

## OFFICER'S REPORT

<b>Case Officer:</b>	Lucy Hall		
<b>Parish:</b>	Totnes	<b>Ward:</b>	Totnes
<b>Application No:</b>	3995/23/FUL		
<b>Applicant:</b>	Baltic Wharf Developments Ltd and TQ9 Partnerships c/o Agent	<b>Agent:</b>	Miss Nicola Lovell Avison Young St Catherines Court Berkeley Place Clifton Bristol BS81BQ
<b>Site Address:</b>	Baltic Wharf Boatyard St Peters Quay Totnes TQ9 5EW		
<b>Development:</b>	Full planning application for the phased delivery of a mixed-use development comprising marine workshops (Use Class B2) and boat storage, offices (Use Class E), care home (Use Class C2), houses and apartments (Use Class C3), mixed commercial uses (Use Class E) and associated infrastructure.		

### Recommendation: Refusal

#### Reasons for refusal:

1. The application does not accord with allocation policy TTV21 and does not satisfy the requirements of that policy read as a whole. This is a fundamental failing recognising the importance of planning decisions being plan-led.
2. The proposed development, by virtue of scale, massing, layout and design, would not integrate into the existing area and would be injurious to the distinctive townscape character, scenic qualities and landscape setting of Totnes. The proposals include the removal of significant lengths of hedgerow, and would likely harm important existing landscape features, without adequate justification or mitigation. As a result, the application is not considered to accord with the allocation policy TTV21 and also conflicts with policies DEV20, DEV23, DEV25, DEV28 of the adopted Plymouth and South West Devon Joint Local Plan and policies V1, En2, En3, EN4, and En5 of the made Totnes Neighbourhood Plan.
3. Insufficient information has been submitted to demonstrate that the proposed development is acceptable in terms of providing safe and suitable access for all users including the boatyard. Where it has not been demonstrated to the satisfaction of the local planning authority that conflicts between pedestrians and vehicles can be safely managed, the risk to safety is considered to be unacceptable and the application therefore does not accord with policies TTV21 and DEV29 of the Plymouth and South West Devon Joint Local Plan and the provisions within the National Planning Policy Framework.
4. Insufficient information has been submitted in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered and have been adequately designed to ensure that they suitably manage surface water runoff and drainage

from the site, contrary to policy DEV35 of the adopted Plymouth and South West Devon Joint Local Plan and the provisions within the National Planning Policy Framework.

5. In the absence of a signed s106 Agreement or similar undertaking to provide for appropriate contributions there would be an unacceptable impact on local infrastructure and under-provision of affordable homes. The application would be contrary to policies DEV8, DEV30, of the adopted Plymouth and South West Devon Joint Local Plan and the provisions within the National Planning Policy Framework.

**Key issues for consideration:**

- Principle of Development
- Housing Mix and Viability
- Landscape and Townscape
- Trees
- Local and Maritime Economy
- Heritage
- Highways/Access
- Ecology
- Flood Risk and Drainage
- Open Space, Sports and Recreation
- Planning Obligations
- Other matters, including energy efficiency; residential amenity; fire risk; waste; security; air quality; and land contamination.
- Scheme Benefits
- Planning Balance

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**Site Description:**

The application site is located at the southern end of the town of Totnes on the western bank of the River Dart, and forms part of an area known as Baltic Wharf. The area marks the boundary of where the built up part of Totnes meets the open countryside. Previous local plans have allocated Baltic Wharf for redevelopment and the land to the north of this site has already been developed to provide housing.

The site has a total area of around 9 hectares. Around 4.5ha is previously developed land and around 4.5ha is made up of fields (previously consented open space). The previously developed part of the site had a long-standing use as a timber business, importing wood, until the 1990s when it ceased trading. The site subsequently provided a mix of commercial uses including a boat yard, light industrial uses, offices and storage. There are a number of existing buildings of varying quality and the previously developed element of Baltic Wharf has been built on re-graded land to form platforms with dividing retaining structures.

The existing buildings, concentrated along the river frontage extend to around 7,494 square metres, and are detailed within the planning statement.

- Building 1 289.75m<sup>2</sup> - At the northern end of the lower platform there are offices for the boatyard and chandlers in a single storey portacabin partly under cover of a structure with timber roof and open sides.
- Building 2 69.87m<sup>2</sup> - (x2 floors) = 139.7m<sup>2</sup> two storey domestic scale office building. • Building 3 2708.01m<sup>2</sup> and Building 4 1869.46m<sup>2</sup> - two timber framed buildings, with car parking to the east of the buildings up to the quayside.
- Building 5 2411.25m<sup>2</sup> - a large open sided timber and steel frame structure which formerly housed "Docking Solutions", now in a poor state of disrepair and last used for storage.
- Building 6 75.79m<sup>2</sup> - small building at southern of site

The fields forming the western part of the larger site slope steeply from west to east down to the built part of the site and its frontage with the River Dart. A stream flows down one of the fields in a westerly

direction, which is then culverted under the built part of the site before discharging into the River Dart.

The site benefits from existing vehicular access from the north via St Peters Quay, although there is currently no public access into the existing developed part of the site.

There is an existing public right of way along the western boundary 'Footpath 2 which forms part of the Dart Valley Trail and John Musgrave Trail'. There is also public access from this footpath through the undeveloped part of the site which leads to Baltic Way and onto St Peters Way. This enters the site at its northern end from St Peter's Quay, cuts through that part of the site comprising Baltic Wharf Business Park, but with no defined route on the ground, and then follows the fence line between the built part of the site and the open fields to the west to the southern boundary of the application site.

There is existing development to the north, including commercial and residential. The residential development of 95 homes, which formed phase 1 of the wider redevelopment of Baltic Wharf is situated to the west of St Peters Way, off Baltic Way. There is also further residential development beyond Baltic Wharf to the north (off New Walk and Shute Road) and to the west (off Sharpham Drive and Moat Hill).

To the north of the site and east of St Peters Way, development is mainly commercial. The site is adjoined by the 'The Sail Loft' which is 3 storey (part 3.5 storey) residential accommodation. Tor Homes occupy an office building along this River frontage with associated surface level parking, and next door is "Valeport" a part timber/part corrugated metal clad building with associated parking. There is a waste water pumping station and a vacant plot with permission for an office block of 15,000 sq.ft between Valeport and the application site (under construction).

To the east is the River Dart, and on the opposite side are a range of commercial buildings, public car park and public footpath (Berry Pomeroy Footpath 8 which runs south). There is residential development beyond on the rising land to the east, and various public footpaths which lead to it.

With regards to designations, the site is very close to the Totnes Conservation Area, which runs from the northern side of St Peters Quay towards the town centre. The nearest listed buildings are four dwellings on New Walk (to the north of St Peters Quay) called The Sail Loft, Ebb Tide, Fiddlers Green and Mila, as well as a Public House (Steam Packet) which are Grade II Listed. Shapham House, Historic Park and Gardens lies to the south east and south west of the site.

The existing developed part of the site is within flood zone 2 and 3. The site is within the 250m buffer zone for Greater Horseshoe bats and within a 250m buffer of a historic landfill. Most of the land surrounding the site, with the exception of the developed part of the site, and phase 1 to the north is within the Undeveloped Coast. The site is not within the South Devon National Landscape but is within its setting, as the boundary is approximately 0.5km to the south-east of the site.

### **The Proposal:**

The application seeks full planning permission for *'phased delivery of a mixed-use development comprising marine workshops (Use Class B2) and boat storage, offices (Use Class E), care home (Use Class C2), houses and apartments (Use Class C3), mixed commercial uses (Use Class E) and associated infrastructure.'*

A comprehensive description of the proposed development is provided within the supporting documents including the planning statement and design & access statement.

### Proposed Uses

- The application proposes 194 open market units.
  - 56x 1 bed; 95x 2 bed; 30x 3 bed and 13x 4 bed.

All proposed dwelling sizes comply with the Nationally Described Space Standards, which is a requirement of JLP policy. The dwellings would be arranged across the site.

