



**Recommendation:** Conditional approval

**Conditions:**

Time

Accord with plans

Retention of proposed parking in perpetuity

Construction Environment Management Plan prior to commencement

Removal of Permitted Development Rights (B8 storage and distribution)

'Unit 1' for D1 homeless shelter as conforming to current land use

No demotion of current homeless shelter prior to March 2016

**Informative:**

Section 171 licence will be required to make kerb adjustments for new parking spaces

Protected species

**Key issues for consideration:**

The main issues are design and appearance, the public benefit of the homeless drop in centre, drainage, flooding, ecology and parking provision

**Site Description:**

The application site is situated on an existing industrial estate on the northern side of Totnes, between the A381 to the east and train station to the west. The site, which measures approximately 717.97 square metres, forms a relatively flat narrow strip of land located immediately off Burke Road. The site is bounded by to the north by the road, to the south east by a parking area and to the south west by South Devon House.

The site is currently occupied by two, single storey buildings. The building to the south of the site is a rendered blockwork, flat roof building which is currently used as an emergency drop in shelter. The existing planning unit subsequently carries a mixed B1 and D1 use.

The site is within flood zones 2 and 3 and the Totnes Critical Drainage Area.

**The Proposal:**

The application seeks full planning consent for the demolition of the existing buildings and their replacement with one larger building which would be subdivided to provide 5 individual units; four B1 and one D1 (the homeless drop-in shelter)

The building would measure approximately 45 metres by 7.6 metres with a height of 5 metres to the eaves rising to 6 metres to the ridge. It would be a steel frame construction, clad externally with composite panels with mezzanine floors.

The development will provide 357.2 square metres of floor space, divided into 4 units of 74.2 square metres and 1 unit of 134.6 square metres.

The proposal also includes 10 off road parking spaces, to serve the units, and makes provision for bin storage.

**Consultations:**

- County Highways Authority

Recommend approval subject to condition requiring Construction Environment Management Plan

- South West Water

No objections with applicant's proposal to continue utilising existing sewer connection for foul and storm.

- Totnes Town Council

No objection on basis homeless drop-in shelter will be retained

- Environment Agency

Objection due to lack of information – Revised comments received and objection maintained with regard to finish floor levels surface water drainage

**Representations:**

None received

**Relevant Planning History**

56/1812/11/CU - READVERTISEMENT: Change of use from offices (use class B1) to charity drop-in centre (use class D1) – Conditional approval

56/0540/13/CU - Change of use from D1 (homeless drop in centre) to allow overnight and temporary emergency shelter/accommodation in addition to the existing use as a D1 (homeless drop in centre). Conditional approval. Now ceased due to condition of approval:

*The use of the building for overnight and temporary emergency shelter/accommodation hereby authorised shall cease no later than 30th April 2015.*

*Reason: Permission is only granted having regard to the special circumstances of the case.*

56/3234/14/PREMIN - Pre-application enquiry for proposed demolition of existing building and construction of commercial building sub-divided into 5 units - Officer support forthcoming

**Analysis**

**Principle of development**

The site is located within an existing industrial estate in Totnes where there is no objection in principle with further development subject to its design. Due to parking restrictions a B8 use would need further consideration and therefore Permitted Development Rights to change the

use to B8 without requiring further planning permission are recommended to be removed through a planning condition.

### **Design/Landscape Considerations**

The building would take the form of a utilitarian industrial building finished in composite cladding. Although it is a sizeable structure it would be situated within an existing industrial estate where the existing character is of large, utilitarian buildings.

### **Residential Amenity**

There are no neighbouring residential buildings which would be affected by the proposed development.

### **Highways**

Devon County Council Highways Officers have not raised any objections to the proposal. They note that the footprint of the new building is less than that of the existing buildings and although it is proposed to subdivide the building to provide multiple units, the provision of off road parking is welcomed and will have a *'significant highway parking demand benefit'* within the area.

A planning condition requiring submission of a Construction Environment Management Plan, prior to the commencement of development, is recommended.

### **Drainage**

The applicants propose to continue using the existing sewer connection for foul and storm. South West Water have not raised any objections to the proposed development.

### **Ecology**

The submitted ecology survey confirms that the proposal will not disturb any protected species. *'None of the buildings were considered suitable for use by bats and no evidence of breeding birds past or present was identified'*.

### **Flooding**

The application is accompanied by an 'Emergency Flood Plan'. However, the Environment Agency, at the time of writing this report, are objecting on the basis that internal floor levels are not raised to an adequate degree and are insistent that the applicant provide overall betterment within the planning application.

However, the new buildings, in the opinion of officers, represent a significant improvement with regard to flood resilience and design, compared to the existing, more run down structures. In addition, a mezzanine is incorporated into each unit which provides a dry area for safe refuge. The D1 element, housing the homeless drop-in shelter, has a dedicated first floor.

Following consideration of the EA's comments, the SHDC emergency planning section maintain no objection stating that *'...as you may be aware Totnes is identified as a High Risk Community from flooding due to both the tidal and fluvial flood risks. Due to this status there is a Local Resilience Forum approved Evacuation Plan including locations of rest centres and the triggers that will be used to assess need to activate the plan. This development would be*

*covered by this plan and in my opinion this development could be easily accommodated within this plan.*

*There is also the added benefit that the applicant has provided a flood risk and emergency plan which demonstrates how the users of the buildings will be made aware of the flood risk and how the potential hazards will be mitigated through acceptable controls.*

*Therefore in my opinion this development can be safely delivered.'*

The applicant has undergone a sequential test of more appropriate sites within the area. This proposal maintains the current, established land uses and is within a designated Development Boundary and within a designated industrial estate.

As this is for the replacement of existing buildings, maintaining the current land uses, this is considered to be sequentially the most appropriate site for the development and the test is considered to be satisfied.

The applicant is under no obligation to ensure betterment through the new buildings, but, in the opinion of officers, has done so, and remaining concerns registered by the EA are not considered to represent a reasonable or sustainable reason to refuse the planning application.

### **The D1 drop-in shelter**

The homeless shelter provides a social benefit and officers consider it to fall within the remit of policy DP9 (Local Facilities). DP9 requires alternative provision to be made for the existing facility, either off site or within the new buildings.

The applicant has confirmed that the current D1 unit will be replaced within the new submission and this is reflected within the proposed floor plan, with 'unit 1' carrying a D1 land use. A condition is also imposed further restricting the use of unit 1 to that of a homeless drop in shelter, unless otherwise agreed through submission of a future planning application. This secures retention of a local facility within the new development as required within DP9. A separate condition is also recommended, ensuring retention of the existing building until March 2016, to secure provision of the drop-in shelter through the Winter period.

### **Conclusion**

For the reasons outlined above this application is considered acceptable and in accordance with the relevant development plan policies. This application is therefore recommend for approval subject to appropriate conditions.

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

### **Planning Policy**

#### **South Hams LDF Core Strategy**

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

## **Development Policies DPD**

DP1 High Quality Design  
DP2 Landscape Character  
DP3 Residential Amenity  
DP5 Conservation and Wildlife  
DP7 Transport, Access & Parking  
DP9 Local Facilities

## **National Planning Policy Framework**

### **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.