

## PLANNING APPLICATION REPORT

**Case Officer:** Adam Williams

**Parish:** Modbury **Ward:** Charterlands

**Application No:** 2655/19/FUL

**Agent/Applicant:**

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

**Applicant:**

Southmoor Vets  
C/o Agent

**Site Address:** Land at New Mills Industrial Estate, Modbury, PL21 0TA

**Development:** Provision Of Equine Veterinary Facilities



**Reason item is being put before Committee** *South Hams District Council Owned Land*

**Recommendation:** **Conditional Approval subject to resolution of drainage objections**

**Conditions**

1. Time limit
2. Accord with plans

3. The premises hereby permitted shall be used solely for the purposes of veterinary surgeons to practice associated with the veterinary practice currently known as 'South moor Veterinary' and for no other purposes.
4. Hedgebank provided prior to occupation
5. Hours, no operation outside of business hours unless in the case of emergency
6. No external lighting
7. Drainage conditions (if recommended by SHDC Drainage Specialist)

**Key issues for consideration:**

Principle, design, amenity, highways, landscape.

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**Site Description:**

The site is located within New Mills Industrial Estate in Modbury. The site currently forms informal parking associated with South Moor Vets and comprises rolled stone and banked earth.

The site is within a Critical Drainage Area

**The Proposal:**

Change of use of the land adjacent to the existing South Moor surgery from a car park to provide equine facilities to aid in the re-habitation and care of horses and ponies. The facilities will comprise:

- Examination/treatment building to contain stable, client room, examination area and knock down box
- Small surfaced ménage with hard lunge area
- Parking area

**Consultations:**

- County Highways Authority – standing advice
- Town/Parish Council – no objection
- Drainage - objection (awaiting further information from agent)
- Police Architectural Liaison Officer – It is noted in the planning statement that the equine facilities will be fenced and will have a secure parking area but in addition to this please find the following advice and recommendations from a designing out crime perspective, which I hope will assist:-  
In the prevention and detection of crime (theft & burglary) and to reduce the fear of crime, it is recommended that a monitored CCTV system with compatible lighting is considered for the new facility. The CCTV should cover the perimeter of the site and all external entrances and areas. Cameras should be appropriately positioned so as to ensure maximum coverage of these areas.

*A Passport to Compliance Document should be obtained for each camera. (A passport to compliance document is for organisations considering a surveillance camera system. The compliance document is crucial in specifying what the organisation wants the CCTV system to do, perform and to ensure that the passport complies with all relevant regulations. The compliance document will also set out how much it will cost to procure and to run. The passport to compliance puts responsibility for system development in the hands of the organisations that operate them. It guides organisations through the stages they need to go through when planning, installing and eventually operating surveillance camera systems. It should be completed for new systems or where significant changes to an existing system)*

A Passport to Compliance document will also advise on appropriate signage as to its use. As mentioned the secure parking area is noted but will measures be factored in to control vehicle movement onto the site when premises are closed? Ideally the vehicle entrance should be securely gated (if not already) fitted with anti-lift hinges and access control and be covered by CCTV.

All external doors and easily accessible windows, wherever possible, should be sourced as tested and certificated products to deter, delay and/or prevent unauthorised access into the facilities especially into the examination/treatment building. Accessible windows (if applicable) should be fitted with a restrictor

Personal attack alarms should be considered for staff and lone workers

Thieves can be brazen so all equestrian medicine/drugs and equipment such as tack, saddlery, rugs/blankets etc. should all be securely stored when not in use. As a preventive measure all valuable equipment should be forensically marked and a record of the asset or serial numbers recorded.

Sensor-operated security lights are generally not promoted by the police as the regular activations in some situations can increase the fear of crime but for the proposal they could serve well in warning staff of potential intruders.

(Officer note – the applicants have been made aware of this and will take on board these suggestions)

**Representations:**

None

**Relevant Planning History**

35/0767/03/F Erection of new veterinary surgery Conditional Approval  
Site At New Mills Industrial Estate Modbury Ivybridge Devon PL21 0TA 14 April 2003

**ANALYSIS**

**Principle of Development/Sustainability:**

For the purposes of principle, the site is located within an established industrial estate which is also in the settlement of Modbury, one of the Smaller Towns and Key Villages

named under policy TTV1. Here, development will receive support for growth commensurate with their roles in supporting the small villages and hamlets

The proposals in essence are an expansion to an existing veterinary practice, and as such already has an impact in terms of trips and visitors. The proposals will allow the practice to take on more specialist equine care to reduce the need for referrals to be made to Cullompton and Bristol as they do now and provide facilities to enable them to undertake specialist equine care. This is commensurate with policy DEV15 which affects proposals which support the rural economy. Appropriate and proportionate expansion of existing employment sites are supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment.