- Following viability review, it is understood that the Applicant proposes to agree a planning obligation which will provide for the provision of 6% affordable housing (the contribution identified as being capable of being viably secured by the Council's independent consultant). That is not the 30% ordinarily expected under policy DEV8 but this should also be considered in light of the other provisions of that policy and read against policy DEL1.
- A three-storey care home (use class C2) with 55 beds. The proposed building 'P1' would be located to the south-west of the development between the hillside and boatyard.
- A boatyard is proposed at the southern end of the site. The boatyard includes two office buildings (proposed for use class E) located at the southern end of the site. Building 1 will have a gross internal area of 736.4 sqm and Building 2, 565.7 sqm. There will also be a boatyard chandlers/reception which will total 72.7 sqm in area. 4.7 The boatyard will also include two workshop buildings (use class B2), the first totalling 1,135.4 sqm and the second totalling 597.8 sqm in area. The total of the two is 1,733.2 sqm. 4.8 The area for boat storage equates to 9,586 sqm.
- The application also includes commercial space. Office space will be provided within Building A over 3 storeys with a total area of 539.50 sqm. Building F will also include 253.6 sqm of use class E space. Mixed commercial uses will be located on the ground floor of Building A, B, E and P2. The proposed floorspace respectively is 202.3 sqm, 71.7 sqm, 252.2 sqm and 96.3 sqm (GIA) making a total mixed commercial area of 622.58 sqm. These areas are intended for high street type uses within Class E potentially in the form of small-scale retail, café, restaurant or 'maker spaces'.
- The application includes provision for 324 car parking spaces: 241 for residential, 13 for the care home and the remaining 70 spaces allocated to the commercial use or as visitor spaces. Most of the spaces would be provided within a parking deck underneath the buildings. The application also makes provision for 464 cycle spaces, with 1 space per bedspace and additional spaces for the commercial use.
- The hillside in the western part of the site would generally remain undeveloped and would be opened up for public use to provide 'recreational parkland with play areas and informal walks'.

The proposed plans include pontoons along the water's edge. However, these are located outside of the red line and do not form part of the application.

### Design elements

The proposed site layout contains distinct character areas, summarised as:

- a. Baltic Wharf: Public realm along the waterfront, located between the river and the four, wharf-style apartment blocks, with shared pedestrian and vehicle use (vehicle access to the boatyard and for the community bus). An elevated public square is located at the south end of the wharf, next to the boatyard.
- b. Baltic Deck: an elevated, pedestrianised 'street' (with parking provision beneath), through the centre of the site, giving access to the apartment blocks and townhouses on the Deck and to the apartment blocks along the Wharf.
- c. Baltic Lane: Smaller scale dwellings accessed from a shared surface street on the west of the Site, adjacent to the hillside.
- d. Riverside - hillside links: east-west streets and alleys providing public realm connections between hillside and waterfront, giving some permeability to the layout and giving views of the river.
- e. Boatyard: boat storage and associated employment space to the south of the site.
- f. Informal public open space: the hillside on the west of the site.

The buildings across the site vary in their scale and height, generally decreasing in size as they move from the river towards the hillside.

Blocks A – E will be situated on the frontage between Baltic Wharf and Baltic Deck. Including the parking deck level below, Block A consists of 3 stories; Block B has 5 stories; Block C contains 6 stories; Block D also includes 6 stories, and Block E comprises 5 stories.

Block F, Block M, Block N, and several smaller units 'T03' will be located immediately behind, off Baltic Deck. Including the parking deck, Block F is 4 stories high, while Blocks M and N are 5 stories each.

The proposed boatyard will be situated on the southern side of the site. Two, 2 storey structures, 'Boatyard 1' and 'Boatyard 2', will be positioned at the far south, adjacent to an L-shaped building comprised of Block P1 and Block P2.

Blocks P1 and P2 have been designed to 'wrap around' the boatyard and are intended to act as a transitional building between the boatyard and residential uses.

The supporting documents indicate that the building typologies are simple, typically featuring double pitched roofs over basic blocks. Larger buildings are broken down, appearing as two interlinking blocks. Projecting balconies punctuate the apartment elevations. The boatyard buildings have been designed to have an industrial aesthetic.

The external palette for the walls includes brick, stone, render, corrugated metal cladding, slate hang, and non-combustible cement cladding. The roofing materials comprise a mix of single-ply finish and slate finish.

The open hillside to the west would remain open with landscaping added to provide recreational parkland with play areas and informal walks.

#### Access

There will be two vehicular access points. The first, from St Peter's Quay at the junction with Baltic Way, will lead to the deck level in the northwest of the site and the second access, from the northeastern side on St Peter's Quay, will provide vehicle access to the wharf level, where most parking spaces are located underground.

Pedestrians can access the site from multiple locations, including three on the western boundary connecting to the NCN 28 walking and cycling route. They can also use vehicle access points.

The application has been subject to review by a Design Review Panel. The findings of the DRP have been noted and considered in determining the application.

#### **Consultations:**

- Town Council Objection

*Totnes Town Council objects to this application on the following grounds (see attached document that provides details of the objection, as it exceeds the character limit):*

*Design*

*Access*

*Public Realm and Open Spaces*

*Boatyard*

*Impact on the Town (Health and Education)*

*Flooding*

*Lack of Affordable Housing*

### *Travel/Traffic*

*The Committee supports the points made by the South Hams Society on the application.  
The Committee commends the SHDC officer pre-application input on the designs.*

- Devon & Somerset Fire & Rescue: No comments at this stage and note a statutory consultation will be undertaken between the Building Control Body and Fire Authority.
- Waste (DCC): No objections, recommend a pre commencement condition.
- Archaeology (DCC): No comments, unlikely development will have any impact on significant heritage assets with archaeological interest.
- Affordable Housing: Without affordable housing the proposal is not policy compliant, but the scheme will be assessed through the Council's viability consultant.
- Environment Agency: No objection subject to planning conditions (applicants have worked with the EA to address their objections)
- Dart Harbour: Objection
  - Although the reduced boatyard is considered to be viable the application doesn't include details on the number of boats that will be able to be stored and maintained on the site. Location of the paint shop building means there is limited space for boats to be moved between the slipway and main storage area.
  - Proposed height of the buildings, close to the river bank may create a wind tunnel effect. Area is well used by vulnerable river users who are susceptible to strong winds and gusts.
  - Disappointed the proposal means the full area of Baltic Wharf would no longer be available for future marine use.
  - Lighting scheme along the waterfront appears excessive and would impact navigation in the area.
  - Site is a gateway to Totnes and the proposal doesn't appear to reflect this.

Following matters were also raised as comments: -

- No objection in principle with some limited pontoon space for visiting boats but exact locations need to be considered carefully due to bends in the channel.
- Support the proposed large workshop buildings. Request condition to ensure they are retained for marine employment.
- To avoid any employment gaps, request a condition requiring the new boatyard area to be substantially complete before the northern part of the existing boatyard is closed for the housing development.
- Existing quay is an important asset to the Dart Harbour. Welcome its retention but limited space in the boatyard may mean its impractical to use the quay e.g., unlikely to be space to turn a 16.5m articulated lorry. Space should be allocated on the quay in front of the proposed housing for occasional use by heavy vehicles.
- Pleased to see the proposal offers better public access to the waterside in this area and on the Dart Valley Trail.

Following a response from the Applicant, the Harbour Authority provided the following additional comments:

'We are maintaining our objection on the following points:

1. We are still somewhat concerned about the viability of the boatyard. We have asked for, but have not been supplied, a diagram demonstrating that the remaining site will be able to be used for the number of boats and cars described in the application. The developer commented that they were unwilling to produce this as each season would have a different setup, however an indication of a typical season would be very

reassuring. The sketch plan on page 23 of the DAS only shows just over 100 boats of about 10m length in a fairly tightly massed plan, which is far short of the 175 boats they have described, and this is without parking for the large number of staff working on the boatyard site – presumably the majority of the 300 permanent positions expected on site. We would estimate that these cars could use between 33-50% of the land designated as Boat Storage area.

2. We are still concerned that the height of the buildings on the water's edge may create something of a wind tunnel on the water which may impact river users in this area. We discussed this with the developer, and he dismissed our concerns, however it is apparent in other harbours with mid-height buildings on a long straight waterfront in a valley (e.g. Bristol) that the wind can be funnelled through the site.
3. This objection is no longer relevant, given that outline planning permission is already in place.
4. The developer told us that the lighting scheme would not cause back-scatter. Provided that this is the case, we withdraw this objection.
5. We have not seen an overall view of the site from the south 'Gateway' direction, so cannot alter this objection at present. We are concerned that the first site that the thousands of visitors arriving in Totnes by boat will see is a large industrial building. On discussion with the developer, he felt there was an opportunity to create an exciting gateway to the town in this area, which could be a good solution, but we have not seen any plans to put this into place.

Regarding our comments –

6. We would still support a discussion on some additional pontoons
7. We would still like to see a condition to ensure marine employment on this site
8. We understand from the developer that the plan is to schedule the work as we suggested
9. We are pleased to see the developers note that HGV access will be maintained
10. We still like the improved access to the water.'

