

# PLANNING APPLICATION REPORT

**Case Officer:** Clare Stewart

**Parish:** Totnes **Ward:** Totnes

**Application No:** 0502/17/FUL

**Agent/Applicant:**

Mrs Marion Adams  
Hollytree House  
Lower Broomborough  
Plymouth Road,  
Totnes  
TQ9 5LX

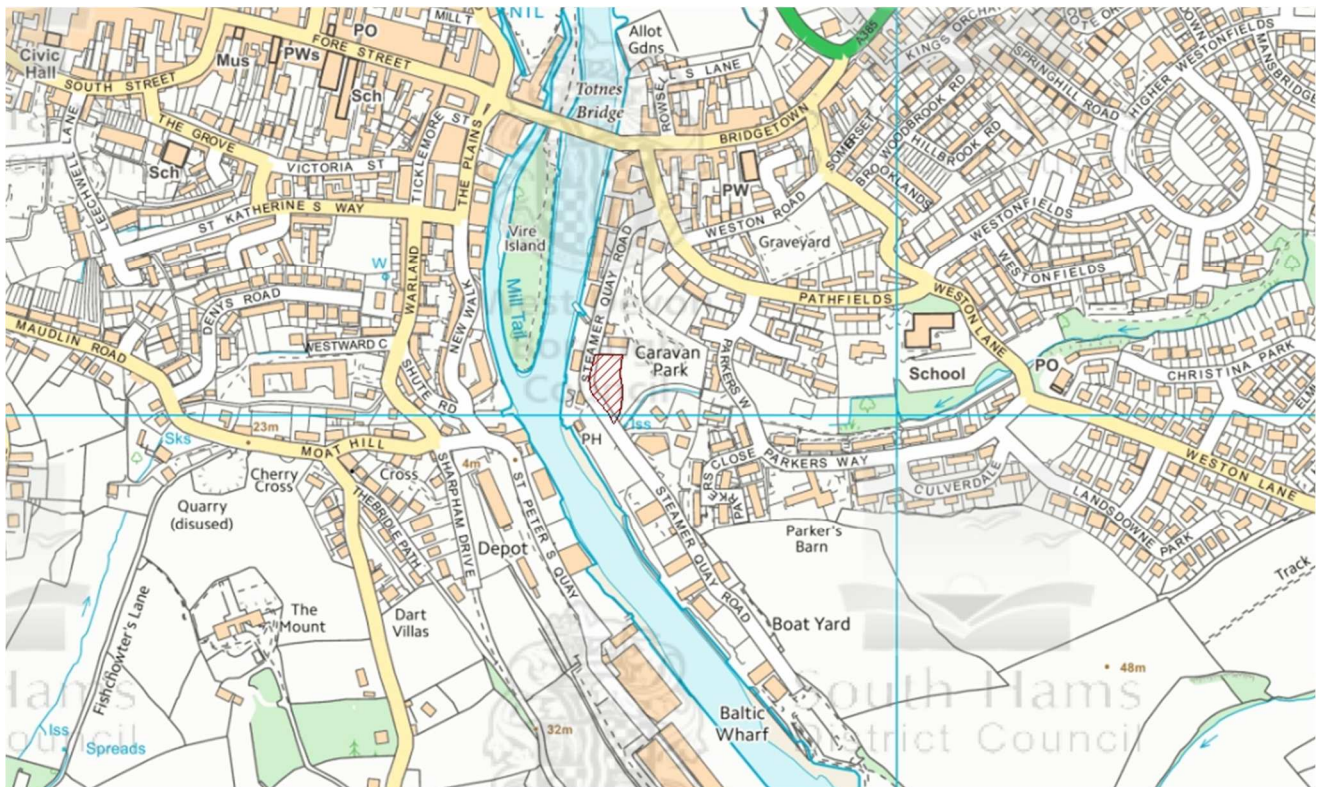
**Applicant:**

Totnes Boating Association  
Steamer Quay Road  
Totnes  
TQ9 5AL

**Site Address:** Totnes Boating Association, Steamer Quay Road, Totnes, TQ9 5AL

**Development:** Replacement of rotten wooden and chain link wire fencing with 2.4m high angle section galvanised steel fence and gates between Boat Storage Compound and Steamer Quay Road

**Reason item is being put before Committee:** This application has been bought before DM Committee in accordance with the Scheme of Delegation as SHDC is the landowner.