DEV15.8 provides the framework for assessing proposals such as this

*Development proposals should:*

*i. Demonstrate safe access to the existing highway network.*

An existing access will be used which serves the industrial estate, the proposals will not negatively impact this access.

*ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.*

Given the nature of the existing use, private car trips are unavoidable, however it is noted the site is within a settlement and the location is sustainably located as it's a small town?. The proposals will likely lead to increase trips but rather than drop in, given the physical constraint of the proposal in term of size and facility space proposed, its likely visitors needing equine care will be by appointment. Currently South Moor vets operate equine care by call out.

*iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.*

The land which is being proposed for development currently comprises rolled stone and banked earth, it is also heavily screened by tall trees and hedge. The visual impacts of the proposals are therefore limited. The principal barn will be located to the rear of an existing industrial unit and the lunge area to the east of that. A new Devon hedgebank will be provided to the north boundary.

*iv. Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new buildings will be considered.*

The buildings or site are not isolated nor are there any existing buildings to use.

Overall the principle is sound.

**Design/Landscape:**

As previously outlined, the land which is being used for the proposals currently comprises rolled stone and banked earth, it is also heavily screened by tall trees and hedge, all will remain as existing, the visual impacts of the proposals are therefore limited. The principal barn will be located to the rear of an existing industrial unit and the lunge area to the east of that. A new Devon hedgebank will be provided to the north boundary.

The principal building will be 10m x 20m and 4.7m to the ridge, the building will be timber clad. The exercise area/ ménage will be a sand and fibre surfaced area and a rolled stone circular lunge area surrounded by a post and rail fence with a rolled stone trot-up area.

Given the physical constraints of the site, the industrial estate it's to be located within and dense boundary screening, the proposals are not considered to adversely impact visual amenity. And are in keeping with the general character of the area which is characterised by typical industrial units, the barn is proposed to abut the rear of an industrial unit with the ménage in front of this, facing the existing site boundary hedge, the proposals are laid out in a logical way which has regard to the pattern of development and accords with the general principles of Policy DEV20

**Neighbour Amenity:**

Policy DEV1 concerns amenity, it requires that new development provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors. Unacceptable impacts will be judged against the level of amenity generally in the locality.

There is one dwelling near the site, approximately 10m from the ménage and 20m from the proposed barn, the ménage is proposed to be sited against its curtilage, a new Devon hedgebank is proposed to act as a buffer between the site and the proposals.

The amenities of this property are likely already impacted during the day by the industrial estate and A379 in terms of background noise. The proposals will invariably direct people to use a space that is currently little used, however the noise associated with the proposals is unlikely to demonstrably harmful during the day. A level of impact could arise if horses are brought in overnight in an emergency capacity but subject to a condition requiring operation to be within business hours unless in the cases of emergency, the impacts can be limited to a degree.

The proposed building is located away from the existing dwelling towards the end of the residential curtilage area, at 4.7m high and orientated to have its side elevation facing the amenity space and an existing outbuilding. The building is not considered to be

overbearing because of its location adjacent to an existing outbuilding and its distance away from the dwelling. It may result in a level of shadowing during winter months however this will be towards an existing outbuilding. The ménage is not considered to be overbearing given is low scale.

In terms of privacy, as described above, the proposals will result in visitors using the ménage being in close proximity to a neighbouring residential boundary. In reviewing the supplied section drawings, the proposed hedgebank is shown to be 2.91m high, consisting of the turfed bank to rise to 1.2 meters with 0.6 to 0.9m saplings planted above. It is considered this is suitable to protect privacy in the long term and a condition will be attached to ensure this is provided before occupation, maintained and retained for the life of the consent, but noting that the hedge sapling will take time to mature.

### **Highways/Access:**

Policy DEV29 concerns transport, highways parking issues, the policy requires that development should be assessed regarding its impact on the wider transport network, how it provides safe and satisfactory traffic movement and vehicular access to and within the site. Ensures the sufficient provision and management of car parking in order to protect the amenity of surrounding residential areas and ensure safety of the highway network and to Limit / control the overall level of car parking provision at employment, retail and other destination locations.

The proposals seek to retain most of the parking area and not interrupt existing staff parking. The site is accessed through the existing access to the industrial estate. There are no objections from DCC Highway officer to the current arrangements nor will the proposal disrupt the flow of traffic to the detriment of highway users. Parking spaces aren't shown on plan, however parking is also not formally denoted on site, rather an informal gravel area is used for parking, much of this space will remain as most of the development will take place in the existing scrub area. Given the minimal changes in parking space, officers are not concerned about impacts to parking.