- Public Health (DCC): Concerns that the proposal doesn't provide any affordable housing.
- Waste (DCC): No objection but request a pre commencement condition requiring the submission of a waste audit statement.
- Ecology (DCC): No objection following final information received on the HRA and lighting matters –
  - *"With the conditions in place to secure the retained, compensatory and enhanced hedgerow features through the landscape design, an Ecological Mitigation and Enhancement Plan and a Construction and Ecological management Plan, and through securing the proposed lighting design/strategy, that there would no adverse effect on the integrity of the South Hams Bat SAC."*
- Waste (SHDC): No objection, condition recommended to secure additional information.
- Natural England: No objection subject to conditions.
- Devon and Cornwall Police, Designing out Crime Officer: No objections, provide advisory comments and request a number of conditions
- NHS: Request £114,500 to provide additional GP space to support the development.
- NHS Torbay and South Devon: Request a contribution of £118,603 towards the gap in funding created by each potential patient from the proposed development.
- Active Travel: Refer to standing advice but would like to be notified of the decision.

- Education (DCC): No contributions being sought on the basis there is considered to be sufficient capacity for the number of pupils likely to be generated by the proposed development.
- National Highways: No objection
- Lead Local Flood Authority: Holding objection, request confirmation that under-drained permeable paving and rain gardens and tree pits could be assessed. This information would allow a condition to be imposed.
- Local Highway Authority: No objection based on public highway impacts but raised concerns about safety implications of the internal layout.
- Greenspace and Recreation Officer: Objection
  - Queries and comments regarding the public open space provision need to be addressed.
  - There is currently an under provision of play compared to policy requirements.
  - The proposed planning obligations in the Planning Statement do not provide for off-site contributions towards allotments or playing pitches/sports facilities.
- Tree Officer (SHDC): Objection
  - The relatively low arboricultural baseline values of the site are recognised and the proposed mitigation would increase tree numbers in accordance with Table 28 of the SPD for Trees, however this must be balanced against the degradation of 2 of the few principal sylvan features on site to afford greater numbers of parking and a retaining wall to create gardens behind units, and the non-agreement with inclusion of planter trees to the numbers derived.
  - S7.160 of the JLP Supplementary Planning Guidance requires the adherence of all applications to the mitigation hierarchy which in the first instance requires loss to be avoided. It is not demonstrated conclusively that such has been applied to the loss of a significant proportion of H637 and the impact upon G611- 613. It is possible that the losses and harm detailed could be avoided by way of design changes given the size of the allocated site.
  - The importance of mature tree planting along the water facing element of the public realm is raised in the Design and Access Statement and recognised as being of great import to officers. The proposed numbers and species of trees does not offer suitable presence given the size of the buildings and the length of the frontage.
  - Other matters not discussed are considered either neutral in impact or the mitigation is agreed with as being acceptable and practically deliverable.

Landscape Officer: Objection

- The design approach of creating distinct character areas within the site is supported in principle, but I am of the opinion that the scale, height, mass and some of the detailing of the scheme are not sympathetic enough to local character and do not relate well enough to context within which they are proposed.
- The 'Warehouse' design intent for the riverside buildings is broadly appropriate but, in order to better respond to the local identity, character and distinctiveness of Totnes, the scale and form of new buildings and the density of development should gradually change towards the southern parts of the development to avoid an abrupt transition from urban to rural at the settlement edge.



- The height and scale of the larger apartment blocks and townhouses, in addition to being out of character, will allow limited views of the river and wider landscape from within the site. Public views currently experienced from the hillside footpaths and elsewhere beyond the site boundaries will also be detrimentally affected by the substantial increase in the scale of built form across the majority of the main development site.
- It is acknowledged that the site is challenging to develop, with key constraints that include flood levels, topography, vehicle access and movement around the site, and access to the boatyard. These constraints have influenced the design response, but they do not justify development that is too dense, and that fails to fully respect the distinctive townscape character, scenic qualities and landscape setting of Totnes.
- Economic Development (SHDC): Objection

‘In summary, the proposal is a reduction in the boatyard space which could have a negative impact on its viability and the role it can play in supporting the local marine sector. The proposed commercial space, while meeting the volume required, is conducive to a low wage, low skilled economy which could compete for employment opportunities with those present in the high street. The commercial viability of typical users of the proposed commercial space is reduced by the lack of direct access to the waterfront (that isn’t affected by vehicle movements), and there is nothing that we can see in the way of an innovative, forward-thinking approach to the provision of employment space which would benefit the town or be accessible to people who are likely to live in the proposed development, which Baltic Wharf has the potential to provide. As per our previous advice, Baltic Wharf is an existing employment site which is being brought forward for a mixed development, but the balance between the proposed volume of dwellings versus high quality employment opportunities still gives it the appearance of a housing development with the employment squeezed in where possible. As a result, economic development cannot support this proposal.’
- Environmental Health Officer: No objection subject to conditions
- Emergency Planner: applicant will need to produce an emergency plan for the site.
- Heritage Officer (SHDC): Comments (summarised)
  - It is not clear why an assessment of the Castle has been omitted.
  - The applications would pose ‘less than substantial harm’ to the setting of the designated heritage assets of the RPG, castle SM and Conservation Area.’
  - It is not clear how steps 3 and 4 of GPA3 have been adhered to.
  - Accepts that harm to the Castle would be ‘very slight’.

## **Representations:**

The Council has received approx. 495 objections, 5 supporting letters and 9 comments. The issues raised are summarised below.

### **Objections**

- Excessive number of dwellings proposed
- Increased traffic which will cause congestion in the town and on surrounding roads including New Walk and St Peters Way.
- Existing local services will become stretched and strained – GP surgery. Application does not propose additional infrastructure.
- Contrary to adopted planning policies
- Totnes doesn’t need an additional care home
- Proposal will not general employment opportunities for locals
- Development will have an adverse impact on neighbouring dwellings

- Proposal will adversely impact the existing commercial use of the site and vastly reduce the boatyard, an important facility in a waterside town.
- Proposal represents an overdevelopment
- Development will adversely impact on the leisure area of the River dart.
- Proposal will not advantage the existing Totnes community
- No affordable housing.
- Dwellings will be out of reach for locals, likely to be used as second homes and holiday lets.
- Existing boatyard is a regional hub for different maritime trades.
- Proposal could have an adverse impact on the existing retaining wall on St Peters Way.
- Where will the contractors park?
- Risk of future flooding.
- Loss of well used amenity space.
- Proposed buildings are too high
- Developers should focus on the Dairy Crest.
- Proposal will have an adverse impact on the Sharpham Estate
- Ecological information is not up to date.
- No training and employment opportunities for young adults.
- Proposal does not integrate well with the town.
- Could have an adverse impact on the existing town centre.
- Area should focus on boating/waterside activities.
- The ecological information does not mention barn owls. While the buildings may not offer the ideal roost/nest potential, potential does remain. Barn Owls are protected in law from any disturbance during nesting. A mitigation strategy should be in place.

#### Support

- Welcome employment opportunities for the town.
- Opportunity to gain revenue from council tax and commercial properties
- Dwellings should be restricted to locals of Devon and Cornwall
- Application will secure the future of the boatyard
- Application will provide much needed housing for Totnes.
- Significant opportunities for construction workers.
- Proposal will ensure the town thrives.
- Site requires significant investment to stop it becoming a derelict site.
- Application should be approved without delay.
- The site is not a historic boatyard, and in fact was a quayside timber mill which employed significant numbers of people.
- Bring diversity to the town.

#### Relevant Planning History:

- 56/1030/96/3, Conversion of existing building, and erection of new buildings provide workshops & offices, with a boat basin. Conditional Approval
- 56/0928/09/O Mixed use development comprising; up to 6,300 sq.m. marine and business centre and further offices; up to 11,000 sq.m. boat storage; a continuing care retirement community including up to 60 bed nursing home and up to 100 assisted living units and communal facilities; up to 250 dwellings comprising open market, affordable housing and live/work accommodation; up to 950sq.m. of cafe and restaurant uses; small scale retail, financial and professional services; public plaza; car parking; internal roads, cycleways and paths; formal and informal open recreation space; wetland area; riverside walkway; and electricity sub stations. Refused
- 56/1939/10/O Resubmission of planning reference 56/0928/09/O for mixed use development comprising; up to 3320 sq.m. (GIA) marine and business centre and further offices (comprising 1720 sq.m. (GIA) B2 marine workshop and 1600sq.m. (GIA) B1a

offices/marine); up to 11,000 sq.m. boat storage; a continuing care retirement community including up to 60 bed nursing home and up to 80 assisted living units and communal facilities; up to 190 dwellings comprising open market, co-housing (and common house), affordable housing and live / work accommodation; up to 500 sq.m. (GIA) of cafe and restaurant uses, small scale retail, financial and professional services; public plaza; car parking; internal roads, cycleways and paths; formal and informal open recreation space; wetland area; riverside walkway and electricity substation. Conditional approval