**Recommendation:** Conditional approval

**Conditions**

1. Time limit
2. Accord with plans

**Key issues for consideration:**

Visual impact, setting of Totnes Conservation Area.

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**Site Description:**

The site is situated to the east of Steamer Quay Road, and is bounded to the north by the Scout Hall (almost opposite the southern end of Vire Island). It is currently used as a boat storage area, and is bounded from Steamer Quay Road in part by wooden fencing at a height of approximately 1.6m with some steel chain link fencing towards the southern end. The latter section also features some scrub vegetation.

The boundary of the Totnes Conservation Area runs along Steamer Quay Road extending approximately half the length of the site (the site itself being outside the Conservation Area). The site lies within Flood Zones 2 and 3 and the Totnes Critical Drainage Area (CDA).

**The Proposal:**

Permission is sought to replace the existing boundary fencing along the Steamer Quay Road frontage with metal palisade fencing at a height of approximately 2.4m. Existing gateway locations would be retained.

**Consultations:**

- County Highways Authority – No highways related issues
- Totnes Town Council – *“All Cllrs present declared an interest due to the application being made by Cllr M Adams. There was a concern over the appearance of the fencing in such a visible location. It was agreed there were no objections subject to something being done to soften the look of the galvanised steel, e.g. planting of vegetation in-front of the fence.”*

**Representations:**

None received.

**Relevant Planning History**

None identified.

**ANALYSIS**

Principle of Development/Sustainability:

The principle of development in connection with the existing boat storage use raises no objection.

#### Design/Conservation:

The design of the proposed fencing is functional and somewhat industrial, however, in the context of the boat storage area which the fence would surround this is considered acceptable. Whilst the proposed new fencing would be higher than the existing (from approximately 1.6m up to 2.4m), the height of some of the boat masts in the storage area behind would still greatly exceed this. Totnes Town Council have requested that some measure be taken to soften the impact of the proposed metal fencing, for example planting vegetation in front. There is some existing scrub vegetation along part of the site boundary. Whilst the Applicant could be asked to consider the request for planting, in the context of the existing site Officers do not consider it reasonable to require such measures to be carried out and maintained by condition. The setting of the adjacent Conservation Area would still be preserved without such measures in this existing context (although it is acknowledged that this would become more difficult to argue were the new fence to be much higher than that currently proposed).

#### Neighbour Amenity:

No issues raised.

#### Highways/Access:

No issues raised.

#### Drainage:

As noted above the site is located within Flood Zones 2 and 3 and the Totnes CDA. Given the nature of the development proposed (which is for metal palisade fencing rather than solid fencing along an existing fence-line), it is considered the proposal does not raise any substantive surface water drainage issues.

#### Other Matters:

The application has been advertised as adjoining/affecting a Public Right of Way. This runs along Steamer Quay Road parallel with the north end of the application site. Whilst the proposed development would be visible from the PROW it would not be obstructed in any way and there would be no significant harmful impact on user enjoyment.

#### The Planning Balance:

The proposed development is considered to accord with the relevant Development Plan policies. Whilst the request for measures to soften the impact of the metal fence, in the context of the boat storage area which the site surrounds this is not considered entirely reasonable. The application is therefore recommended for approval as submitted subject to standard conditions as listed above.

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

#### **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.

The relevant development plan policies are set out below:

**South Hams LDF Core Strategy**

CS1 Location of Development  
CS7 Design  
CS9 Landscape and Historic Environment

**Development Policies DPD**

DP1 High Quality Design  
DP3 Residential Amenity  
DP4 Sustainable Construction  
DP5 Conservation and Wildlife  
DP6 Historic Environment  
DP7 Transport, Access & Parking

**South Hams Local Plan**

SHDC 1 Development Boundaries  
TP 7 Environment in Totnes

**Emerging Joint Local Plan**

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

<b>PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)</b>
SPT1 Delivering sustainable development
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV37 Managing flood risk and Water Quality Impacts

**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 in full:**

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 drawing numbers TBA 01, Plan A, Block Plan, Location Plan and Design and Access Statement received by the Local Planning Authority on 7th March 2017.

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.