- Will there be any floodlighting? If so it will have an adverse effect on local residents.

Design/Impact on high street

- Mess, dust and plastic waste will be unsightly.
- Adverse impact on local amenities
- Palisade fence (or any high security fence) will be obtrusive and change appearance of Fore Street. Suggest it is clad with wood to hide the metal.
- Why does the whole site need to be enclosed with security fencing?
- Proposed planting boxes won't work. Fencing will have a significant negative impact on the town centre, contrary to neighbourhood plan which seeks to enhance this part of the town.
- Adverse impact on the high street, acting as a deterrent.
- Proposal would dominate this end of town.
- Fore Street is a retail area, not industrial.
- No thought to landscaping.
- Footfall in the High Street is not keeping pace with growth of the town. Need more diverse range of shops.
- Outside storage area will look unsightly behind a heavy fence.
- Site is opposite a listed building and provides a focal point for the town. Turning the immediate area into an industrial landscape will be to its detriment.
- Methodist church is a place of worship as well as being used for foodbank, toddler groups, café and meals. All would be adversely affected by the proposals.
- Town already struggles to attract independent retails like Totnes and Kingsbridge. Adding a builders merchant won't help to resolve this.

- Town needs recreational facilities for teenagers, bigger surgery with adequate parking and a choice of restaurants. Approval would deprive the town of this opportunity.

Other

- Wrong place for an industrial development. Proposed industrial development near rugby club.
- Site better suited to Aldi.
- Devalue house prices.
- Gradient of the site is unsuitable for the proposed development.
- Proposed extension to the health centre will attract more patients, making it busier, increasing potential risks.
- Ivybridge is the gateway to the Moors.
- Proposal would significantly increase CO2 emissions. Assured air quality would improve.
- No details on carbon reduction or renewable energy strategies.
- Potential conflict with Ivybridge Methodist Church which receives has a weekly attendance of over 100.
- Adequate building materials supplies on nearby industrial estates.
- Bigger doctors' surgery required to support the town.
- Better sites for the development.
- If the Council are keen to make improvements the road needs widening.
- Application should be assessed against the neighbourhood plan.

Comments have been received from the adjoining Highlands Health Centre. They have raised an objection to the proposal on the following grounds: -

- Echo concerns raised by Devon County Council Highways (22 August 2023).
- Significant concerns for patients who access the health centre through the site. Gradient is steep and road is already narrow 1:6.
- Annotated pedestrian strip is too narrow, at least one metre required for wheelchairs and prams.
- Patients using the access road are likely to be vulnerable – elderly, infirm, young, disabled, partially sighted or blind, hearing issues.
- Concerns regarding possible congestion accessing the health centre during busy times. Ambulances could be delayed.
- Proposed fence could obscure views.

Two letters from third parties who are 'undecided' have been received, with the comments summarised below.

- If the site remains undeveloped there is a risk it will be vandalised, falling into a state of disrepair and become an eyesore.
- Site should be redeveloped for affordable housing.
- Proposal is the best use for the site under the circumstances.
- Proposal will change the appearance of the street scene. Could the fence be screened with wood?

Five letters of support from third parties have been received with the comments summarised below.

- Proposal will add commercial vitality to the town; bring businesses to other shop owners and life to the town in accordance with the neighbourhood plan.
- Existing business employs local people and supports charities.

- No other suitable sites within the town for the business. If they don't expand, they will leave the town.
- Is planning consent required for the change of use?
- Proposal will make good use of a derelict site. With high rents, small businesses would struggle to thrive on the site.
- Don't consider proposal will result in much additional traffic.
- Thriving business at the end of the town would make the centre more attractive.

Relevant Planning History – application site

- 1805/21/TPO, T1: Monterey Cypress - Removal of lowest lateral branch at 6m from ground level on SW side back to main stem. Removal of small damaged branch at 6.5m from ground level on SW side back to main stem. Tree shedding failed limbs onto vehicles in car park, tree works allowed
- 27/0438/99/F, installation of air conditioning and refrigeration units to rear elevation, conditional approval
- 27/0662/98/3, enlargement of car showroom, conditional approval
- 27/1210/90/3, extension to form workshop, conditional approval
- 27/0009/90/3, replacement of shop front to existing retail shop, conditional approval
- 27/1711/88/3, provision of new repair bay, conditional approval
- 27/1710/88/4, existing workshop and stores to be converted to new convenience store, conditional approval
- 27/1709/88/3, new car sales showroom, conditional approval
- 27/1645/85/3, redevelopment of existing forecourt to provide self-service filling station with new showroom and shop area with offices, conditional approval
- 27/1529/78/3, new entrance to workshop, conditional approval
- 27/0443/75/3, Proposed installation of 5000 gallon single compartment underground petroleum storage tank, conditional approval
- 27/0365/74/3, new paint spray and de-waxing bay, conditional approval
- 27/0222/74/3, proposed shop, store and storage over existing petrol station, conditional approval

Relevant Planning History – Highlands Health Centre

- 3664/22/FUL, single storey front extension and internal alterations conditional approval
- 27/1136/05/F, extensions, alterations and new car park, conditional approval
- 27/0446/96/4, Use of land for extension to car park and temporary siting of a portakabin during building works, refusal
- 27/1980/88/3, Extension of car park and emergency exit, conditional approval

ANALYSIS

1.0 Principle of Development/Sustainability:

- 1.1 There are no in principle policy objections with the proposed development. Lybridge is identified within the Plymouth and South West Devon Joint Local Plan (JLP) as a Main Town, which are prioritised for growth to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area. The existing site has been vacant for some time and there would be clear economic benefits if the site was brought back into use, which weigh heavily within the planning balance.

- 1.2 However, this is a prominent site within the town, and there are many issues which need to be considered carefully.
- 2.0 Design/Heritage:
- 2.1 The changes proposed to Unit 1 are relatively minor and do not raise any concerns.
- 2.2 The main design change concerns the installation of a 2.4m high palisade fence around the site's perimeter, including the parcel of land to the south of Highlands Health Centre and in front of Unit 1. The fence is required for security purposes. The hardstanding behind the fence, immediately to the south of Highlands Health Centre would be used as an open storage area. As well as forming one of the main gateways into the town centre, the site is located opposite Iybridge Methodist Church, which together with its boundary walls is Grade II listed.
- 2.3 The National Planning Policy Framework (NPPF) 2023 and adopted policies within the development plan require all development to display high quality design. *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve*' (NPPF par 131). JLP policy DEV20 requires all proposals to meet good standards of design which contributes positively to townscape and landscape by having proper regard to the pattern of local development and the context; building on existing assets; delivering locally distinctive design and 'enhancing the appearance of gateway locations.' The NPPF is clear that development which is not well designed should be refused (par 139).
- 2.4 Listed buildings are defined to within the NPPF as heritage assets and are an irreplaceable resource, which should be conserved in a manner appropriate to their significance. Under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council is required to have special regard to the desirability of preserving the listed building or its setting. This means that when harm to a listed building or its setting is identified, it gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one that requires considerable importance and weight to be given to the desirability of preserving the listed building or its setting even if the level of harm identified is less than substantial. The presumption can be outweighed in exceptional cases by material considerations powerful enough to do so.
- 2.5 Locally adopted policies including JLP policy DEV21 require proposals to 'sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing the historic environment'. The relevant policies within the Development Plan and NPPF are clear that any harm to the significance of a designated heritage asset, including within its setting, will require clear and convincing justification (par 206). When a proposal leads to 'less than substantial harm', the harm will need to be weighed against the public benefits of the proposal (NPPF par 208 & JLP policy DEV21.2).
- 2.6 Iybridge Methodist Church is a highly designed architectural building and is one of the most important buildings within the town. The boundary walls and surviving metal railings contribute to its significance and are included within the list description.

- 2.7 The introduction of an open storage area, just off Fore Street and proposed 2.4m high palisade fence is an uncharacteristic feature within a prominent edge of centre, gateway location in the town. The fence is an industrial, stark and obtrusive feature, made more significant by its height and limited relief from what it almost a continuous expanse along the frontage of the site. The fence and open storage area behind would be clearly visible and prominent from several public vantage points including beyond Fore Street. The palisade fence and open storage area does not represent good design and would be detrimental to the character and appearance of the area including the setting of the Grade II listed Iybridge Methodist Church. The Iybridge Neighbourhood Plan (NP) identifies as one of its main priorities enhanced gateway entrances at either end of Fore Street. To mitigate the harm, the case officer suggested that the applicant screen at least part of the fence with planting.
- 2.8 While the revised plans show a 'planted hedge/screen to the south of the storage area to screen the proposed fence no further information is provided. This matter has been explored in detail during the life of the application, and despite the applicants' best efforts to try and work with Officers to address this, regrettably none of the options proposed, (including a Russian Vine or English Yew (*Taxus Baccata*), planted in moveable boxes approx. 450(w) by 600(h), set on top of the existing wall), have been considered satisfactory to address the policy conflicts.
- 2.9 Due to the likely contamination within the site, and significant costs associated, the agent has explained that the applicant is reluctant to break into the ground. The Council's Environmental Health Officer also notes that there may be contaminated soils which could be mobilised during any ground works and affect the ability of any planting to establish. Further information would be needed to make an informed assessment. In terms of anything above ground, further work is required to understand soil volumes and understand whether a continual raised planter could provide the necessary dimensions. Furthermore, there would need to be a connection point into the ground to enable soil water options. The fence is 2.4m high and therefore whatever is planted needs to be substantial to provide an effective screen, allowing it to establish to around 2 or 3 metres.
- 2.10 At this stage insufficient information has been provided to demonstrate that the proposed mitigation will offer successful plant establishment, meeting the objectives of screening the site, and providing a development which improves the visual amenity of this important gateway location into the town. The harm to the setting of the listed church would be less than substantial and the public benefits associated with bringing the site back into use, are not considered sufficient to outweigh the harm identified and to rebut the statutory presumption in favour of preserving the listed building and its setting. The proposal would fail to comply with the relevant policies including NP policy INP1 and JLP policies DEV20, DEV21 and DEV23, and this weighs heavily within the planning balance.
- 3.0 Trees:
- 3.1 The group of trees on the northern boundary form part of a woodland TPO (ref 127) which covers a large swathe of land to the north. JLP policy DEV28 requires development to be designed to avoid the loss or deterioration of woodlands, trees or hedgerows. It goes onto say that development which results in the loss of

protected trees should not be permitted unless the need for, and benefits of the development outweigh the harm.