- 56/0103/13/O Variation of conditions 3 (Phasing Plan), 4 (Design and Access Statement & Development Framework Plan & Schedule), 5 (Phasing Plan), and 7 (Gross External Floor Area) of planning approval 56/1939/10/O (mixed use development comprising; up to 3320 sq.m. (GIA) marine and business centre and further offices (comprising 1720 sq.m. (GIA) B2 marine workshop and 1600sq.m. (GIA) B1a offices/marine); up to 11,000 sq.m. boat storage; a continuing care retirement community including up to 60 bed nursing home and up to 80 assisted living units and communal facilities; up to 190 dwellings comprising open market, co-housing (and common house), affordable housing and live / work accommodation; up to 500 sqm. Conditional Approval
- 56/0104/13/RM Reserved Matters Application (phase one of development comprising 93 dwellings, roads and footways through site landscaping, access and associated highway works) pursuant to outline planning permission 56/1939/10/O. Conditional Approval
- 56/0654/13/RM Reserved Matters application for non co-housing replan (approval sought for replacement of the common house with two dwellings together with changes to parking arrangements) of part of phase one (56/0104/13/RM) of Baltic wharf re-development pursuant to outline approval 56/1939/10/O. Conditional Approval
- 56/2292/12/SCROP Request for screening opinion for Phase I project as part of the overall redevelopment within the outline application (56/1939/10/O). EIA not required

## ANALYSIS

### Principle of Development:

The lead policy for the assessment of the principle of development is policy TTV21 and it is recognised that the site has been allocated in the development plan.<sup>1</sup> This is the starting point for the determination of the application.

Policy TTV21 is laid out as follows:

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<sup>1</sup> Having, in effect, carried forward an historic, extant planning permission and being allocated in previous development plan documents.

## Policy TTV21

### Land at Baltic Wharf

Land at Baltic Wharf is allocated for a mixed-use redevelopment, including residential, marine / employment and commercial uses. Provision is made for in the order of 190 new homes and 3,300 sq.m. employment floorspace (Use Class B1 and B2). Development should provide for the following:

1. A continuing care retirement community including a nursing home (up to 60 bed spaces) an assisted living facility (up to 80 units) and communal facilities.
2. Retention of boatyard and associated facilities.
3. Footpath and cycle path provision including riverside access and connectivity to the Totnes – Ashprington route and towards the town centre.
4. Appropriate flood risk mitigation measures.
5. Submission of a site specific mitigation plan to ensure that all new development does not have any negative impact on the greater horseshoe bat species and their flight paths within the protected South Hams SAC.
6. An appropriate strategy to mitigate for any impact on the A385 Air Quality Management Area.
7. A high quality form of development which integrates with the existing area and the setting of nearby heritage assets.
8. Extensive public access to the riverside.
9. Investigation and remediation of contaminated land.



Among other matters, the supporting text to the policy explains that phase one of the housing is 'largely complete, with the other elements of the scheme, including employment provision and further housing, to be commenced' (para. 5.105). The 'phase one' referred to is the 95-dwelling Bloor Homes development that is immediately north of the application site within the same allocated area. Thus, 95 of the 'in the order of 190 new homes' allocated by policy TTV21 have already been accounted for, leaving a remaining balance of in the order of 95 homes to be delivered.

Paragraphs 5.106 and 5.107 also highlight the flooding and ecological constraints of the site and that any development is required to positively address those issues.

Paragraph 5.110 explains that taking the policies relevant to the town together, Totnes is to provide for 528 new homes and 7,700sqm of employment floorspace. Considering the spatial strategy for

Totnes, the two other mixed use allocations, TTV22(4) and TTV22(6), are expressly anticipated to deliver 4,400sqm of employment floorspace; hence, the remaining balance tallies with what is expressly set out for the application site under policy TTV21.

Considering the foregoing, the various criteria of deliverables that development should provide for are considered in turn:

- The application proposes 194 dwellings which, coupled with the 95 delivered under phase one of the allocation, is far in excess of the 'in the order 190 new homes' anticipated in the policy (289 new homes in total). Typically, officers would exercise some caution in viewing an uplift of housing in a negative light (and the comments of the JLP Policy Officer are noteworthy), but it must be remembered that there is great importance in planning decisions being plan-led. Furthermore, the numbers expressed in the policy are not arbitrary: they have meaning and are also inherently related to the capacity of the site bearing in mind its constraints and the balance of other required deliverables. The application fails in this respect, and it is a misdirection for the Applicant to state that there is only a net increase of 19 homes; this betrays a misunderstanding of the 80-bed assisted living facility requirement considered below (that facility being absent from the proposals). In pure unit numbers it may be a limited increase but this matters because of the significantly altered mix of accommodation to be provided i.e. the increase of housing vs the loss of extra care.
- The application proposes an overall employment floorspace of 4,523.78 sqm (including 622.57sqm mixed commercial). This is in excess of the 3,300sqm provided for within the policy. Again, this is not necessarily objected to on its face but clearly it is incumbent upon the applicant to demonstrate how the volume of spaces and mix of uses can be acceptably laid out bearing in mind the constraints of the site and other policy requirements. It is noted that the mix of employment uses includes E uses that are not considered appropriate for the location.
- A care home of 55 bed spaces is provided in accordance with the policy. However, no assisted living (also known as "extra care housing" or "housing-with-care") facility is provided. This is an obvious failing of the application. As the PPG makes clear as an expression of Government policy, the need to provide housing for older people is *critical*. It is not considered relevant to offer a trade-off in relation to increased market housing, or in reference to any retirement living / sheltered housing elsewhere in the town (e.g. the Churchill Retirement Living development) because they are conceptually different types of housing for older people with either no or less care provided by way of comparison. The policy requires the delivery of an extra care/assisted living facility, and this has not been provided. The application fails in this respect and is in conflict with the allocation policy.
- The boatyard and associated facilities would be retained albeit in a reconfigured form. Strictly speaking this aspect of the policy is adhered to but clearly a textured judgement is required in determining whether that reconfiguration would support and not hinder the viability of the boatyard operations.
- Footpath and cycle path provision have been provided but the concerns raised by the Highway Authority regarding potential conflicts with users on 'Baltic Wharf' are noted. These concerns are serious and are explained more fully under the Highways section of this report below.
- The EA is content that appropriate flood mitigation measures have been provided but an acceptable drainage strategy which satisfies the LLFA has not been provided at this point in time.
- The policy requires a specific plan of mitigation to ensure that there is no negative impact on the greater horseshoe bat and related to the protected South Hams Special Area of Conservation ('SAC'). General ecology considerations are considered elsewhere in this

report but in relation to the SAC the County ecologist remains dissatisfied with the information that has been submitted and in respect of potential lighting impacts. In the absence of adequate detail, it is appropriate that the Council take a precautionary stance on this issue.

- The application is supported by an Air Quality Assessment in relation to the Totnes A385 Air Quality Management Area. The EHO considers the information to be acceptable.
- In light of the objections received from relevant consultees regarding landscape/townscape and arboriculture, it is not considered to be the case that the development is of a high quality that integrates with the existing area. It is not agreed that the comments and issues raised by the DRP have been appropriately addressed. The development also does not integrate with the setting of nearby assets where even on the applicant's case there would be less than substantial harm to Sharpham House RPG and Totnes Conservation Area (the heritage officer identifies further harm to the Castle). Relevant considerations are further explored under subsequent headings in this report but for the purposes of policy TTV21 this is a further failing of the application.
- Extensive public access is provided to the riverside in accordance with the policy, but the safety of such access and risk of conflict forms a key concern of the LHA.
- Issues relating to contaminated land have been positively addressed in accordance with the policy.

Overall, the application does not score positively when assessed against the lead allocation policy TTV21 because it conflicts with this policy in various respects as set out above. The application conflicts with the allocation policy as a result. This is a fundamental failing of the application, and for this reason it does not accord with the development plan taken as a whole such is the importance of the policy conflict identified.

### **Housing Mix and Viability:**

The need for affordable housing is made clear under policies SPT2 and TTV2 of the JLP. The specific requirement for the provision of such is set out under policy DEV8 and reinforced by policy C4 of the Totnes Neighbourhood Plan ('TNP'). In this case that means delivering at least 30% affordable housing.

The applicant has maintained that the proposed development cannot support affordable housing without public subsidy i.e. that the scheme cannot viably provide any affordable housing on its own feet. The Council has had this position tested by independent, external review.

The result of the external review is that a fully compliant policy scheme based on the proposed application development is not viable. However, based on the current available information, the development can deliver in the region of 6% affordable homes on site with a reasonable profit to the developer.

The failure to provide at least 30% affordable housing, without adequate justification, is a prima facie breach of policy DEV8, which requires 'a minimum of at least 30 per cent on site affordable housing' for schemes of 11 or more dwellings. The policy is restrictive in explaining the circumstances in which provision in lieu of affordable housing might be acceptable: they 'will only be allowed where robustly justified.' Policy DEL1 similarly provides that 'robust viability evidence' will need to be submitted where a developer seeks to argue that the delivery of a policy compliant level of affordable housing would make a proposal economically unviable.

