

PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

Parish: Modbury **Ward:** Charterlands

Application No: 2116/20/HHO

Agent:

Mrs Emily Sullivan
Nest Design
25 Galpin Street
Modbury
PL21 0QA

Applicant:

Carol Joseph
1 Barrack Road
Modbury
PL21 0RB

Site Address: 1 Barrack Road, Modbury, PL21 0RB

Development: Householder application for proposed parking bay.



Reason item is being put before Committee:

Councillor Taylor has called the application to Committee because a similar proposal was granted at no. 2 Barrack Road and it would be inconsistent if the LPA refused the current application.

Recommendation: Refusal

Reasons for refusal

The proposal is likely to result in an increased risk to highways safety for two reasons; firstly, the proposed development would be likely to result in an access, which does not provide adequate visibility from and of emerging vehicles, secondly, the geometry of the access as proposed is likely to result in unacceptable manoeuvring on the highway, with consequent risk of additional danger to all

- primary school entrance) and thus also allows for safe pedestrian and cycle movements. A similar scheme for the adjacent neighbours appears to have worked very well already.
- 2. If achieved this plan will help to conserve the historic environment as the plan is sympathetic to the local character and nearby conservation zone and is more visually in keeping the area - thus adding to the overall quality of the area.
 - In our view these two points combined add to a balance in favour of the plan. By providing car parking spaces it helps to alleviate car parking issues in the town which will ultimately have an impact on quality of life and the local economy.
 - We respectfully hope that the Council agrees with our views and approves the plan.

Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision	Appeal
35/0944/96/1: OPA	Outline application for the erection of a detached single dwelling	Land adjoining 1 Barrack Road Modbury.	Refusal: 16 Jul 96	
35/0174/97/1: OPA	Outline application for erection of a detached single dwelling	Land adjoining 1 Barrack Road Modbury.	Refusal: 07 Mar 97	
35/2005/97/1: OPA	Outline application for erection of detached dwelling	Land adjoining 1 Barrack Road Modbury.	Refusal: 21 Jan 98	
35/1007/99/F: FUL	Erection of extension and single garage	1 Barracks Road Modbury Ivybridge PL21 0RB	Refusal: 26 Jul 99	
35/1374/99/F: FUL	Erection of extension for two bedrooms one with en-suite kitchen study and utility	1 Barracks Road Modbury Ivybridge PL21 0RB	Conditional approval: 23 Sep 99	
35/0185/00/F: FUL	Creation of lay-by to provide off road parking for one vehicle	1 Barracks Road Modbury Ivybridge PL21 0RB	Conditional approval: 13 Mar 00	
35/0318/00/F: FUL	Erection of conservatory	1 Barracks Road Modbury Ivybridge PL21 0RB	Conditional approval: 26 Sep 00	Upheld (Conditional Approval): 26 Sep 00
1318/17/HHO	Householder application for widening of gate to allow provision of off-street parking	1 Barracks Road Modbury Ivybridge PL21 0RB	Withdrawn	

ANALYSIS

Principle of Development/Sustainability

The site is located within the built form of Modbury and hosts a single residential dwelling; the principle of development is therefore established.

Design/Landscape

The proposal will result in the removal of a 12m section of the existing bank at the front of the dwelling. The bank is a well established feature, comprised of stone with a variety of grass and other small plants. While the bank is considered to contribute positively to the street scene, it is not considered a significant feature within the street scene, nor is it characteristic of Barrack Road, which hosts a variety of development types and styles. Officers consider that in this instance, the removal of the bank and the construction of a timber fence set back from the highway would not result in such a

significantly harmful visual impact on the street scene so as to warrant a refusal solely on this basis. As such, the proposal is considered to accord with the provisions of DEV20 and DEV23.

Neighbour Amenity

Due to the nature and siting of the proposal relative the neighbouring properties, it is not considered that the proposal would give rise to a detrimental impact on neighbour amenity. It is noted that both adjacent neighbours have written letters of support for the proposal. The proposal is considered to accord with the provisions of DEV1 and DEV2.

Surface Water Drainage

The South Hams District Council Drainage Engineer has reviewed the proposal and initially objected to the scheme on the grounds of insufficient information. Additional comments were provided by the applicant to advise that the surface of the driveway would be permeable. On this basis, the SHDC Drainage Engineer has recommended a surface water drainage condition. It is considered appropriate to secure these details by condition to ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development. The condition must be discharged prior to commencement as the application site is located within a Critical Drainage Area. The applicant accepted the condition in writing on 23 October 2020. On this basis, the proposal is considered to accord with the provisions of DEV35 and does not form a substantive reason for refusal.