- 3.2 The proposal has been reviewed by the Council's tree specialist. *'I note the presence of TPO127 A1 which protects a group of highly prominent mixed species trees. Canopy parts appear to extend significantly over the proposed site and it is unclear what if any physical separation would prevent root incursion into area where construction activities or the storage of bulky materials may occur, however the previous use and land surface of tarmac may have limited root growth into the site.'*
- 3.2 A pre commencement condition is requested requiring the submission of a baseline tree survey, arboricultural impact assessment, tree protection methodologies and tree constraints plan. The agent has questioned whether a condition is necessary as no material change is proposed and the site will continue to be used for storage. If Members were minded to approve the application, this matter would be explored further before any conditions were imposed.
- 4.0 Highways Matters:
- 4.1 JLP policy DEV29 requires all development to contribute positively to the achievement of a high quality, effective and safe transport system. The policy sets out a number of requirements including providing safe and satisfactory movement, sufficient provision of parking and high quality, safe and convenient facilities for walking.
- 4.2 In their original response the Highway Authority requested service vehicle turning areas and vehicle tracking information to demonstrate the ability of a large 18T builder merchant lorry to enter and exit the site in a forward gear. The access ramp leading to the rear loading and parking area is also 1:6 gradient meaning there is a risk of large lorries grounding on the ramp. It was recommended vehicle tracking is provided showing staff parking and material storage areas accommodated simultaneously. Also, a longitudinal section should be provided demonstrating the gradient of the ramp will not cause a grounding issue for all types of vehicle. The Highway Authority also raised concerns regarding the positioning of the palisade fencing along the frontage perimeter of the site. *'Noting the busy footway serving the town centre and also as this is popular walking route to and from the schools and services in the area, concerns are raised that the fencing will impede the visibility of drivers using the access points and further endanger highway users. This concern should also apply to the health centre access.'* Within subsequent correspondence the Highway Authority have reiterated that this is a heavily trafficked footway and it is imperative sufficient visibility splays are provided.
- 4.3 The agent provided additional information to address the objections including a drawing demonstrating that a visibility splay can be achieved which is suitable for a 20mph zone for vehicles entering and exiting the site from both access points, and a drawing providing vehicle tracking swept path analysis for an 18 tonne flatbed builders merchant lorry and articulated lorry, representing the worst-case scenario. The swept path analysis demonstrates that the turning space required for the lorries includes some of the space allocated for customer parking. The Highway Authority have advised that it is not practical in terms of customer parking as presumably some deliveries will happen during operational hours and their objection remains. *'It would not be appropriate to suddenly say to customers that they need to move*

their vans/cars/pick up lorries when a delivery lorry turns up noting the town centre location and likely lack of on street parking availability. The customer parking needs to be of the correct quantum and be located in a convenient location or it is likely to impede deliveries and cause a potential safety issue for the public highway.'

- 4.4 While the business is in a town centre location, due to the nature of the products the business will be selling, it is likely that most customers will arrive at the site in a vehicle. As proposed, there is a conflict between deliveries and customer parking contrary to the adopted policies and insufficient information has been provided to address this. This weighs heavily within the planning balance.
- 5.0 Highlands Health Centre:
- 5.1 One of the accesses into the site is on the south-western side and is a shared narrow tarmacked track that also serves the health centre main entrance and customer parking area. The proposed plans show a painted hatched pedestrian path on the access track.
- 5.2 Many third-party comments raise concerns about the potential conflict between customers accessing the health centre and customers accessing the proposed builder's merchant. Separately an objection has also been received from the health centre. The Highway Authority and Environmental Health Officers have also raised safety concerns, although the Highway Authority stress that because it is not a matter of public highway safety concern they would not wish to object to the proposal on this basis.
- 5.3 Within their original response the Highway Authority raised concerns about potential conflicts between people accessing the health centre and the proposed development. *'With larger delivery lorries being 3m wide, the idea to locate the parking and loading vehicles to the rear of the property is likely to cause conflicts between pedestrian users of the shared access serving the health centre noting the available width of the access. These users are likely to consist of vulnerable users including the elderly, infirm, young, disabled, partially sighted or the blind.'*
- 5.4 The agent has responded stating that it is envisaged articulated lorries will visit the site two or three times per week. Lorry delivery timings are dictated by the business needs so arrival times will be known. The deliveries require a banksman, a requirement of the company's insurance policies, all employees are appropriately trained. The statement goes on to say that parking of other vehicles is managed during delivery times and it takes approximately 5 minutes in duration on arrival and departure to manoeuvre the lorries into the secure compound.
- 5.5 In response the Highway Authority stated that it doesn't ordinarily accept virtual footpaths as they give a false sense of protection. In response to the traffic movements, they stated *'it would appear that numbers appear to be low in terms of daily vehicle movements needing to access the higher tier car park area and the applicant has specified that there will be no loading and unloading of HGVs in the higher tier carpark only regular forklift truck transporting materials between the top tier and the bottom tier. It appears as though the applicant only intends to store HGVs overnight in the higher tier car park. Vehicle speeds are low and there is good forward visibility for drivers to gauge vulnerable users on the private road.'*

- 5.6 The Council's Environmental Health Officers also raised concerns regarding a likely conflict between health centre users and large vehicles using and moving around on the building supplies site and have stated that should an accident occur in the future the Health and Safety Executive will take into account the recommendations of the Environmental Health Officers and Highway Authority regarding this risk. They share the concerns raised by the Highway Authority regarding the virtual footpath and consider it would reduce the width of the drive, creating a greater driving hazard. They also consider that the creation of a storage area near the main road would encourage more activity in a space that was previously used to display cars. *'It might not be so bad if the driveway was wider and not on such a steep slope, but as it is it could be a problem. Perhaps the area in front of the Doctor's should just be used for parking - but I daresay that the large vehicles that would deliver the dumpy bags and concrete blocks etc would not be able to get up the narrow drive. All in all not an ideal site for the proposed use from a health and safety perspective.'*
- 5.7 Pedestrians can also access the health centre from two access points off Pound Farm Lane, 1) through a door on the western side of the building, further up Pound Farm Lane (requires steps) and 2) through a metal pedestrian gate immediately to the north of the proposed storage area. The Council has recently granted planning consent for works to the health centre which includes improvements to the footpath leading from the metal gate, adding a ramped pedestrian link from the car park, and handrail, ref 3664/22/FUL.
- 5.8 Although there are alternative pedestrian access points to the health centre that do not involve going through the application site, the shared access point exists, and it is well used. The alternative routes involve steps which will not be suitable for many users. There are plans to change this, but there is no certainty about when this would occur. Based on the information submitted Officers are concerned that there will not be a conflict between users accessing Highlands Health Centre and large vehicles using and moving around the application site, contrary to the provisions of JLP policies SPT2, DEV1 and DEV29. This weighs heavily within the planning balance.
- 6.0 Neighbour Amenity:
- 6.1 JLP policies SPT2, DEV1 and DEV2 all require development proposals to safeguard the health and amenity of local communities.
- 6.2 Concerns have been raised from local residents regarding potential nuisances including dust and noise from the operation. These matters have been considered by the Council's Environmental Health Officer. In addition to the comments below, conditions are recommended to restrict times of operation and requiring the submission of a construction and environmental management plan.
- 6.3 With regards to dust, it is noted that there would be potential for dust if any of the site is not properly hard surfaced (which it appears to be and with no plans to change this). However, all building materials will be delivered in suitable containers and bags to ensure that they can be transported appropriately and safely. Therefore, the risk of unacceptable levels of dust is low. They have also noted that they do not receive complaints about dust from similar operations elsewhere.

- 6.4 In terms of reversing alarms, there will be a fork-lift truck and other site vehicles, together with delivery vehicles from third party suppliers. Given that there are many residents close by, there is a high likelihood that they would be affected by noise from reversing alarms. The applicant has suggested that the need for reversing is low, but our experience of investigating complaints relating to these types of business is that the noise from high frequency reversing alarms is quite likely to impact on amenity. There are readily available no – or low – cost quiet alternatives and therefore a condition to ensure against this noise is proposed if permission is deemed to be forthcoming. This requirement is consistent with the requirement for the applicant to meet their health and safety obligations with respect to reversing vehicles.
- 6.5 In terms of potential noise from other equipment, although there are currently no plans to install additional or replacement mechanical plant, there is potential for this to be required in the future and it is necessary for residents who stand to be affected by noise, to be reassured that systems installed will not impact on them. A condition is recommended to cover this.
- 7.0 Drainage:
- 7.1 The site falls within a Critical Drainage Area which covers most of Iybridge. JLP policy DEV35 requires the LPA to assist the Lead Local Flood Authority in the management of flood water and water pollution by directing development away from areas at highest risk and where it is necessary ensure it is made safe for its lifetime.
- 7.2 The proposal has been reviewed by the Local Lead Flood Authority who have not raised any in-principle objections from a surface water drainage perspective. *‘The applicant proposed change will not increase the amount of external hardscaped areas. SuDS Planters (or similar rain gardens) could be constructed at the base of rainwater downpipes. The applicant may wish to consider reuse rainfall, such as rainwater harvesting tank or for flushing toilets. The applicant should survey the existing surface water drainage system (including gutters and rainwater downpipes) to ensure that it is within a suitable condition.’*
- 8.0 Carbon Reduction:
- 8.1 The Council has declared a climate emergency, and Policy DEV32 of the JLP requires all development to contribute to the carbon reduction targets of the Plan.
- 8.2 There are no specific carbon saving measures proposed, such as renewable energy products. The applicants have advised that they do not consider the roof structure is adequate to accommodate solar panels, but in any case the energy use of the applicant’s business will be significantly less compared with the previous user, although no substantive information has been submitted to confirm this. They have indicated they would be prepared to install 2no. EV charging points, which could be secured via planning condition.
- 8.3 Reusing an existing building has significant benefits in terms of carbon reduction, compared to building a new unit. Policy DEV32 identifies in para. 1. that making the best use of existing buildings is a valuable opportunity for carbon reduction. Given the minimal physical works required to carry out the development, there are few opportunities for additional carbon reduction measures to be included in this

proposal. While the lack of specific carbon measures, weights negatively in the planning balance, this is balanced against the economic benefits of bringing the site back into use.

9.0 Other Matters:

- 9.1 While the site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA), it is not necessary to consider it for this proposal as it is solely commercial.
- 9.2 The proposal has been reviewed by Devon and Cornwall Police Designing out Crime Officer. While they have no objections in principle, they have raised several matters for consideration including the need to ensure all replacement roller shutter doors meet a minimum national security standard; installation of a monitored intruder alarm and recommend the applicants install a CCTV system. They also advise that care is taken to ensure the proposed palisade fence isn't installed next to anything that could be used as a climbing aid and recommend the fencing and gates meet the security standard (LPS1175 Issue 8A1).
- 9.3 The case officer has discussed CCTV with the agent, as this is something which could require planning consent. The agent has advised that there is an existing CCTV system in operation, and the applicants would look to retain this in the first instance but will investigate further if planning consent for the change of use is permitted.
- 9.4 The Council's Environmental Health Officer has requested a contamination survey which has not been forthcoming. The site is a former car sales and vehicle repair operation with other related historical uses, and there is potential for contamination to have been caused over the years of use. As a minimum a phase 1 contaminated report is required to consider whether any works are necessary to protect human health and underlying ground water. The agent has questioned whether this is necessary as there are no proposals to excavate any of the ground. The EH officer has indicated it might be possible to condition this, but if hedge planting is required this must be submitted before the application can be approved.