It is understood that the applicant has indicated they could secure 6% contribution by way of planning obligation. This is considered to be acceptable however in the absence of any settled legal agreement securing that necessary obligation this is a reason for refusing planning permission albeit one which is capable of being settled in any subsequent appeal.

As the JLP officer notes, the open market housing mix is considered to be acceptable and is a positive response to the requirement of policies SPT2 and DEV8. However, the lack of onsite affordable housing – until properly secured – represents a significant policy conflict.

For those reasons the application does not accord with policies DEV8, DEL1, and C4.

**Landscape and Townscape:**

The policies of the development plan seek to secure high-quality design (policy DEV10) and recognise the intrinsic character and beauty of the countryside; the application of policies DEV20 and DEV23 seek to secure development that is compatible with it. Policy DEV25 protects AONB/National Landscapes from potentially damaging or inappropriate development located either within the protected landscapes or their settings. Policies within the recently made TNP are also relevant, and these include policies V1, En2, En3, EN4, and En5, that collectively reinforce those JLP policies at a local level.

As set out under the ‘Principle...’ section above, it is an express requirement of the allocation policy that any proposed development must be of a high quality and integrate with the existing area (and the setting of nearby heritage assets).

Historically, it has been shown that development is possible that would accord with those policy objectives (albeit under a previous planning policy framework), and this has set the requirements of the allocation policy based on the planning permission previously granted. This relates to consideration of the siting, scale, and massing of buildings proposed. In that regard, the previous officer report is noteworthy:

Do the proposals adversely affect the visual amenities of the surrounding area and/or adversely affect the special qualities of the area?

- 9.5 The site is on the banks of the River Dart and the adjacent countryside is protected as an important landscape. The previous scheme was criticised by members of the Council because of the impact that it would have on the character and visual amenities of the surrounding area, although this position was not consistent with officer advice.
- 9.6 Given that the scheme is only an outline application the building designs will be developed at the reserved matters stage of the application process. It is however important at this stage to be confident that the proposed reduced floorspace quantum can be accommodated in building forms that are an appropriate height, scale and mass. The Development Schedule Plan and the illustrative masterplan sets out a development footprint for the proposed building blocks, and the confirms that none of the buildings will stand taller than 24.00 metres AOD or 14m above the ground level. As a result of the reduction in the overall quantum of floorspace proposed given the reduction in the number of residential units, and assisted living units it will be possible to accommodate the floorspace principally within buildings that are mainly 2-3 storeys with reduced heights of the 4 storey buildings. Given that no undercroft parking is proposed the tallest riverside building will appear a single storey lower than the original scheme. Furthermore because the buildings towards the back of the site are cut into the steep slope at the rear of the site, they will appear substantially reduced in scale and height compared to the previous scheme. The Design and Access statement submitted as part of the application includes visuals which demonstrate the reduced height, scale and massing of the building forms that will be developed reflecting the design parameters that are established by the Development Framework schedule and Plan. The visuals demonstrate that the building forms will be respectful of the surrounding landscape and of a scale, mass and height which are in keeping with other riverside buildings in Totnes.
- 9.7 In terms of building footprint the proposed development is largely on the previously developed part of the site, with an extra 1ha at the base of the hillside required for development. To mitigate the minor loss of open hillside, the proposed landscape scheme is designed to enhance the character of the valley slope whilst helping to absorb the proposed development into the landscape.
- 9.8 English Heritage (EH) has responded to the proposals commenting that the development has potential to affect the setting of the Grade II\* Registered landscape of Sharpham House estate, as well as more general views across the River Dart. Whilst not objecting to the principle of redevelopment of the site, EH would wish to see the open nature of the valley maintained as well as the more rural setting of the Sharpham house estate. It was added that they would therefore not wish to see any further cumulative development which might be detrimental to those characteristics. Reviewing the design changes that are proposed compared to the previously refused scheme, the applicant has positively responded through the siting, scale and mass of the buildings. It is also considered that the detailed character of this development can therefore be shaped through the reserved matters stages and therefore the revised scheme positively responds to and addresses the comments that English Heritage made.
- 9.9 In summary it is considered that the quantum of floorspace proposed can be accommodated in building forms that will be considered acceptable, in accordance with the relevant development plan policies, local and emerging policies and objectives set out within the emerging LDF and Core Strategy.

Regardless, whilst the Applicant has not sought to encourage a comparative exercise between the two schemes (i.e., is the new scheme better, worse, or broadly similar in effect to the previous, extant scheme?)<sup>2</sup> this application has been judged on its own merits and in accordance with the current development plan and other material considerations.

In this case the Council's internal landscape specialist objects to the application. This is because 'the scale, height, massing and some of the detailing of the scheme are not sympathetic enough to local character and do not relate well to the context within which they are proposed.' Their full comments are important to take into account and officers endorse the views expressed – the effects assessed within the applicant's LVA are considered to be underestimated.

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<sup>2</sup> Presumably because, on the Applicant's case, the extant permission is not a fallback position because it is in their view not viable and not deliverable.



The application scheme was subject to design review in a previous iteration. In summary, the DRP welcomed the aspirations of the applicant to respect the setting of the site but did not feel the scheme, as seen at the DRP stage of the assessment, had demonstrated that this had been achieved (see as examples, comments on the limits of the landscape strategy and concerns regarding the southern end of the site). Officers consider that the applicant has not appropriately addressed the issues raised by the DRP. As set out above the final scheme as submitted, against the current baseline of the site, does not respect the local landscape character and the resultant harm is considered to be significant, and significantly greater than that which would necessarily arise as a result of delivering the allocation.

The submitted application LVA does not deal in detail with the Outline Consent but in the Conclusions section it states that:

‘The nature of the effects in this LVA is more than worst case when considering the Proposed Development in relation to an extant permission. When the Proposed Development is reviewed against the Development Framework associated with the permitted allocation and covering Area C, D, E, F and G the variation in landscape and visual effects is likely to range from Negligible, Minor to Minor to Moderate based on the height of the Proposed Development.’

From this it is therefore reasonably inferred that the authors of the LVA consider that when compared to the outline consent the adverse effects of the current application would be greater, but not beyond moderately more adverse than the outline consent had considered were acceptable. Officers consider that there are adverse effects of the proposed development which are noticeably greater than those likely to result from the outline consent.

The application is not considered to accord with the allocation policy TTV21 and also conflicts with policies DEV20, DEV23, DEV25 of the JLP and policies V1, En2, En3, EN4, and En5 of the TNP.

### **Trees:**

JLP policy DEV28 states that the loss of important trees such as those considered as veteran, high amenity trees or protected trees and important hedgerows is not permitted unless the needs for, and benefits of the development in that location clearly outweigh the loss and this can be demonstrated. The policy goes on to say that development should be designed to ‘avoid the loss or deterioration of woodlands, trees or hedgerows, and if the loss cannot be avoided mitigation planting will be required to ensure net gain’. The proposal has been reviewed by the Council’s Tree Officer who has provided a comprehensive response.

Given the previous industrial use of the site, the amount of constraining arboricultural features are less than would be ordinarily encountered on a site of this size, amplifying the importance of those existing features. The Council’s Tree Officer considers the oaks (identified as G611- 613 on the tree work survey) and an existing hedgerow ‘H637’ are the most important arboricultural features for detailed consideration and preference for retention. However, several concerns are raised.

- *G611- 613 Oaks are likely to be adversely affected by the creation of a retaining wall to their East to create room for the rear garden of units.*
  - *To deal with the ingress into the RPA it is suggested a Condition requiring an Arboricultural Method Statement would suffice to ensure their retention. The lack of detail of the amount of proposed ingress and analysis of root growth into the site prevents officer confidence that such can be delivered by way of condition, noting the trees to be one of a limited number of quality native trees on site suitable for retention. It is of note the trees as English Oaks would be expected to attain large stem diameters with parallel rooting mass and sufficient separation between the stem and wall would be necessary to prevent conflict as they mature and allow room for continued growth.*

- *H637 forms the principle arboricultural feature on site. It is proposed to remove approximately one third of its length.*
  - *The proposed removal is due to a number of reasons, although principally the requirement to create a retaining wall with parking adjacent. In sections it is proposed to narrow the hedge (either side of the Southern steps to the POS). This narrowing would be highly likely to compromise the remaining linear strip to such a degree that its effectiveness as a positive sylvan and ecological feature would be significantly degraded in the short term and unlikely to be of any greater landscape value due to lack of space for trees to mature between the retaining wall and public footpath immediately to the South West.*
  - *The width of the breakthrough for the 2 sets of steps to the POS appears to be overly wide and leads to further reduction in hedge length, compromising its presence as a prominent visual linear feature and its wildlife connectivity benefits etc. It is also noted within the response that only stepped access is available from the public open space and public footpath to the waterfront. An alternative arrangement which required a larger access point could result in a large impact on the trees/hedges and would require careful consideration.*

The Council's Greenspaces Officer and Landscape Officer have also raised concerns regarding the loss of 93.5 linear metres of the main hedge to allow for the construction of the retaining walls, access steps and parking. Officers consider that the removal of shorter sections to allow for the provision of access steps is justified but the removal of a larger section is not. Officers recognise that the layout has been amended following Officer feedback during pre-application discussions to provide on street parking rather than on plot parking for Baltic Lane properties but the proposed layout with such a substantial effect on the existing hedgerow weighs negatively in the planning balance and provides further conflict with the allocation policy.