Highways/Access

The Devon County Council Highways Engineer has provided the following consultation response.

Observations:

The Highway Authority notes the dwelling has a 4.2m width frontage which includes a stone wall/bank, which reduces the on site width parallel to the highway to around 3m. It is considered even if the access point onto the highway could be widened the space would not allow sufficient room for drivers to enter and exit the highway in a forward gear in a perpendicular manner, which is likely to cause reversing and manoeuvring on the C classified road. This is not ideal especially noting the proximity to the primary school and the fact there is often high levels of pedestrian activity in this area.

The second issue is the site frontage, restricted to around 16m as it, is does not offer sufficient space to allow a sufficient visibility splay to be provided. 85th percentile speeds are in the region of 20 - 25mph in this locality and therefore a splay in accordance with Manual for Streets guidelines would likely encroach on third party land. Coupled with the issues outlined in the first paragraph the likely implications of not providing a visibility splay would mean drivers would either be reversing or manoeuvring blind onto the highway. The proposals do not show any visibility splays, so the assumption by the Highway Authority at this stage is that adequate splays are not possible thus ultimately leading to likely additional danger to all road users.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

- 1. The proposed development would be likely to result in an access, which does not provide adequate visibility from and of emerging vehicles, contrary to paragraphs 108 and 109 of the National Planning Policy Framework and DEV29 of the Joint Local Plan.*
- 2. The geometry of the access as proposed is likely to result in unacceptable manoeuvring on the highway, with consequent risk of additional danger to all users of the road contrary to paragraphs 108 and 109 of the National Planning Policy Framework and DEV29 of the Joint Local Plan.*

It is acknowledged that there have been a number of comments received during the consultation period. The Parish Council have noted that subject to DCC Highways agreement, they support the proposal as it would prevent on-road parking near the school which they consider to be a hazard. Neighbours have also voiced their support for the proposal, citing benefits including safe pedestrian

and cycle movements. These comments are noted, however, these considerations do not outweigh the increased risk to highways safety associated with the vehicle movements to and from 1 Barrack Road.

It is also noted that an off-road parking area was approved at the neighbouring property, number 2 Barrack Road. However, it is considered that the specific details of this parking area are different to those under the current application and were considered acceptable. In this instance the proposal is likely to result in an increased risk to highways safety for two reasons; firstly, the proposed development would be likely to result in an access, which does not provide adequate visibility from and of emerging vehicles, secondly, the geometry of the access as proposed is likely to result in unacceptable manoeuvring on the highway, with consequent risk of additional danger to all users of the road contrary to the provisions of DEV29 (1, 2, 3) of the Plymouth and South West Devon Joint Local Plan, the guidance contained within paragraphs 8.4, 13.66, 13.72, 13.77-13.79 of the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document and paragraphs 108 and 109 of the National Planning Policy Framework.

It is acknowledged that DEV29 (5) also requires that provision in made for zero-emission vehicles; an electric charging point is included within the proposal, adjacent to the new parking bay. The benefits of such a facility in addressing the impacts of climate change are noted. The impacts of climate change are not underestimated but options to address this issue are available beyond the site boundary and beyond the scope of the current planning application. On balance, the increased risk to highways safety is considered the more harmful impact arising from the proposal.

Conclusion

The proposal is likely to result in an increased risk to highways safety for two reasons; firstly, the proposed development would be likely to result in an access, which does not provide adequate visibility from and of emerging vehicles, secondly, the geometry of the access as proposed is likely to result in unacceptable manoeuvring on the highway, with consequent risk of additional danger to all users of the road contrary to the provisions of DEV29 (1, 2, 3) of the Plymouth and South West Devon Joint Local Plan, the guidance contained within paragraphs 8.4, 13.66, 13.72, 13.77-13.79 of the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document and paragraphs 108 and 109 of the National Planning Policy Framework. On this basis, the application is recommended for refusal.

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 26 March 2019, 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) 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 21 March 2019 and West Devon Borough Council on 26 March 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
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
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
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
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

A Neighbourhood Plan is currently under preparation for the Parish of Modbury; it has reached Stage 16 under The Neighbourhood Planning (General) Regulations 2012 (as amended).

The relevant policies are noted below;

POLICY MNP1: LOCATION, SCALE AND CHARACTER OF DEVELOPMENT
POLICY MNP2: DESIGN AND CONSTRUCTION
POLICY MNP7: SAFE MOVEMENT AND TRANSPORT
POLICY MNP13: SUPPORTING BIODIVERSITY

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the 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, Devon County Council Highways Standing Advice.

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.