10.0 Planning Balance:

- 10.1 The applicant is an existing and well-established local business serving the construction industry, with depots in Plymouth, Kingsbridge and Ivybridge. The Ivybridge depot is thriving and has outgrown its existing premises. The business is therefore looking for alternative premises but with seven full-time employees, all of whom live locally, and strong ties with the local community, Palladium Building Supplies is keen to remain in the town. It is stated within the planning statement that the application site is the only available site within Ivybridge that has the potential to meet the business requirements. The site occupies a prominent position in the town and since Ivybridge Motors left, the site has remained vacant. Bringing the site back into commercial use, while at the same time enabling a local business to remain in Ivybridge carries significant weight which cannot be overlooked and weighs heavily in the planning balance.

- 10.2 However, the application is deficient in certain key respects. Officers have significant concerns regarding the potential conflict between users of the Highlands Health Centre and large vehicles moving around within the application site. While any commercial use may give rise to potential conflict, in this instance it is exacerbated by large vehicles which will be regularly using the site. The proposed 2.4m high palisade fence with storage area behind, does not represent good design and would be detrimental to the character and appearance of this prominent gateway location and the setting of the Grade II listed Methodist Church. There are also unresolved objections regarding visibility splays and on site turning by large vehicles and potential disruption with restricted customer parking on the site. These matters all weigh heavily against the proposal.
- 10.3 The nature of the issues identified mean that planning conditions would not remedy these matters and when assessed against the development plan as a whole, the application fails to accord with it. The recommendation is therefore that planning permission be refused for the change of use from the sale of motor vehicles to the sale of building supplies and associated works.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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
SPT4 Provision for employment floorspace
SPT5 Provision for retail development
SPT6 Spatial provision of retail and main town centre uses
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV6 East of Ivybridge
TTV7 Land at Filham
TTV8 Land at Stibb Lane
TTV9 Other sites allocations at Ivybridge
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV14 Maintaining a flexible mix of employment sites
DEV15 Supporting the rural economy
DEV16 Providing retail and town centre uses in appropriate locations
DEV17 Promoting competitive town centres
DEV18 Protecting local shops and services
DEV19 Provisions for local employment and skills
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
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Ivybridge Neighbourhood Plan. Following a successful referendum, the Ivybridge Neighbourhood Plan was adopted at Executive Committee on 7 December 2017.

INP1: Town Centre Regeneration
INP6: Housing and employment
INP7: traffic and movement
INP8: Historic and Natural Environment

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)**

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.

PLANNING APPLICATION REPORT

Case Officer: David Stewart

Parish: Modbury **Ward:** Charterlands

Application No: 1505/23/FUL

Agent/Applicant:

Mrs Amanda Burden - Luscombe Maye
59 Fore Street
Totnes
TQ9 5NJ

Applicant:

Mr James McIntosh - South Moor Vets
New Mills Industrial Estate
Modbury
PL21 0TP

Site Address: Land At Sx 654 517, New Mills Industrial Estate, Modbury



Reason for sending to Committee

This application is made on Council owned land.

Development: Provision of 3 bedroom dwelling (log cabin) to accommodate graduate vets/nurses

Recommendation:

Refuse

Reasons for Refusal

1. The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to policy Dev 29 of the Plymouth and South West Devon Joint Local Plan 2012 – 2033 and paragraph 110 and 111 of the National Planning Policy Framework.

Key issues for consideration:

Principle of Development

Potential non-conforming use

Business Case

Visual Impact

Standard of accommodation

Compliance with Climate change policy

Vehicle and pedestrian movement

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

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

Site Description:

The site is located in the south east corner of the New Mills Industrial Estate in Modbury bounded to the east and south by A379, to the west by South Moor Vets and to the north by other commercial premises. Immediately to the east of the Vets building is a car parking area which is screened from Church Street by a group of mature trees.

The application site embraces land situated to the west of the trees and comprising a part of the vets' car parking area. Its northern extent is formed by the boundary of the proposed Equine Veterinary Facilities unit granted in 2019 and comprising a building for stabling, examination and surgery together with a sand school for exercise and lame horse.

The Proposal:

This proposal involves the importation and erection of a 3 bed unit of accommodation for trainee and newly qualified vets employed by South Moor Vets.

The unit takes the form of a single storey 'log cabin style' of building set under a Metrotile pitched roof. The elevations are clad in Hardie board and there is a timber verandah located on the east side facing the trees.

Consultations:

- County Highways Authority Objection; pedestrian movements will be generated along a road with no footways creating a danger and that the alternative route with footways is sufficiently longer to discourage people from using it.
- Devon and Cornwall Police There are concerns over a lone building being proposed as a dwelling within the industrial estate. As it would have limited natural surveillance from other properties especially when this is outside the business operational hours of the tenants or owners of the units within the industrial estate. All doors that provide entry into a building, including garage doors where there is a connecting door to the dwelling, and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24. They should not only tested to meet PAS 24 (2022) standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent thirdparty certification authority is also in place, thus exceeding the requirements of ADQ and reducing much time and effort in establishing provenance of non SBD approved products.
It is recommended that all easily accessible windows are fitted with window restrictors to prevent from reach in burglaries where the offender will reach in and steal anything within reach.
It would also be beneficial to display clear signage at the practice to ensure customers and visitors know where to report to outside the business operating hours in the event of an emergency as an example, to prevent them coming to the dwelling [which during the hours of darkness could potentially increase the fear of crime for those living in the building].
It would also be beneficial that dusk till dawn lighting is used for any external lighting on the building as opposed to PIR lighting which has the potential to increase the fear of crime with repeated activations. Research has proven that a constant level of illumination is more effective at controlling the night environment. The use of light-emitting diode (LED) light sources is recommended with a colour temperature of no more than 4000 Kelvin and ideally below. This reduces blue light content and therefore the effects on human and ecology receptors
- Town/Parish Council Objection
This is an application that would normally be sympathetically viewed by the PC. There is sympathy with the objectives but the siting of a dwelling in an industrial area cannot be supported. A footpath crossing the site has already been rejected.

Representations:

Representations from Residents

No comments have been received

Councillor Taylor has requested a notification of the officer's recommendation

Relevant Planning History

35/2080/87/3: Erection of light industrial units, access road and parking areas	Approved
35/0767/03/F: Erection of new veterinary surgery	Approved
2655/19/FUL: Provision Of Equine Veterinary Facilities	Approved

ANALYSIS

1. For the purposes of considering this application officers consider the site to fall within the settlement confines of Modbury.

Principle of Development/Sustainability:

2. The site is located within the town boundary close to main shopping and other facilities and within an area with a range of modes of travel. There is a bus stop close to the site entrance and the main street is within easy walking distance. Moreover Modbury, is a tier 2 settlement as defined by TTV1 and where growth to serve both the town and the surrounding rural settlements is encouraged and allocated under the JLP spatial strategy. Development in the town therefore accords with SPT1, SPT2 and TTV1 of the JLP. This is also acknowledged in TTV24 where a number of identified sites allocated both for residential and employment uses in the town.

3. The principle of both commercial and residential development within the town boundary is therefore acceptable. However there are two further matters that also need consideration in considering the principle of development. The first relates to the principle of taking up employment land for a residential purpose and the second is whether the proposed domestic use of the building is appropriate and compatible with the other uses surrounding the site.

4. On the first matter, consideration should be given to the purpose of the application and I set out below extracts from the applicant's statement.

5. South Moor Vets is a prominent local employer. It currently employs 33 vets and a further 55 support/admin staff across the 3 practices. Of the 33 vets, there are 6 new graduate vets and South Moor Vets will be employing a further 2 graduate vets to add to that number later this year. The Modbury practice is soon to be home to a specialist equine facility that gained planning approval (reference 2655/19/FUL) on 12th February 2020 for which construction has commenced and will be moving forward in the coming months.

6. South Moor Vets, and particularly their graduate vets, are struggling with the well-known South Hams issues relating to not only the cost of housing in the area but also the lack of housing. This problem has become increasingly difficult for South Moor Vets to employ graduate vets to join their practices in the area and therefore this application seeks to provide affordable shared accommodation for up to 3 graduate vets/nurses to enable them to live on-site.

7. The primary reason for the accommodation therefore arises from a business need and the accommodation is really to allow for business development and the need to be able to attract personnel to Modbury for the new equine centre. Policy DEV14 supports the provision of a flexible supply of employment land and premises to support investment and expansion of existing businesses and this proposal accords with that aim.

8. DEV14.1 also seeks to protect employment site refers to allowing a change of use of existing employment sites only where there are overriding and demonstrable economic needs to do so. However this is not a case here. The accommodation required to support the business use of the adjoining site. In the event that the accommodation is no longer required it will be conditioned firstly to allow occupation only by staff of South Moor Vets and secondly to ensure that should the residential use cease, the building becomes ancillary accommodation to the main surgery and remains so.

9. The second issue relates to the non-conforming use proposed for the accommodation. The introduction of residential accommodation on an employment site could give rise to the conflicting vehicular and pedestrian movements within the complex. However for reasons set out in a later section, officers consider that there will be no adverse impacts arising from the use of the building. The proposal therefore accords with the aims of DEV14. On the matter of noise conflicts, the adjoining land is used by the vets so there is a degree of insulation from other businesses on the estate which all have their main entrances and openings facing the main courtyard away from the location of the proposed building. The site is also screened from the road by vegetation.

Design/Landscape:

10. In terms of its design, the proposed building is a typical lodge type, single storey building with a verandah facing the roadside boundary. The lodge is clad using a Hardie board system with a timber weatherboard appearance and is set under a shallow pitched roof. The colour of the cladding and the roof material are not identified and a condition requiring these details would be required if there was a recommendation to approve the scheme. The building will stand 4m in height to the ridge and is of a typical domestic single storey scale. In design terms it is utilitarian but not unacceptable in this location and accords with DEV20.

11. The proposed siting of the building is on land situated between the existing car park area for the vets and the tree cover running around the boundary of the site facing Church Street. A post and rail fence identifies the overall site boundary beyond which is some further screening vegetation before the land drops to the edge of the highway. The screening is by no means total and the outline of the building will be seen from the road.