S7.160 of the JLP Supplementary Planning Document requires the adherence of all applications to the mitigation hierarchy which in the first instance requires loss to be avoided. It is not demonstrated conclusively that such has been applied to the loss of a significant proportion of H637 and the impact upon G611- 613.

The Council's Tree Officer also raises concerns regarding the mitigation planting.

*Mitigation Planting:*

The mitigation planting includes planter trees within the built form. However, given the limited soil volume available for trees within the planters which will prevent full size and desirable attributes to fully establish for any longevity, Officers are not persuaded that this is a suitable for their inclusion within the mitigation tree numbers to accord with Table 28 of the SPD.

The submission does not include any details of the planting pit type for the larger tree stock in the hard landscaped areas. While the applicant considers this detail can be provided at condition stage, Officers consider it is important that such information forms part of details to be considered at this stage as inadequate soil volume will prevent any proposed trees from developing their desirable characteristics beyond early growth. The deliverability of adequate soil volume may have impact on layout hence the requirement for early consideration.

Furthermore, Officers consider the proposed number of large trees is low given the scope of the development with only 7 proposed along the waterfront. It is also noteworthy that 3 feature trees are not shown on the illustrative masterplan, and in fact seating is shown in the location of the trees, which would reduce the impact of tree planting at a point of arrival. The importance of mature tree planting along the water facing element of the public realm is recognised in the supporting design and access statement and important for Officers. Officers are not satisfied that the proposed numbers and species of trees does not offer suitable presence given the size of the buildings and the length of the frontage.

In response to these concerns the applicant submitted a further statement setting out that the final details of the hedgerow and retaining wall requirements could be dealt with via condition. The justification for the loss of the hedgerow was based on an approach suggested by the Design Review Panel to open the site up to the hillside and allow the opportunity to enhance the quality of the hedgerow going forward with further mitigation planting across the site. The applicants accept the planter trees may not contribute towards the mitigation but across the site the mitigation was felt to be adequate, and the details could be secured via condition. They state the trees proposed on the waterfront are justified given the operational requirements of the cranes etc and potential damage that could be caused by tree roots to the river wall.

In response to this addendum the Council's Tree Officer provided the following comments.

- 1. I note the calculated loss of 93.5m of H637 and proposed 82m of hedgerow to be planted as mitigation. I am unsure if this has been correctly measured as it would be expected for such mitigation to be calculated as an area not simply as a linear measurement. The existing hedge appears to be significantly wider (and hence of a much greater area) than that proposed as mitigation which should be one of the determinative factors when calculating mitigation planting. If agreed as is there would be a large negative impact on its visual, ecological and general arboricultural benefits.*
- 2. Furthermore, my concerns remain in respect of the unknown harm potential harm that may ensue to G611-G613 by the creation of the proposed retaining wall. Given the paucity of trees on site a cautionary approach must be taken towards the protection of existing features of merit and detailed plans proposed wherever possible to eliminate risk of 'in construction' harm due to unforeseen circumstances arising.*
- 3. In addition to the above officer concerns remain in respect of Points 5 (final bullet point), 7, 11, 12 & 15 which are not considered suitable for resolution by way of Condition.*
- 4. Matters of planting pit design will be addressed by the Landscape Specialist or by way of Condition as noted in the response.*

On that basis the application does not accord with the allocation policy TTV21 and additionally conflicts with policy DEV28.

### **Local and Maritime Economy:**

Officers note the objections made by the Economic Development team and Dart Harbour. It is recognised that the proposed boatyard/commercial offer is smaller than existing, but this is not a policy issue *per se* given that there is no minimum standard provided under the allocation policy. Thus, with a boatyard to be retained, its size is not in issue and securing its long term viability would be a positive factor. However, it is the future use of the boatyard and its viability that is of particular concern and this overlaps with the highway issues described below. As the Dart Harbour Authority point out, limited details are available sufficient to demonstrate how a viable boatyard could operate in light of the constraints imposed by the development approach taken and the practicalities of operation in light of the limited space made available. The Harbour objection regarding important views overlaps with the landscape/townscape issues above.

### **Heritage:**

Section 66(1) of the Listed Buildings Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision taker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses. The effect of that statutory provision is that the desirability of preserving the setting of a listed building must be treated as a matter of 'considerable importance and weight', with such a duty regarded as presenting a 'strong presumption' against a grant of planning permission where harm to a designated heritage asset is identified.<sup>3</sup>

S72 of the Listed Buildings Act provides a similar duty in relation to development within a conservation area. The proposed development in this case would be outside of (albeit adjacent to)

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<sup>3</sup> *The Bath Society v Secretary of State for the Environment* [1991] 1 W.L.R. 1303; *R (Barnwell Manor Wind Energy Ltd) v East Northamptonshire DC* [2014] EWCA Civ 137.

the Totnes Conservation Area and therefore the statutory duty does not apply. However, as a designated heritage asset, its setting still remains of importance and is protected by policies TTV21, DEV21, and the NPPF.

Policy TTV21 seeks to secure 'a high quality form of development which *integrates with* the existing area and *the setting of nearby heritage assets*'.

Policy En3 of the TNP states that, among other matters, new development should respect the historic and built character of the town and protect and where possible enhance heritage assets.

Policy DEV21 identifies that development proposals will need to sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing its historic environment, both designated and non-designated heritage assets and their settings, in a manner appropriate to their national and local significance. The policy goes on to state that great weight will be given to the conservation of the Plan Area's designated heritage assets. Where development proposals will lead to any harm to the significance of a designated heritage asset, they must be fully justified against the public benefits of the development. Development that harms the significance of locally important non-designated heritage assets, or their contribution to the character of a place will only be permitted where it can be justified on the basis of a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset.

The local policy is considered to be consistent with the relevant provisions of the NPPF, particularly Chapter 16: Conserving and enhancing the historic environment.

Paragraph 202 of the NPPF explains that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

The 'Considering potential impacts' subsection of NPPF chapter 16 is consistent with the statutory duties of the Listed Buildings Act. Paragraph 212 states that when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). The great weight should be given irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 215 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

When considering effects to setting and significance, Planning Practice Guidance on the Historic Environment (paragraph 013) identifies that while the setting often includes consideration of visual relationships and this is an important part of assessing impacts, the experience of an asset in its setting is also influenced by other environmental factors and by our understanding of the historic relationship between places. Furthermore, when assessing applications which may affect the setting of a heritage asset, there may need to be consideration of the implications of cumulative change.

Regarding the current application, on the applicant's own case the proposed development would harm the setting and thus significance of Sharpham House RPG and Totnes Conservation Area. Additionally, the Council's heritage officer has concerns that the applicant's assessment has unduly set aside consideration of potential impacts upon the Grade I listed (and SAM) Castle. This asset would be harmed, too.

The harm posed to all three assets would be 'less than substantial' but this is not a less than substantial objection in planning terms.

The benefits of the proposed development are not insignificant, and these are summarised under the planning balance section below. Taken on their own, those benefits are considered sufficient to

outweigh the less than substantial harm identified but that harm must still be weighed again in the overall balance with the various other harms.

### Archaeology

The proposal has been reviewed by the County Council archaeologist who is satisfied that due to the scale and situation of the proposed development, it will not have an impact upon any significant heritage assets with archaeological interest.

### **Highways/Access:**

JLP policy DEV29 requires development to contribute positively to the achievement of a high quality, effective and safe transport system, promoting sustainable transport choices and facilitating sustainable growth. Policy DEV29 stresses the importance of achieving safe transportation. Development proposals should therefore provide 'high quality, safe and convenient facilities for walking'.

There is also an emphasis on highway safety in national policy. Paragraph 115 of the NPPF requires it to be ensured that safe and suitable access can be achieved for all users and paragraph 116 also states that development should be refused where it would have an unacceptable impact on highway safety.