### **Drainage**

Currently awaiting further information to satisfy engineer comments

### **Biodiversity**

A wildlife survey was submitted and it confirms that there are no over-riding wildlife reasons why the proposal development should be refused. The survey recommends that vegetation clearance should be carried out outside the nesting seasons and disturbing works must not be carried out during said nesting season unless a nesting bird survey is carried out. It recommends that if clearance needs to be carried out during nesting season it should be done under watching brief. A condition will be included to ensure the development is carried out in accordance with the recommendations of the survey

### **Planning Balance**

The NPPF and Plymouth and South West Devon Joint Local Plan supports the rural economy and well located, sustainable development. It is concluded that the benefit of the development is that it will improve the facilities of an existing veterinary practice, specifically in relation to specialist equestrian care for the district where equestrian uses are popular throughout. The development is well located within an existing industrial estate and in a sustainable location. Whilst the development would appear slightly incongruous (given that equestrian development is rarely found within industrial estates) the development does relate to an existing veterinary practice and the visual impacts will be localised to the estate. The adverse impact arising from neighbour amenity in terms of noise (also acknowledging the impact the existing industrial estate has) those impacts of this development are not considered to significantly and demonstrably outweigh the benefits of the development and as such it is recommended that planning permission be approved subject to conditions.

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

## **Planning Policy**

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

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT4 Provision for employment floorspace  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV25 Development in the Sustainable Villages  
TTV28 Horse related developments in the countryside  
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  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV35 Managing flood risk and Water Quality Impacts

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:

**Neighbourhood Plan, currently in pre-draft form and is therefore afforded limited weight**

**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.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

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

2. The development hereby approved shall in all respects accord strictly with;

Proposed Sections SMV03 – received by the Local Planning Authority on 16/08/2019

Proposed Ménage SMV01 - received by the Local Planning Authority on 16/08/2019

Proposed Plans SMV01 - received by the Local Planning Authority on 16/08/2019

Proposed Site Plan - received by the Local Planning Authority on 16/08/2019

Proposed Lunge Area - received by the Local Planning Authority on 16/08/2019

Proposed Site Plan - received by the Local Planning Authority on 16/08/2019

Proposed Site Layout 119 LS rev 0 - received by the Local Planning Authority on 16/08/2019

Proposed Hedgebank Planting AMB - received by the Local Planning Authority on 16/08/2019

Site location plan - received by the Local Planning Authority on 16/08/2019

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. The facilities hereby approved shall be used solely for the purposes of equine veterinary surgeons to practice associated with the veterinary practice currently known as 'South Moor Vets' and for no other purposes.

Reason: for the avoidance of doubt and in the interests of ensuring the development is carried out and retained for the stated purpose.

4. The proposed Hedgebank detailed on drawing reference 'Proposed Hedgebank Planting AMB' - received by the Local Planning Authority on 16/08/2019, shall be completed prior to the construction of the development hereby approved. The hedgerows shall be maintained in accordance with the planting and maintenance schedule as within the Planning Statement with design and access ref: AMB date July 2019 for minimum period of 10 years.

Reason: in the interest of neighbouring amenity and visual amenity.

5. The premises shall only be open to the public between 0800-1900 hours, Monday to Friday and 0900-1300 hours on Saturdays and not at any time on Sundays, Bank or Public Holidays other than in the case of an equine health emergency. Up to date records of out of hours emergencies shall be kept at all times and shall be available for review by the Local Planning Authority at any time.

Reason: in the interest of neighbouring amenity.

6. Notwithstanding the details provided, there shall be no external lighting unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect neighbouring amenity.

7. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the comments and recommendation set out in the Wildlife Survey by Butler Ecology Date 21<sup>st</sup> May 2018 (updated 30<sup>th</sup> July 2019) with strict adherence to the measures in sections 7 of the report.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended) and in accordance with Policy DEV26 of the Plymouth and South West Joint Local Plan

8. Notwithstanding the approved layout, no existing boundary vegetation shall be cut, managed or removed from the site until a plan for the management of the existing boundary vegetation,

including the planting of additional hedgerow plants is submitted to and approved in writing by the Local Planning Authority. The hedgerows shall thereafter be maintained in accordance with a maintenance schedule covering a minimum period of 10 years, to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interest of the retention of the conservation of landscape character and visual amenity, in accordance with development plan policies DEV1, DEV20, DEV23 and DEV28