12. A part of the verandah lies almost on the site boundary with the building itself about 2m back at its southern end but at the northern end will be about 12m back from the boundary. That section lying closest to the road is at a point where conifer screening beyond the site boundary will largely hide it from view. Elsewhere the vegetation will allow glimpses through the trees to the building. However, given its modest scale and set back, it is not considered to raise townscape issues. In any event there is sufficient land to allow understorey planting to mitigate any adverse visual impacts.

13. It is noted that the site abuts the boundary of the AONB which follows the road alignment past the site to the south. I do not consider that there is any impact on the character of the AONB or its setting. Officers therefore believe that the proposal accords with DEV20 and DEV25 of the JLP.

Neighbour Amenity:

14. There are no residential near neighbours. However, the issue of the amenity of the occupiers needs to be taken into consideration. The proposed development accords with national space standards for residential accommodation. There is limited external space provided by the verandah and immediate adjacent remaining grassed area. This does not accord with the recommended space standards set out in the JLP SPD. This states that for a detached dwelling an area of 100m² is required. The development does not therefore accord with DEV10. However, there are some mitigating factors. The purpose of the accommodation is to attract staff and the accommodation is ancillary to the main practice. The building could therefore only be used for other veterinary purposes in the event that the accommodation is not required for residential accommodation for its staff. The site adjoins the rural area where there are a range of semi natural and natural green spaces available for enjoyment and the town has a range of facilities for the occupiers. Given the specific purpose of the

accommodation, officers consider that in this case the failure to meet amenity space standards is not a ground of refusal.

Highways/Access:

15. The introduction of residential accommodation on an employment site could give rise to the conflicting vehicular and pedestrian movements within the complex. However, officers consider that there will be no adverse impacts arising from the use of the building. In terms of pedestrian movements, they will be from the proposed building to the main surgery building, within an area used solely in connection with the veterinary business and not with the other uses of the estate. There will be no other normal peak hour residential traffic movements generated as the staff will live on site. Any other movements to and from applicant's site are journeys that are of a business nature occurring during the day. Thus, abnormal movements arising from the development would be out of normal working hours.

16. The County Highway authority has recommended refusal of this application. They consider that comments made in respect of application 0384/23/OPA whereby an objection was raised in respect of residential development proposed directly to the west also apply to this site. The site is currently poorly connected for pedestrians to the public amenities in the town and that concerns were apparent that certain users of the site, may at times choose to take the shorter distanced desire line, following the A379 at Palm Cross, which has no footways or verges, is un-lit, it has two sharp bends, it is restricted in width to 5.5m and has restricted forward visibility for drivers due to the presence high hedges and walls flanking the carriageway.

17. Two HGVs passing, a car and HGV passing and a car and a car passing, is deemed to be a regular occurrence on the A379 road, which carries around 6800 two way vehicle movements per day in the neutral months. It is expected this figure would be closer to 10,000 in the summer holiday season. Pedestrians walking in the road have no space to do so and even with two cars travelling in either direction there is insufficient space to accommodate a pedestrian safely and there is serious risk of strikes or rear end shunt type accidents. There is no scope to implement a footway without reliance on third party land, which leads to serious concerns raised by the Highway Authority, that should the application be approved, the Highway Authority may be left with the financial burden of addressing the issue in the future. Any approval of the planning application is likely to lead to public concerns and potentially worse, injury accidents and this would likely leave the Highway Authority with the obligation to resolve the matter.

18. The Highway Authority is correct that although the southern part of the road abutting the site has a footpath that continues around the bend for about 16m (but diminishing in width) there is a section of road running north and east of about 60m – 70m in length with no footway until you reach Lavenoc Way. There is another route that pedestrians could take that utilises a route via Church Lane and Benedict Way. This is about 160m longer and Devon HA considers it to be too long to encourage walkers to use. It is for this reason that they recommend refusal.

There is a 'drove' link to the north of the site that passes to the north of Modbury Osteopathic Clinic and it would be possible to cross in front of the clinic and enter the north east corner of the site to avoid this problem altogether. However, it would require the approval of the landowner to achieve a safe footway link to the Industrial estate and therefore has to be discounted from consideration here as there is currently no prospect of achieving the link.

19. In consequence the proposal fails to meet DEV29 requirements.

Ecology

20. The existing range of habitats offered by the site are limited in extent to offering a suitable vegetation habitat to hedgehogs and their presence on site should be assumed. The overgrown site represents favourable dormouse habitat but as it is not directly connected with suitably large areas where dormouse breeding populations can be found it is *not a favourable* location for this species. Similarly, the site includes a favourable habitat for slowworms and it would be prudent to assume their presence and mitigate accordingly.

21. The proposed development would therefore result in a minor loss of biodiversity through the loss of a small area of scrubby habitat. Mitigation is included in the proposal which involves the establishment of a new Devon hedge-bank along the north side of the Log Cabin. This and the installation of 3 x tree mounted bat boxes as recommended would ensure the proposed development achieves a net-gain in biodiversity. To this, officers would include bird boxes and hedgehog hibernacula to ensure the maximum benefit is made of the site.

Climate Change

22. Policy DEV32 of the JLP explains that the need to deliver a low carbon future for the plan area should be considered in the design and implementation of all developments. In particular, the policy requires that developments should be considered in relation to the energy hierarchy and identify opportunities to minimise the use of natural resources in the development over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction, and by making best use of existing buildings and infrastructure. This approach is complemented by the NPPF which indicates that local planning authorities should usually expect new development to comply with any development plan policies on local requirements for decentralised energy supply. In general, this could include for a single dwelling, as a matter of principle, to incorporate such matters as PV panels or heat pumps.

23. Commentary within the adopted SPD with regards to policy DEV32 requires the provision of a supporting energy statement for all major applications. This is not a major application and therefore does not require the submission of details. However, the Council does require a Climate Change Compliance form to accompany all applications and one has been submitted by the applicant.

24. In addition to the policy the Council adopted a Climate Emergency Planning Statement in November 2022. This set out a number of aims and policies that will be given additional consideration and increased emphasis which are summarised briefly below:

- CES01: To deliver development that contributes less to and mitigates the impacts of climate change and adapts to its current and future effects through a range of measures: This scheme does seek to meet a number of the criteria set out in the policy. Most importantly it does reduce the carbon impacts over the approved scheme through measures incorporating renewable energy sources.
- M1 – Onsite renewable energy generation. For major and minor planning applications, adopted JLP policy DEV32.5 will apply in order to secure an equivalent 20% carbon saving through onsite renewable energy generation: No detailed evidence to confirm whether a 20% saving is achieved through the proposed measures. The only way to calculate the saving in this case is at the detailed working drawing stage to calculate the energy consumption of the approved development and compare it with the proposed energy consumption with the

renewable sources of power in place. As there are no measures required on the previous approval officers consider that the saving will be more than 20% but that a condition requiring a detailed calculation of the Target Emissions Rate based on the renewable sources of power to be installed would be appropriate.

- M2 – Energy storage: Details of this can be controlled in an overall condition requiring detailed of the solar panels and ASHP or water based Heat Pump
- M3 – Low and zero carbon space and water heating systems: Confirmed
- M4 – Resilient and low carbon building materials: Confirmed in part although concrete foundations and retaining structures will be required. These are already present on the approved scheme
- M5- Not relevant
- M6 – Electric Vehicle Charging Points: Confirmed
- M7 – Active and Sustainable Travel: Comment has been made on the sustainability of the location and the use albeit there are potential concerns of the highway authority

25. This application is accompanied by a DEV32 compliance statement which states that the building will incorporate Solar panels. Their extent is not defined and in locational terms the site is not best suited to the use of panels with the tree cover to the east and south. The compliance form confirms that it is not intended to provide a PV charging point at the outset. Whilst the installation of some solar panels goes some way to meeting the policy by incorporating renewable energy, it does not confirm that there will be a 20% reduction in energy usage. Nevertheless, the proposal meets the requirements of DEV32 which requires developments to:

- i) Identify opportunities to minimise the use of natural resources in the development over its lifetime. *Prefabrication achieves this objective.*
- [ii) Relates to major developments and does not apply to this proposal]
- iii) Development proposals will be considered in relation to the 'energy hierarchy'. *This proposal seeks to maximise the insulating qualities of the building and thereby reducing the energy load of the development and maximising the energy efficiency of fabric. The incorporation of solar panels delivers on-site low carbon or renewable energy systems.*
- iv) Developments should reduce the energy load of the development by good layout, orientation and design. *This is a confined site where there are few opportunities to achieve energy saving through design and orientation.*
- [v) Relates to major developments and does not apply to this proposal]
- vi) Developments will be required to connect to existing district energy networks. *Not relevant to this application*

26. Officers are of the view that given the accordance with the relevant parts of policy DEV32 the proposal is policy compliant. It does not meet the Climate emergency planning policies, but this carries less weight than the adopted policy in the development plan and officers consider that on balance the scheme meets adopted climate change policies of the development plan.

Conclusions

27. The accordance of the proposal with sustainability and business development objectives as set out in SPT1, SPT2, TTV1 and DEV14 carry significant weight supported by paragraph 81 of the NPPF which states "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.". The support that the proposal gives to the rural economy and community over a wide area must also not be underestimated. Officers are of the view that significant weight must be attached to these matters.

28. At the same time it is recognised that developments must meet all of the policies of the development plan to be acceptable and in this respect the scheme conflicts with DEV29. It must also be acknowledged that the response of the Council's statutory consultee on Highway matters lodges an objection to the development that should also carry significant weight in terms of the safety of pedestrians.

29. The degree of weight given to this item really depends on the views of the decision maker to the likelihood of the number of pedestrian movements along Church Street significantly increasing or whether pedestrians would be likely to use the longer but safer route into the town centre.

30. Officers consider that this case is finely balanced but that they must give substantial weight to the advice of its highway consultee which outweighs the acknowledged benefits of the scheme.