The Highway Authority is satisfied that impact upon the local highway network in terms of traffic flow and capacity would be acceptable. National Highways also raise no objection where they consider it unlikely that there would be an unacceptable impact on the safe operation of the strategic road network and junctions. Based on the indicated balance of uses, the LHA have also not objected on the basis of parking provision. The application is therefore acceptable in these respects.

However, concern is raised in relation to the need for safe and suitable access for all users and how the development connects to St Peters Quay via the Baltic Wharf frontage road. In that regard the comments of the LHA have been considered carefully, and their opinion is of significant weight. Their response stopped short of an objection because the issues related to internal arrangements and not the public highway but that does not mean the concerns are any less significant. Based on those comments, a number of issues arise.

Firstly, the proposed shared space routing for boatyard traffic appears inconsistent in its treatment. The site plan drawing clearly shows the use of two different and delineated coloured surface materials. However, the masterplan appears to show the delineation but not the use of two different coloured surface materials.

Similarly, the Traffic Management Plan shows the delineation but in that drawing some of the areas coloured salmon on the site plan drawing are shaded green (and referred to as pedestrian 'comfort zones') but not others. It is also noteworthy that in this plan the dimensioned available width of 5.5m (for vehicles to pass one another) encroaches into the area coloured salmon adjacent to the wharf side on the site plan drawing.

The swept path analysis drawing also shows the delineation but here it is noteworthy that the analysis contained in this drawing does not encroach into the area alongside the wharf side coloured salmon on the site plan drawing but not shaded green on the Traffic Management Plan.

Notwithstanding that the *Baltic Wharf, Totnes: Indicative Traffic Management Plan* acknowledges and anticipates that two articulated HGVs may be required to pass one another, the swept path analysis drawing does not analyse the two-way trafficking of the wharf side by articulated HGVs (nor does it demonstrate that such HGVs can pass any other motor vehicle using the road). Despite the likelihood of such two way trafficking identified by the Local Highway Authority in its consultation response (with reference to the Transport Assessment), the analysis provided in that drawing appears to be predicated on one way trafficking by HGVs.

The specification of the HGV employed in the swept path analysis describes an articulated HGV with a trailer that is 13.41m long and 2.55m wide. The swept path appears to avoid those areas shaded green on the Traffic Management Plan but it clearly overruns those areas shaded salmon alongside the wharf side and in the vicinity of Building A.

In addition to the applicants not providing a swept path analysis that assesses the ability of articulated HGVs passing another (or any other motor vehicle), neither has any analysis been undertaken that anticipates the delivery or collection of a boat to/ from the boatyard.

The presence of a boat on an articulated HGV trailer of 13.61m in length is likely to result in a significant overhang beyond the 2.55m width of the HGV trailer. It is further considered that any swept path analysis that accounts for the presence of such a boat on the HGV trailer is highly likely going to demonstrate significant further encroachment into/ overrunning of the areas shaded salmon alongside the wharf side and in the vicinity of Building A, and is likely to show overrunning of the 'comfort zone' areas shaded green on the Traffic Management Plan.

For those reasons, officers agree with the LHA response due to the likelihood that pedestrians and especially vulnerable pedestrians (including children and seniors, parents with pushchairs, wheelchair users, the mobility impaired, and the blind or partially sighted) will be exposed to a road safety risk that is not adequately ameliorated by tactile delineation or by the use of different coloured surface materials. Further, that the submitted swept path analysis does not provide an adequate assessment of the accessibility of the boatyard by HGVs towing boats or of them passing other motor vehicles along the wharf side road.

It is concluded, therefore, that the applicants have not demonstrated that "safe and suitable access to the site can be achieved for all users" as required by paragraph 115 of the National Planning Policy Framework (2024). Within the context of paragraph 116 of the Framework, it is not considered that the proposed redevelopment adequately "addresses the needs of people with disabilities and reduced mobility" nor that it satisfactorily "minimises the scope for conflicts between pedestrians, cyclists and vehicles" or allows "for the efficient delivery of goods, and access by service and emergency vehicles" as required by paragraph 117 b), c) and d) of the Framework. At present, there is considered to be an unacceptable highway safety risk, and it is appropriate to take a precautionary stance.

The intention to create a high quality, attractive public realm along the waterside frontage is welcomed, however, its ability to function as such will be compromised by the continuous presence of vehicles accessing the boatyard and other businesses. This would conflict with the provisions of DEV29 and the NPPF in that respect as well as the requirements of the allocation policy TTV21 in providing adequate connectivity and extensive public access to the riverside (items 3. and 8., which must surely require such provision to be safe). This weighs heavily within the planning balance and is a reason to refuse planning permission of itself.

### **Ecology:**

JLP policy DEV26 requires all developments to support the protection, conservation, enhancement and restoration of biodiversity across the Plan Area. Policy TTV21 also recognises the importance of the South Hams Special Area of Conservation (SAC) in seeking to ensure that development does not post any negative impact upon the greater horseshoe bat species and that protected area.

The application is supported by ecological surveys, which have been reviewed by the County ecologists and Natural England.

The development is within a greater horseshoe bat Landscape Connectivity Zone associated with the SAC, designated in part due to its internationally important population of greater horseshoe bats. The Landscape Connectivity Zone (LCZ) includes a complex network of bat commuting routes used by the SAC population of greater horseshoe bats (GHB) and provides connectivity between the designated roots.

The site is also situated approximately 100 metres from a greater horseshoe bat pinch point line which runs along part of the Dart Estuary. This signifies existing restricted bat commuting routes. Further restriction to a pinch point could significantly impact on the movement of greater horseshoes and potentially have a likely significant effect on the SAC.

The application has been through an iterative process and following further information to support the submitted shadow HRA, including further lighting details, the previous objections from the county ecologist and Natural England have been lifted. With the conditions in place to secure the retained, compensatory and enhanced hedgerow features through the landscape design, an Ecological Mitigation and Enhancement Plan and a Construction and Ecological management Plan, and through securing the proposed lighting design/strategy, that there would no adverse effect on the integrity of the South Hams Bat SAC. The application is now therefore acceptable in this respect.

### **Flood Risk and Drainage:**

Policy DEV35 deals with matters of flood risk and drainage, noting that the allocation policy also expressly requires 'appropriate flood risk mitigation measures'. Paragraph 165 of the NPPF also states that where development is shown to be necessary in areas of flood risk, 'the development should be made safe for its lifetime without increasing flood risk elsewhere.'

The Environment Agency has reviewed the proposal and initially raised objections due to insufficient information provided to demonstrate that the proposed development would be safe from flooding over its lifetime, particularly for areas below the design flood level, notably Building A. Revised plans were submitted removing the basement from Building A. The EA have confirmed that these revised proposals are sufficient to overcome their main concerns, subject to several conditions, which would be imposed on any notice of approval.

The EA also raise concern in relation to the Sequential Test. However, policy DEV35 does not require this to be undertaken in relation to allocated sites.

The EA also advised that the LPA seek the view of the emergency planner. They have now been consulted and have advised that the applicant will need to produce an emergency plan for the site which advises on how occupants will be kept safe in the event of a flood. This could be secured through planning condition.

The Lead Local Flood Authority (LLFA) reviewed the application, which includes a plan for potentially diverting the watercourse. The LLFA requested more details. The agent clarified that the plan shows a diversion is not possible due to significant environmental impacts. The LLFA recommended using permeable paving, filter drains, and smart gullies on this brownfield site. They also inquired about the surface water outfall and asked for tide-locking model outputs. The agent confirmed smart gullies are planned, preliminary modelling indicated no attenuation needed for a 100-year event due to minimal tide locking and advised that the landscaping plans include planters. The LLFA then queried whether undrained permeable paving (or a deepened sub-base beneath tarmac), rain gardens and tree pits could provide a better treatment compared with smart gullies. This information was requested pre decision, with a potential for a planning condition upon receipt. This information has not been provided and therefore it forms a holding reason for refusal, with the proposal conflicting with JLP policy DEV35. It is however quite likely that it can be positively resolved subject to more work on the part of the applicant.

### **OSSR:**

#### Public Open Space

Green open spaces and play spaces are an integral part of sustainable communities. As well as their health and wellbeing benefits, green infrastructure also provides significant benefits in terms of flood risk and water quality management. The JLP requires 1.91ha/1000 people and based on the proposed housing mix and occupancy figures within the JLP Developer Contributions Evidence base the development triggers a requirement for 7,010 square metres of accessible natural greenspace.

The open hillside to the rear of the development exceeds this requirement, providing 4.5ha. While the topography means that not all of the land will be fully accessible, it will provide recreational parkland with informal walks and viewpoints with seating.

The Council's Greenspace Officer has reviewed the application and has raised a number of queries regarding the open space provision.