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
SPT4 Provision for employment floorspace
SPT9 Strategic principles for transport planning and strategy
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
DEV14 Maintaining a flexible mix of employment sites
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development

Modbury Neighbourhood Plan

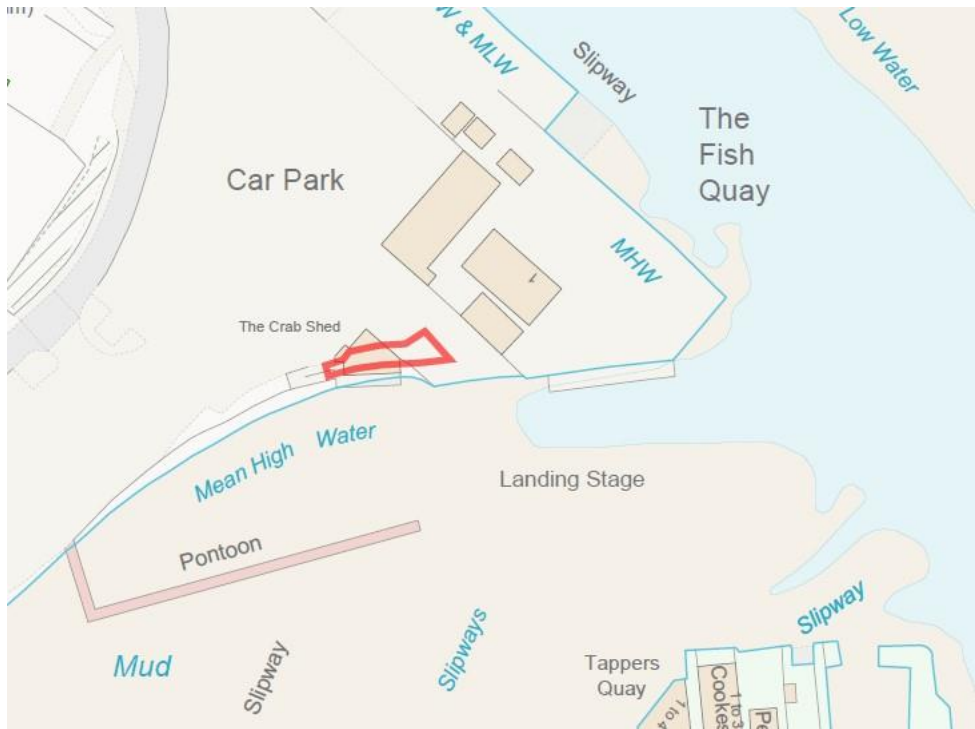
Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Plymouth and South West Devon Joint Local Plan SPD
South Hams 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.

OFFICER'S REPORT

Case Officer:	Graham Smith		
Parish:	Salcombe	Ward:	Salcombe & Thurlestone
Application No:	2981/23/VAR		
Applicant:	Mr N. Horne - T24 Seven Ltd trading as Crab Shed Salcombe Damask Barn Brownstone Modbury, Devon PL21 0SQ	Agent:	Mrs Helen Morris-Ruffle - Visionary Planning UK Trevean 2 Penmelen Camelford PL32 9UH
Site Address:	The Crab Shed, The Fish Quay, Gould Road, Salcombe, TQ8 8DU		
			
Development:	Variation of condition 9 (flood survey & removal of permitted building) of planning approval 41/0189/13/F to postpone the proposed Flood Survey from 2033 and allow the building to be retained on site until 2044 (retrospective) (resubmission of 1137/23/VAR)		

Reason item is before Committee:

SHDC is the land owner.

Recommendation: CONDITIONAL APPROVAL**Conditions:**

1. Accord with Plans
2. Use linked to crab processing facility
3. Restriction on outside eating area use
4. No amplification of outside seating area
5. Temporary Permission until 2044
6. Mitigation Implementation

Key issues for consideration:

Principle of Development, Flood Risk, Design, Residential Amenity

Site Description:

The Crab Shed is a small restaurant in 'The Creek' public car park north of Salcombe town centre. The shed, which is constructed with timber in a pitched roof design overlooks the creek and is in close proximity to the place where Shellfish is brought onto shore and processed to the north. It has been in situ since the original permission was approved in 2013 with a temporary permission in place until 2033.

The site is within the Salcombe to Kingsbridge Estuary SSSI, the South Devon AONB, Cirl Bunting buffer zone, Flood Zone 2/3, Landscape Character Type 4A: Estuaries, the Undeveloped Coast, and the Salcombe Neighbourhood Plan area.

The Proposal:

The applicant seeks to extend the temporary permission of the Crab Shed until 2044. Condition 9 of the original permission for this unit is as follows:

The building hereby permitted shall be removed and the land restored to its former condition on or before 15 March 2033.

Reason: The Local Planning Authority considers that the proposed development should be reviewed in terms of flood risk.

The application therefore seeks to prolong the permission to allow it to continue to operate past the previous time limit.

Consultations:

- **Salcombe Town Council** - *It appears a flood survey has now been carried out to satisfy the current condition, but a further variation is requested. This is a technical application and we believe we should defer to the environment agency as to whether it is acceptable or not.*
- **Environment Agency – OBJECTION** – Insufficient evidence has been submitted to justify this variation and demonstrate that it will not result in an increase in flood risk. A revised flood risk assessment was submitted during the course of the application in an attempt to overcome the objection how this was deemed insufficient and the objection was maintained.
- **DCC Highways:** No Highways Implications.
- **Economic Development: SUPPORT**

Representations: None received

Relevant Planning History

41/2440/12/PREMIN - Pre-application enquiry for proposed new crab shed to include cafe' and interpretation building. Not concluded

41/0189/13/F - Full planning application for erection of new seafood cafe/restaurant and retail outlet. Conditional Approval

3655/19/VAR - Application for removal or variation of condition 9 of planning consent 41/0189/13/F. Withdrawn as applicant did not wish to proceed with application – business sold

1137/23/VAR - Variation of condition 9 (flood survey & removal of permitted building) of planning approval 41/0189/13/F to postpone the proposed Flood Survey from 2033 and allow the building to be retained on site until 2044. Withdrawn due to EA objection.

1247/23/FUL - Construction of small food preparation room to supplement kitchen for Crab Shed Restaurant. Withdrawn

2881/23/FUL – Application for variation of Condition 9 (Flood survey & removal of Permitted Building) of Planning Consent 41/0189/13/F to postpone the proposed flood survey. Withdrawn – duplicate application (see 2981/23/VAR)

2839/23/FUL - Construction of food preparation unit associated with Crab Shed restaurant – Conditional Approval

ANALYSIS

1.0 Principle of Development/Sustainability:

- 1.1 Policies SPT1 and SPT2 of the Joint Local Plan (JLP) provide a range of objectives on how sustainable development will be delivered. A sustainable economy is one where opportunities for business growth are both encouraged and supported. Environmental objectives encourage the effective use of land by reusing existing sites where appropriate and also ensuring that any adverse environmental impact arising from development can be minimised and effectively mitigated.

- 1.2 Policies such as DEV14 and DEV15 of the JLP provide support for the local economy and provide favourable conditions for existing business to thrive. The Salcombe Neighbourhood Development Plan (SNDP) recognises that the town economy depends on marine and associated service industries (6.4.1.1) and places a priority on the shore-based activities of the crab and fishing and processing industry (6.4.1.3) and maintaining and supporting economic activity and those existing uses that provide employment (6.4.1.2).
- 1.3 Colleagues in Economic Development have confirmed that this operation is part of a key segment of the marine sector which is recognised as a priority for council support. An essential part of this particular business is its location close to where the produce arrives. Under Policy DEV24 of the JLP a locational justification is required for the Undeveloped Coast location. Officers would consider that, given the links to the marine sector, there are exceptional local circumstances for it to continue to operate at this site.
- 1.4 As this application seeks to extend the permission for an already established local business officers would consider that it accords in principle with the wider vision of the plan and those parts that promote business growth subject to assessment against the relevant policies.

2.0 Flood Risk:

- 2.1 Policy DEV35 directs development away from areas at highest risk of flooding, ensuring that it is safe and does not increase flood risk and pollution elsewhere. This approach is in line with NPPF and while under paragraph 174 a development of this nature and scale would not trigger a requirement for sequential and exceptions tests a site-specific flood-risk assessment is still necessary given that it is within Flood Zone 3.
- 2.2 The flood risk assessment (FRA) submitted in support of this application proposes mitigation as follows:
 - Raising wiring and power outlets at ground level
 - Air brick covers to be installed
 - Flood doors provided at entrances/exits
 - Provision of demountable flood barriers to be erected on receipt of EA Flood Warnings
 - The owner will sign up to EA flood warning service
- 2.3 The information submitted in support of the application has been insufficient to allow the Environment Agency to withdraw their objection who have made the following comment:

As identified within the FRA, the site is at high risk of flooding and this is not only predicted to increase in magnitude but also in frequency. Nonetheless, we do not consider that the FRA has fully identified or mitigated the flood risks to the proposed building over its proposed lifetime. It is therefore contrary to paragraph 167 of the NPPF.

2.4 The EA suggested the following be included in the FRA:

- *The FRA should include appropriate allowances for wind and wave action because this will have an influence on the depth and frequency of flooding.*
- *The design flood level should be updated to include the results of the wind and wave action assessment and include at 600mm freeboard to account for any uncertainties.*
- *The new design flood level should be used to identify what mitigation measures are appropriate and at what level flood resilient and resistant techniques should be used at. **It may be that these are not achievable given the building finished floor levels are below the design flood level for 2044.** If, however they are achievable, the specific measures should be set out and be conditioned as part of the permission for the variation.*
- *An assessment should be made of the safe access and egress from the site for users and should consider the likely depths, duration and onset of a flood event. A Flood Warning Evacuation Plan should be prepared to allow the LPA to make an informed decision on whether they consider the risk can be managed during a flood event. A commitment will need to be made to update the FWEP regularly, along with signing up to receive a flood warning.*

2.5 The applicant submitted a revised FRA in an attempt to overcome these concerns and whilst mitigation is proposed, the EA confirmed that they remain of the view that the FRA has not fully identified or mitigated the flood risks to the proposed building over its proposed lifetime.

2.6 The EA concerns are noted as is their comment that their standards may not be achievable in the circumstances. The original permission for this development was approved with an EA objection and this proposal similarly does not overcome the concerns of the EA. In this respect the proposal does not strictly accord with Policy DEV35 of the JLP.

3.0 Design:

3.1 No physical changes are proposed to the previously approved design. The shed is an established feature of this part of the coast and having it at this location for the time period proposed is not considered to have any negative impact on tranquillity, local distinctiveness or character. The condition as revised will still require that it be removed and land reinstated at the end of the temporary timeframe unless otherwise agreed. In this respect it is considered to suitably conserve a Nationally Designated Landscape and is in compliance with Policies DEV20, DEV23, DEV24 and DEV25 of the JLP and SNDP Policies Env1, Env5, Env6 and B1.

4.0 Residential Amenity:

4.1 There are no residential properties in the immediate vicinity and it is noted that no objections have been received to the proposal. It is therefore considered that the extension of time can be accommodated without any adverse loss of amenity to the nearest residents and that the proposal is therefore in accordance with Policy DEV1 of the JLP.

5.0 Conclusion:

5.1 The objection of the EA to this proposal is noted and the applicant was afforded additional time to try and resolve this however ultimately they have been unable to do so in the circumstances. Whilst Officers would acknowledge that the threat of flooding is becoming more pronounced by climate change, the EA themselves have also noted that compliance with their standards may not be possible in this particular scenario. The applicant is not prepared to submit a third technical report and has therefore requested that a decision is made based on the information submitted. The application does not fully accord with Policy DEV35 of the JLP but does contain some additional mitigation over and above the existing permission which will run until 2033. This location is an integral part of this business which is part of an industry recognised as being important to the local economy and it is not considered that the same operation could run as efficiently elsewhere or would be as desirable to customers. When assessed against the plan as a whole, whilst the proposal to extend the timeframe of this development is not fully compliant officers give significant weight to the economic benefits associated with this proposal which are considered to outweigh concerns relating to flood risk. On balance it is recommended that conditional approval be granted.

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
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan – The Salcombe Neighbourhood Development Plan was adopted on 19th September 2019 and forms part of the Development Plan. The relevant Policies are as follows:

Env1 - Impact on the South Devon Area of Outstanding Natural Beauty (AONB)
Env5 - Maintaining the character and the environmental quality of the estuary
Env6 - Locally Important Views
B1 - Design Quality and safeguarding Heritage Assets

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 174 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

**South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)
Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)**

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 approved shall in all respects accord strictly with drawing numbers SK 002 Rev A, SK004 Rev A, SK005 Rev A, 012/007/002, 012/007/006, Design and Access Statement and Site Location Plan received by the Local Planning Authority on 10 January 2013.

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.

2. The development hereby approved shall only be used for the preparation and sale of seafood in conjunction with the crab processing factory at Fish Quay.

Reason: To ensure the development proposed is only used connection with the established crab industry at Fish Quay, without which the use would be unacceptable in this location which is outside the Salcombe Development Boundary in accordance with Policy DEV15 of the Joint Local Plan.

3. The outside seating area shall not be used between the hours of 22:00 and 08:00 on any day of the week.

Reason: In order to protect nearby residential amenity in accordance with Policy DEV1 of the Joint Local Plan.

4. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated on the outside seating area at any time.

Reason: In order to protect nearby residential amenity in accordance with Policy DEV1 of the Joint Local Plan.

5. The building hereby permitted shall be removed and the land restored to its former condition on or before 15 March 2044.

Reason: The Local Planning Authority considers that the proposed development should be reviewed in terms of flood risk in accordance with Policy DEV35 of the Joint Local Plan.

6. The flood mitigation measures as detailed in the Flood Risk Assessment submitted in support of this application shall be implemented in full within 6 months of the permission hereby granted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of flood risk on the development in accordance with Policy DEV35 of the Joint Local Plan

COMMITTEE REPORT

Case Officer: Clare Stewart

Parish: Totnes

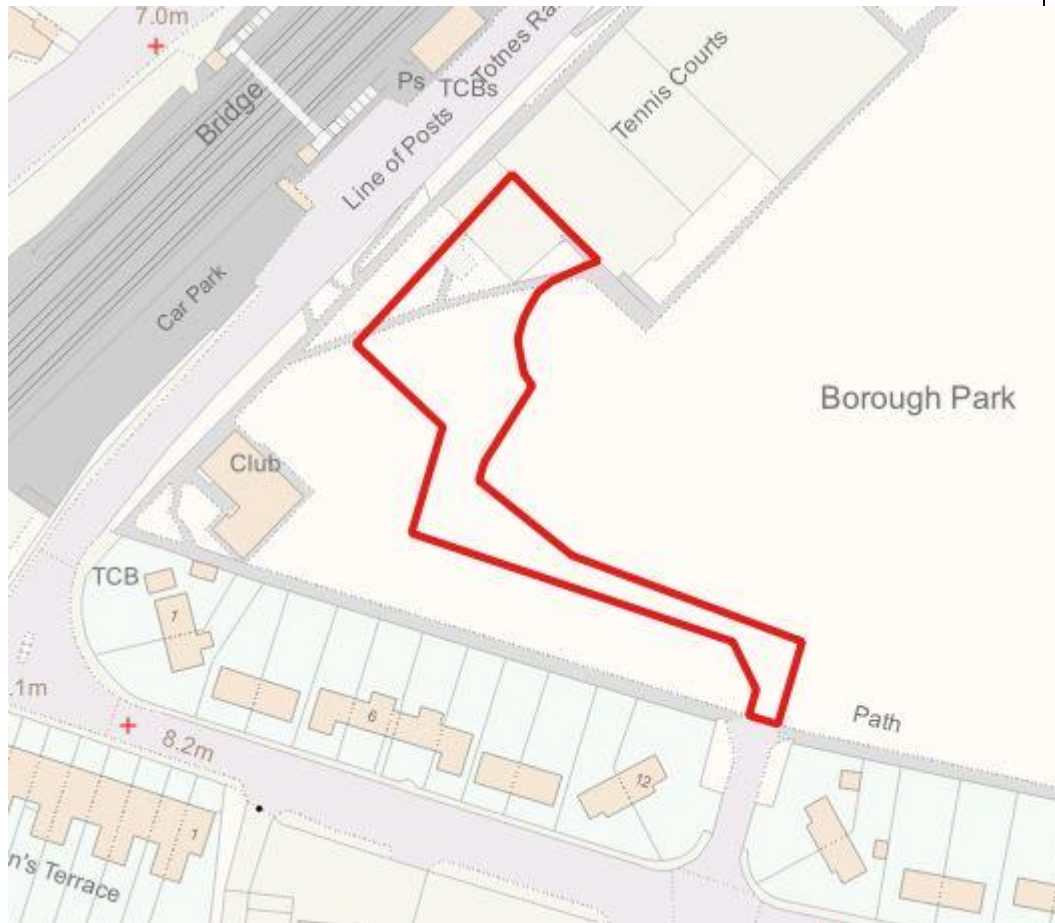
Ward: Totnes

Application No: 3855/23/CLP

Applicant: Mr Rob Sekula
South Hams District Council
Follaton House
Plymouth Rd, Totnes
TQ9 5NE

Agent:

Site Address: Totnes Skatepark



Development:

Application for a Lawful Development Certificate for removal of existing modular steel skatepark ramps and construction of a new spray concrete skatepark on part of the existing site with an extension.

Reason item is before Committee:

SHDC is the Applicant and Landowner.

Recommendation: Certificate of Lawfulness (Proposed) Certified

Key issues for consideration:

Whether or not the proposed development complies with Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is therefore permitted development.

Site Description:

The site is located within Totnes at Borough Park, lies immediately to the south west of Totnes train station. There is a tree line between the station and park area, beyond which lies a bowling green tennis courts and existing skate park facility with open space beyond. Access to the site is via Station Road.

The existing skate park comprises several ramps within a hard surfaced area.

The Proposal:

The application seeks the issue of a lawful development certificate to certify that a proposed development can be carried out without planning permission (ie. it benefits from deemed permission by virtue of Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Part 12 relates to development by local authorities.

The proposal would involve the removal of existing skate ramp features, extension to the existing footprint of the skate park and new ramps. The maximum height of the development would not exceed 4m and it would not exceed 200 cubic metres in volume.

Consultations:

No consultations required for this type of application.

Representations:

None received.

Relevant Planning History

- 0267/21/FUL Replacement of existing skatepark with new, enlarged skatepark. Withdrawn
- 56/2674/12/F Full planning application for erection of additional ball stop fence and installation of additional lighting to existing Multi Use Games Area - REGULATION 3 LPA OWN DEVELOPMENT.
- 56/0404/09/F Erection of timber deck, balustrade and floodlights

- 56/1799/09/F Erection of timber decking and balustrade and erection of 2no. floodlights - resubmission of 56/0404/09/F

ANALYSIS

1. Principle of Development

1.1 The Council is required to determine whether the proposed works constitute permitted development under Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

1.2 The above allows for the following as permitted development:

“A. The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of—
(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;
(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.”

1.3 The following interpretation within the Order is also of relevance:

“A.2 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.”

1.4 Based on the submitted plans the proposal would be development permitted under Part 12 and would not exceed the thresholds. No Article 4 directions (which can remove permitted development rights) have been identified.

2. Conclusion

2.1 Based on the information submitted, the proposal is considered to be permitted development under Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development can therefore proceed without further reference to the Council as Local Planning Authority.

This application has been considered in accordance with Section 192 of the Town and Country Planning Act 1990.

Planning Policy

The application requires a legal determination of whether the proposed development is permitted development. It is therefore not necessary to consider the planning merits of the application.

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.

South Hams District Council **Agenda Item 7**

Development Management Committee 17 Jan 2024

Appeals update for 24 Nov 2023 to 5 Jan 2024

Ward:	Allington & Strete
--------------	-------------------------------

0863/23/OPA		PINS Ref: APP/K1128/W/23/3333031
Original Decision:	Refusal	Appeal Status: Start Letter Received
Appellant Name:	Build 1 Ltd	Appeal Start Date: 30 Nov 2023
Site Address:	Land At Sx 774 247, Frogmore	Appeal Decision:
Proposal:	Outline application with some matters reserved for the erection of 3 no. self-build dwellings together with associated works	Appeal Decision Date:

Ward:	Blackawton & Stoke Fleming
--------------	---------------------------------------

3563/22/VAR		PINS Ref: APP/K1128/W/23/3325984
Original Decision:	Refusal	Appeal Status: Start Letter Received
Appellant Name:	Mr D Ferris	Appeal Start Date: 27 Nov 2023
Site Address:	Parklands, Bay View Estate, Stoke Fleming, TQ6 0QX	Appeal Decision:
Proposal:	Application for variation of condition 1 (approved drawings) of planning consent 3542/16/VAR	Appeal Decision Date:

Ward:	Charterlands
--------------	---------------------

3479/22/FUL		PINS Ref: APP/K1128/W/23/3321663
Original Decision:	Refusal	Appeal Status: Appeal Informative
Appellant Name:	Mr Matt Taylor	Appeal Start Date: 22 Aug 2023
Site Address:	Land at SX 675 511, Trehele Cross, Modbury	Appeal Decision: Declined to determine
Proposal:	Provision of poultry building & associated infrastructure including private way	Appeal Decision Date: 13 Dec 2023

3780/22/VAR		PINS Ref: APP/K1128/W/23/3328907
Original Decision:	Refusal	Appeal Status: Start Letter Received
Appellant Name:	Ms Susan Foy	Appeal Start Date: 2 Jan 2024
Site Address:	Higher Gabberwell House, Kingston, TQ7 4PS	Appeal Decision:
Proposal:	Application for variation of condition 2 (approved plans) and condition 3 (Landscaping scheme) of planning consent 2435/20/VAR	Appeal Decision Date:

4432/22/HHO		PINS Ref: APP/K1128/D/23/3322221
Original Decision:	Refusal	Appeal Status: Appeal Refused
Appellant Name:	Mr & Ms Darren & Georgina Brooker & Hill	Appeal Start Date: 12 Sep 2023
Site Address:	Clanturkan Cottage, Aveton Gifford, Kingsbridge, TQ7 4NQ	Appeal Decision: Dismissed (Refusal)
Proposal:	Householder application for demolition of existing side extension & replacement with new side extension & associated works (resubmission of application 0862/22/HHO)	Appeal Decision Date: 13 Dec 2023

Ward:	Dartmouth & East Dart
--------------	----------------------------------

2438/22/FUL **PINS Ref: APP/K1128/W/23/3324034**

Original Decision:	Refusal	Appeal Status: Appeal Refused
Appellant Name:	Dr and Mrs Michael Petri	Appeal Start Date: 3 Oct 2023
Site Address:	Slipway, Warfleet Creek Road, Dartmouth, TQ6 9GH	Appeal Decision: Dismissed (Refusal)
Proposal:	Erection of a dwelling on part of garden	Appeal Decision Date: 14 Dec 2023

4488/21/FUL **PINS Ref: APP/K1128/W/23/3324224**

Original Decision:		Appeal Status: Appeal Refused
Appellant Name:	London & Western Holdings PLC	Appeal Start Date: 6 Jul 2023
Site Address:	Land at SX 878 516, Adjacent to Mayors Avenue, Dartmouth, TQ6 9NF	Appeal Decision: Dismissed (Refusal)
Proposal:	Demolition of existing building, relocation of existing gas governor and redevelopment to provide eight apartments with associated landscaping and parking.	Appeal Decision Date: 1 Dec 2023

Ward: Ivybridge East**1491/22/HHO** **PINS Ref: APP/K1128/D/23/3327410**

Original Decision:	Refusal	Appeal Status: Appeal Refused
Appellant Name:	Mr Jamie Gibbs	Appeal Start Date: 7 Nov 2023
Site Address:	1, Allens Road, Ivybridge, PL21 0PW	Appeal Decision: Dismissed (Refusal)
Proposal:	Householder application for building a gym in the back garden (retrospective)	Appeal Decision Date: 1 Dec 2023

Ward: Kingsbridge**4465/22/LBC** **PINS Ref: APP/K1128/Y/23/3320829**

Original Decision:	Refusal	Appeal Status: Appeal Refused
Appellant Name:	Liam Wills	Appeal Start Date: 7 Aug 2023
Site Address:	60, Church Street, Kingsbridge, TQ7 1DD	Appeal Decision: Dismissed (Refusal)
Proposal:	Listed Building Consent to replace existing softwood timber windows	Appeal Decision Date: 7 Dec 2023

Ward: Loddiswell & Aveton Gifford**4151/21/FUL** **PINS Ref: APP/K1128/W/22/3312269**

Original Decision:	Refusal	Appeal Status: Appeal Refused
Appellant Name:	Stone River Investments	Appeal Start Date: 20 Apr 2023
Site Address:	South Efford House, Aveton Gifford, TQ7 4NX	Appeal Decision: Dismissed (Refusal)
Proposal:	Proposed demolition of existing C2 care home and replacement of 6 C3 Residential Dwellings	Appeal Decision Date: 13 Dec 2023

Ward: Marldon & Littlehempston**1005/23/PAT** **PINS Ref: APP/K1128/W/23/3326906**

Original Decision:	Prior Approval Required and Refused	Appeal Status: Start Letter Received
Appellant Name:	Cooke - CK Hutchison Networks (UK) Ltd	Appeal Start Date: 2 Jan 2024
Site Address:	Land at SX 870 630, Vicarage Road, Marldon, TQ3 1NN	Appeal Decision:
Proposal:	Application for prior notification of proposed development for 5G telecoms installation: H3G 15m street pole & additional	Appeal Decision Date:

equipmentcabinets by telecommunications code system operators

2759/22/OPA

PINS Ref: APP/K1128/W/23/3329129

Original Decision:	Refusal	Appeal Status: Start Letter Received
Appellant Name:	Nirvana Homes (UK) Limited	Appeal Start Date: 4 Dec 2023
Site Address:	Highfield House, Ipplepen Road, Marldon, TQ3 1SE	Appeal Decision:
Proposal:	Outline planning application (with some matters reserved) for demolition & replacement of 1 dwelling & for the construction of 5 custom-build dwellings with associated access & landscaping	Appeal Decision Date:

Ward: Salcombe & Thurlestone

2914/22/FUL

PINS Ref: APP/K1128/W/23/3324731

Original Decision:	Refusal	Appeal Status: Appeal Approved
Appellant Name:	Mr E & D Basham	Appeal Start Date: 3 Oct 2023
Site Address:	Rendoc, Herbert Road, Salcombe, Devon, TQ8 8HW	Appeal Decision: Upheld (Conditional approval)
Proposal:	READVERTISEMENT (revised plans) Demolition of existing building & replacement with two residential units	Appeal Decision Date: 14 Dec 2023

2972/22/HHO

PINS Ref: APP/K1128/D/22/3312729

Original Decision:	Refusal	Appeal Status: Appeal Approved
Appellant Name:	Keith Winter	Appeal Start Date: 23 May 2023
Site Address:	39, Fore Street, Salcombe, TQ8 8JE	Appeal Decision: Upheld
Proposal:	Householder application for proposed rear bay windows with French doors & Juliet balconies	Appeal Decision Date: 8 Dec 2023

2973/22/LBC

PINS Ref: APP/K1128/D/22/3312734

Original Decision:	Refusal	Appeal Status: Appeal Approved
Appellant Name:	Mr Keith Winter	Appeal Start Date: 23 May 2023
Site Address:	39, Fore Street, Salcombe, TQ8 8JE	Appeal Decision: Upheld
Proposal:	Listed Building consent for proposed rear bay windows with French doors & Juliet balconies	Appeal Decision Date: 8 Dec 2023

4426/22/HHO

PINS Ref: APP/K1128/D/23/3322451

Original Decision:	Refusal	Appeal Status: Appeal Approved
Appellant Name:	Mr & Mrs D Shalders	Appeal Start Date: 31 Aug 2023
Site Address:	1 Devon Villas, Devon Road, Salcombe, TQ8 8HD	Appeal Decision: Upheld (Conditional approval)
Proposal:	Householder application for works to existing outbuilding/garage (resubmission of 1620/22/HHO)	Appeal Decision Date: 4 Dec 2023

Ward: Totnes

1234/23/HHO

PINS Ref:

Original Decision:	Conditional Approval	Appeal Status: Appeal Withdrawn
Appellant Name:	Mr Nathaniel Mason	Appeal Start Date:
Site Address:	27, Lansdowne Park, Totnes, TQ9 5UW	Appeal Decision: Appeal Lapsed
Proposal:	Householder application for front dormer & 2 roof windows to existing rear dormer	Appeal Decision Date: 5 Jan 2024

Agenda Item 8

South Hams District Council

Undetermined Major Applications

as at 05 Jan 2024

3623/19/FUL			
Officer:	Steven Stroud	Valid Date: 14 Apr 2020	Expiry Date: 14 Jul 2020
Location:	Land off Godwell Lane, Iybridge		Extension Date: 22 Dec 2023
Proposal:	READVERTISEMENT (Revised plans received) Full planning application for the development of 104 residential dwellings with associated access, parking, landscaping, locally equipped play area and infrastructure		
Officer Comments:	Ongoing negotiations with LLFA/awaiting a further drainage report from applicant. S106 HoT broadly settled and NHS contribution agreed. JLP response has been received which requires further consideration		
4158/19/FUL			
Officer:	Patrick Whymer	Valid Date: 17 Jan 2020	Expiry Date: 17 Apr 2020
Location:	Development Site At Sx 734 439, Land to Northwest of junction between Ropewalk and Kingsway Park, Ropewalk, Kingsbridge, Devon		Extension Date: 06 Feb 2021
Proposal:	READVERTISEMENT (Revised Plans Received) Residential development comprising of 15 modular built dwellings with associated access, carparking and landscaping		
Officer Comments:	Applicant is reviewing the proposal		
4181/19/OPA			
Officer:	Ian Lloyd	Valid Date: 09 Jan 2020	Expiry Date: 30 Apr 2020
Location:	Land off Towerfield Drive, Woolwell, Part of the Land at Woolwell, JLP Allocation (Policy PLY44)		Extension Date: 31 Dec 2023
Proposal:	READVERTISEMENT (revised plans & description of development) Outline application for up to 360 dwellings, associated landscaping and site infrastructure. All matters reserved except for new access points from Towerfield Drive and Pick Pie Drive.		
Officer Comments:	Along with 4185/19/OPA a year-long PPA initially agreed until end of December 2020 was extended to the end of December 2023. Both parties agree more time is still required to resolve matters and a revised extension of time has been agreed until the end of February 2024		
4185/19/OPA			
Officer:	Ian Lloyd	Valid Date: 09 Jan 2020	Expiry Date: 30 Apr 2020
Location:	Land at Woolwell, Part of the Land at Woolwell JLP Allocation (Policy PLY44)		Extension Date: 31 Dec 2023
Proposal:	READVERTISEMENT (revised plans) Outline application for provision of up to 1,640 new dwellings; up to 1,200 sqm of commercial, retail and community floorspace (A1-A5, D1 and D2 uses); a new primary school; areas of public open space including a community park; new sport and playing facilities; new access points and vehicular, cycle and pedestrian links; strategic landscaping and attenuation basins; a primary substation and other associated site infrastructure. All matters reserved except for access.		
Officer Comments:	Along with 4181/19/OPA] a year-long PPA initially agreed until end of December 2020 was extended to the end of December 2023. Both parties agree more time is still required to resolve matters and a revised extension of time has been agreed until the end of February 2024		
0544/21/FUL			

Officer:	Patrick Whymer	Valid Date: 15 Feb 2021	Expiry Date: 17 May 2021
Location:	Land at Stowford Mills, Station Road, Ivybridge, PL21 0AW		Extension Date: 31 Oct 2023
Proposal:	Construction of 16 dwellings with associated access and landscaping		
Officer Comments:	Extension of time agreed until 31 st October 2023 (likely to be a rolling extension of time as application paused whilst 2733/23/VAR being considered. If 2733/23/VAR approved, likely 0544/21/FUL will be withdrawn).		
2982/21/FUL			
Officer:	Charlotte Howrihane	Valid Date: 13 Oct 2021	Expiry Date: 12 Jan 2022
Location:	Land Opposite Butts Park, Parsonage Road, Newton Ferrers, PL8 1HY		Extension Date: 31 Jan 2024
Proposal:	Erection of 20 residential units (17 social rent and 3 open market) with associated car parking and landscaping		
Officer Comments:	Delegated authority to approve, awaiting S106 which is with Legal		
3053/21/ARM			
Officer:	David Stewart	Valid Date: 05 Aug 2021	Expiry Date: 25 Nov 2021
Location:	Noss Marina, Bridge Road, Kingswear, TQ6 0EA		Extension Date: 24 Mar 2022
Proposal:	Application for approval of reserved matters relating to layout, appearance, landscaping and scale, in respect to Phase 16 – Dart View(Residential Northern) of the redevelopment of Noss Marina comprising the erection of 40 new homes (Use Class C3), provision of 60 carparking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to S.73planning permission ref. 0504/20/VAR dated 10/02/2021 (Outline Planning Permission ref. 2161/17/OPA, dated 10/08/2018) (Access matters approved and layout, scale, appearance and landscaping matters		
Officer Comments:	Revised plans are still awaited for this phase. They were expected before the end of November 2023 but there are further delays in issuing the drawings.		
4021/21/VAR			
Officer:	Steven Stroud	Valid Date: 24 Nov 2021	Expiry Date: 23 Feb 2022
Location:	Development site at SX 809597, Steamer Quay Road, Totnes		Extension Date: 30 Apr 2023
Proposal:	READVERTISEMENT (revised plans) Application for variation of condition 2 (approved drawings) of planning consent 4165/17/FUL		
Officer Comments:	Out for reconsultation following revised submission.		
4175/21/VAR			
Officer:	Tom French	Valid Date: 08 Nov 2021	Expiry Date: 28 Feb 2022
Location:	Sherford Housing Development Site, East Sherford Cross To Wollaton Cross Zc4, Brixton, Devon		Extension Date: 17 Feb 2023
Proposal:	READVERTISEMENT (Additional EIA Information Received) Application to amend conditions 48 & 50 of 0825/18/VAR, to vary conditions relating to employment floorspace in respect of the Sherford New Community.		
Officer Comments:	Approved by Members, subject to S106 agreement which is progressing		
4317/21/OPA			
Officer:	Steven Stroud	Valid Date: 05 Jan 2022	Expiry Date: 06 Apr 2022
Location:	Land at SX 5515 5220 adjacent to Venn Farm, Daisy Park, Brixton		Extension Date: 22 Nov 2023
Proposal:	READVERTISEMENT (amended plans) Outline application with all matters reserved for residential development of up to 17 dwellings (including affordable housing)		
Officer Comments:	Out for reconsultation following revised submission.		
0303/22/OPA			

Officer:	Steven Stroud	Valid Date: 04 Mar 2022	Expiry Date: 03 Jun 2022
Location:	Land off Moorview, Westerland, Marldon, TQ3 1RR		Extension Date: 21 Apr 2023
Proposal:	READVERTISEMENT (Updated Site Address) Outline application (all matters reserved) for erection of 30 homes of two-, three- and four-bedroom sizes with associated roads, paths, landscaping and drainage 30% of which would be affordable housing		
Officer Comments:	S106 under negotiation		
1523/22/FUL			
Officer:	Steven Stroud	Valid Date: 20 Jun 2022	Expiry Date: 19 Sep 2022
Location:	Proposed Development Site West, Dartington Lane, Dartington		Extension Date: 31 Jan 2023
Proposal:	READVERTISEMENT (revised plans & documents) Construction of 39 No. two-storey dwellings with associated landscaping		
Officer Comments:	Awaiting consultee feedback		
1629/22/ARM			
Officer:	Steven Stroud	Valid Date: 20 Jun 2022	Expiry Date: 19 Sep 2022
Location:	Dennings, Wallingford Road, Kingsbridge, TQ7 1NF		Extension Date: 30 Jun 2023
Proposal:	READVERTISEMENT (revised plans & supporting information) Application for approval of reserved matters following outline approval 2574/16/OPA (Outline application with all matters reserved for 14 new dwellings) relating to access, appearance, landscaping, layout and scale and discharge of outline planning conditions		
Officer Comments:	Under consideration – housing mix and ecology objections		
2412/22/OPA			
Officer:	Clare Stewart	Valid Date: 25 Jul 2022	Expiry Date: 24 Oct 2022
Location:	Land South of Dartmouth Road at SX 771 485, East Allington		Extension Date: 31 Oct 2023
Proposal:	READVERTISEMENT (amended description & documents) Outline application with some matters reserved for residential development & associated access		
Officer Comments:	Approved by Committee on 18/10/23 subject to S106 completion, which is in progress		
0384/23/OPA			
Officer:	Bryn Kitching	Valid Date: 09 Feb 2023	Expiry Date: 11 May 2023
Location:	Land At Sx 652 517, Modbury		
Proposal:	READVERTISEMENT (Amended Description) Outline Planning Application (with all matters reserved apart from access) for demolition of existing buildings and a residential redevelopment of up to 40 dwellings, including the formation of access and associated works on land at Pennpark, Modbury		
Officer Comments:	Outline application on site allocated for residential development in the JLP. Consultation period ended and now considering the responses. The application will come to the Development Management Committee when it is ready to be determined and an appropriate extension of time will be agreed		
1619/23/FUL			
Officer:	Peter Whitehead	Valid Date: 28 Jul 2023	Expiry Date: 17 Nov 2023
Location:	Land At Sx 5083 6341, Roborough Down, Plymouth		
Proposal:	Construction of a ground mounted solar PV array & ancillary infrastructure		
Officer Comments:	Under consideration. In receipt of amended landscaping scheme which seeks to provide improved screening/mitigation and is under review. Rolling extension of time agreed with agent.		
1887/23/ARM			
Officer:	Tom French	Valid Date: 31 Jun 2023	Expiry Date: 31 Aug 2023

Location:	Sherford Housing Development Site, Land South & South West of A38 Deep Lane junction & East of Haye Road, Plymouth		
Proposal:	Application for approval of reserved matters following outline approval 0825/18/VAR (Variation of conditions 3 (approved drawings), 6, 7, 8, 10, 11, 12, 13, 14, 18, 19, 20, 21, 26, 28, 35, 36, 45, 46, 52, 53, 54, 57, 66, 67, 68, 69, 70, 71, 99, 100, 101, 102, 104, 106, 107 and 110 and Informatives of outline planning permission ref.1593/17/VAR to accommodate proposed changes of the Masterplan in respect of the 'Sherford New Community') for 284 residential dwellings, on parcels L1-L12, including affordable housing and associated parking along with all necessary infrastructure including, highways, drainage, landscaping, sub stations, as part of Phase 3B of		
Officer Comments:			
1888/23/ARM			
Officer:	Tom French	Valid Date: 01 Jun 2023	Expiry Date: 31 Aug 2023
Location:	Sherford New Community, Land southwest of A38, Deep Lane and east of Haye Road, Elburton, Plymouth, PL9 8DD		Extension Date: 29 Feb 2024
Proposal:	Application for approval of reserved matters for 269 no. dwellings on parcels B1-11, including affordable housing and associated parking along with all necessary parcel infrastructure including drainage and landscaping, as part of Phase 3B of the Sherford new Community, pursuant to approval 0825/18/VAR (which was an EIA development, and an Environmental Statement was submitted)		
Officer Comments:			
2058/23/ARM			
Officer:	Tom French	Valid Date: 09 Jun 2023	Expiry Date: 08 Sep 2023
Location:	Sherford New Community, Phase 3 A/B Land south of Main Street, Plymouth, PL8 2DP		Extension Date: 29 Feb 2024
Proposal:	Application for approval of reserved matters application for strategic infrastructure including strategic drainage, highways, landscaping and open space, and amendment to phasing plan as part of Phase 3 A/B of the Sherford New Community pursuant to Outline approvals ref: 0825/18/VAR (the principle permission that was amended by this consent was EIA development and was accompanied by an Environmental Statement)		
Officer Comments:			
2169/23/FUL			
Officer:	Lucy Hall	Valid Date: 21 Aug 2023	Expiry Date: 20 Nov 2023
Location:	Foundry and Fabrication Totnes Ltd, Babbage Road, Totnes, TQ9 5JD		Extension Date: 19 Jan 2024
Proposal:	READVERTISEMENT (revised plans) Demolition of existing foundry buildings & construction of new two storey foundry building & welfare facilities		
Officer Comments:			
2505/23/VAR			
Officer:	Peter Whitehead	Valid Date: 02 Aug 2023	Expiry Date: 01 Nov 2023
Location:	Deer Park Inn, Dartmouth Road, Stoke Fleming, TQ6 0RF		
Proposal:	Application for variation of Condition 2 (approved plans) of planning consent 0679/18/FUL		
Officer Comments:	Member delegated approval. Currently awaiting completion of Deed of Variation of existing s106 Agreement (so current application ties back to original s106 and secures the contributions set out therein), following which conditional permission will be granted.		
2733/23/VAR			
Officer:	Lucy Hall	Valid Date: 09 Aug 2023	Expiry Date: 08 Nov 2023
Location:	Stowford Mill, Harford Road, Ivybridge, PL21 0AA		Extension Date: 30 Nov 2023
Proposal:	Application for variation of condition 3 (approved drawings) of planning consent 27/1336/15/F (part retrospective)		

Officer Comments:	Application under consideration		
2929/23/FUL			
Officer:	Peter Whitehead	Valid Date: 25 Oct 2023	Expiry Date: 14 Feb 2024
Location:	Land at Littlehempston Water Treatment Works, Hampstead Farm Lane, Littlehempston		
Proposal:	Installation of photovoltaic solar arrays together with transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements		
Officer Comments:	Application under consideration.		
3203/23/FUL			
Officer:	Charlotte Howrihane	Valid Date: 16 Oct 2023	Expiry Date: 15 Jan 2024
Location:	Land at SX 808 599, Totnes		
Proposal:	Demolition of 36 two/three bed flats to be replaced with 35 new homes, consisting of one, two & three bed accommodation for social rent, as well as landscaping, car parking & associated works		
Officer Comments:	New application, currently in consultation period		
3251/23/VAR			
Officer:	Peter Whitehead	Valid Date: 27 Sep 2023	Expiry Date: 27 Dec 2023
Location:	Development Site At Sx 580 576, Seaton Orchard, Sparkwell		
Proposal:	Application for variation of condition 20 (windows) of planning consent 3445/18/FUL		
Officer Comments:	Currently awaiting completion of Deed of Variation to original s106 Agreement (so current application ties back to original s106 and secures the contributions set out therein), following which planning permission will be issued.		
3358/23/FUL			
Officer:	Liz Payne	Valid Date: 22 Nov 2023	Expiry Date: 21 Feb 2024
Location:	Ash Tree Farm, Ash, TQ6 0LR		
Proposal:	Change of use of 1.4 hectares of land to animal rescue centre		
Officer Comments:	Application under consideration		
3857/23/VAR			
Officer:	Charlotte Howrihane	Valid Date: 20 Nov 2023	Expiry Date: 19 Feb 2024
Location:	Brutus Centre, Fore Street, Totnes		
Proposal:	Variation of condition 1 (approved plans) of planning consent 1614/22/VAR to replace timber cladding with render		
Officer Comments:			