- *Removal of sections of the main hedge running along the south-west bank are required to allow construction of retaining walls and for access steps and car parking as follows:*
  - o *Remove two sections c.11.5m length for steps*
  - o *Remove c.56m length for retaining wall*
  - o *Remove c.26m of half the width of hedge for retaining wall and substation*
  - o *Total = c.93.5m*

*Whilst I would defer to the Tree and Landscape Officers on this matter, hedgerow loss should be minimised as far as possible; ideally just to allow for the new sets of steps to allow access to the hillside POS.*

- *In the key on the public open space plans (Drawings 153884-STL-P-9008 – 9010) 'existing trees for removal' are shown. However, this does not cover the removal of sections of the hedgerow (H637) as shown on the Tree Protection Plan (Drawing 05901 TRPP 24.11.23) which is misleading.*

- *A mown grass footpath is shown running through the Phase 1 POS linking to a new gravel permissive footpath (drawing Hard and Softworks GA Sheet 3 POS 153884-STL-P-9010). On the ground there is currently no clearly defined mown path although it is possible for able-bodied people to walk through this area. Is it proposed to make a clearer mown path through this area? Have existing residents been consulted about this? (there is clear use of this area by existing residents through provision of feeding stations for birds etc).*

- *I would question how the link to the proposed gravel footpath can be achieved – it doesn't appear possible at the bottom of the slope as it is very steep and further up would necessitate the removal of vegetation/hedgerow. Clarification is required.*

- *Will dog bins be provided within the POS? When walking on the existing gravel pathways there is a lot of dog fouling either side of the pathway and it is suggested that dog bins need to be provided to encourage people to dispose of dog waste responsibly.*

- *The red line covers the phase 1 POS area which has been delivered, although it is noted that an additional bench as well as orchard and nut trees are proposed. Is it considered that some further maintenance of the Phase 1 POS is required to ensure a high quality open space area for residents e.g. checking of tree stakes and removal where no longer needed. Would this be covered under a new LEMP for the entire of the POS area?*

- *It would be useful if the existing benches and fences could be shown on the plans.*

- *Totnes Footpath 2 runs alongside the hedge separating the built development from the hillside POS but isn't referenced as a Public Right of Way within the documents or plans. I note the DCC PROW team objection to the application and the impact on the public footpath needs to be clarified.*

- *The hillside POS is only accessible via steps from the built development. Whilst I do not think there's any solution to this it does mean that the space can only be used by able bodied people; there will be no wheelchair access and it will be difficult for parents using pushchairs to access the POS.*

It was requested that these queries were clarified prior to determination. While some matters can be dealt with at condition stage other matters do need clarity.



The hillside, public open space, can only be accessed via steps from the built development and therefore fails to provide access for all. This is unfortunate as it will restrict access for many individuals and make it difficult for carers with young children in pushchairs, wanting to access the play areas. It is also worth noting that the care home element does not provide any specific public open space/garden areas, only small communal spaces.

The proposal does include pockets of open space within the built development which will be accessible to all, but restrictions on access to the 4.5ha public open space is regretful and does not represent a high quality design.

#### Play Provision

The submitted (and approved) Design and Access Statement and Landscape Plans (Drawings 40154\_LP(90)105 - 107 D) for Phase 1 of the development (application 56/0104/13/RM) set out a framework for the design and development of play across the site as a whole which was to be developed as part of an Arts Strategy. According to the Design and Access Statement "Four Areas for play have been identified that relate to the landscape characters of the spaces; Hillside (Phase 1), Fieldside, Wetland and Woodland Glade (Public Open Space)"

A play area with wooden play equipment has been provided on the hillside as part of Phase 1, and the documents submitted with this application seem to rely on this existing play area to cater for the needs of the additional residents. The planning statement notes at paragraph 4.3 *A new play area has already been constructed on the hillside as part of phase 1 of the development.*

The Council's Greenspace and Recreation Officer who has reviewed the proposals, providing the following comments.

*Based on JLP policy, and assuming 367 new residents (as set out in the open space section above), there would be a requirement for an additional 330m<sup>2</sup> play provision (roughly equivalent to a Local Equipped Area of Play) with a capital cost of £94,686. Even if the 1 bed units are discounted there would be 293 additional residents and a requirement for an additional 264m<sup>2</sup> play provision with a capital cost of £75,594.*

*Play provision within the current application appears to be minimal with very little detail provided. The POS plans indicatively show three 'natural play stations with variety of equipment such as timber logs, climbing tree trunks, boulders etc' alongside the footpath to the west of the hedgerow separating the main built development from the hillside POS. Whilst these play stations will provide small additional opportunities for play, they will be very small scale and low-cost additions to the play offer across the site.*

During the pre-application discussions play provision within the public realm rather than on the hillside was discussed, and the need to ensure that there is sufficient play space to serve the development was stressed. The Landscape Hardworks Plan (153884-STL-P-9001 shows two 'locations for timber artwork play feature on play surfacing' on the south deck. However, there is no detail of what this might comprise, so no certainty over the play value of these features, and the two areas combined only total c. 45m<sup>2</sup>, representing a significant under provision.

Officers consider that a more traditional play area within the built development would provide greater play value to complement the existing timber play area and proposed natural play features on the hillside. In particular the play area on the hillside does not include any swing provision or provision of rotating items so the inclusion of these (alongside other items) would be welcome. The applicants have indicated that this could be looked at further at condition stage. However, if this was provided within the development it is not clear where it would go.

#### **Planning Obligations:**

As the application is recommended for refusal this is not a matter that needs to be considered in great detail; suffice to say, in the event of an appeal s106 agreement would be required to secure

those obligations necessary to make the development acceptable (observing the CIL 122 test). This would include the provision of affordable housing, and financial contributions including OSSR (playing pitches and allotments), transport improvements/mitigation, and health care. As above, matters relating to equipped play and open space are likely to be resolvable with further discussion.

## **Other Matters:**

### Energy Efficiency / Policy DEV32:

The application is supported by a comprehensive Energy Statement which sets out how carbon reduction savings will be achieved across the site in accordance with requirements of JLP DEV32 and the adopted Plymouth and South West Devon Climate Emergency Planning Statement.

### Neighbour Amenity:

It is always necessary for developments to take into account the amenities of neighbours and third parties. In this case, the proposed development is capable of complying with the principles of good neighbourliness and the protection of existing residential amenities. An acceptable standard of amenity for future occupants is capable of being secured and no objection has been raised in relation to noise and emissions from business uses in proximity to homes. Subject to conditions, as recommended by the environmental health officer, the application is considered to accord with local and national planning policy in this discrete respect.

### Fire:

Devon and Somerset Fire & Rescue were consulted on the proposal. They have not provided any comments on the application on the basis the proposals would be subject to a Building Regulations and the Regulatory Reform (Fire Safety) Order 2005 and therefore a statutory consultation will be undertaken between the Building Control Body and the Fire Authority. Under this process the proposal will need to comply with the functional requirements of Approved Document B of the Building Regulations to include access requirements for Fire Service Vehicles (B5) and demonstrate provision of appropriate water supplies for firefighting including appropriate flow rates has been achieved.

### Waste:

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan require major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. The submitted Construction Ecological Management Plan contains a section on Site Waste Management and within there is reference to recycling and reprocessing waste materials rather than waste material being sent to landfill. DCC Waste Team are content with this approach but to satisfy the requirements of Policy W4 a pre commencement condition to secure additional information is requested.

### Security:

There is a requirement within the local plan and NPPF to ensure that development is well designed, maximising opportunities to design out crime and the fear of it.

JLP policy DEV10.2 states '*development proposals should look for opportunities to design out crime and the fear of crime in the layout of the development.*' DEV20.6 states '*Ensuring that the layout and details of the new development adequately contribute towards high standards of community safety and reduce opportunities for crime and fear of crime*'. Chapter 8 of the NPPF requires the provision of spaces which are '*safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas*'

The application has been reviewed by Devon and Cornwall Police' Designing out Crime Officer who has provide a number of comments and recommended conditions. None of the points raised are

considered fundamental to the application at this stage bearing in mind it is being refused for various other reasons.

#### Air Quality:

An AQ Assessment has been submitted with the application. This document has been considered by the EH Officer and is acceptable subject to compliance with the recommendations for mitigation made. The application is in accordance with policy DEV2 and the NPPF and no objection is raised. As noted, the application accords with the allocation policy in this discrete respect.

#### Land Contamination:

The application is supported by a Land Contamination Assessment. This document has been considered by the EH Officer and is acceptable subject to compliance with the recommendations for mitigation made. The application is in accordance with policy DEV2 and the NPPF and no objection is raised. As noted, the application accords with the allocation policy in this discrete respect.

#### **Scheme Benefits:**

The benefits of the proposed development have been taken into account. They are collectively significant and can be summarised as principally comprising:

- The provision of new housing in the context of significant need.
- The provision of new commercial/employment development (notwithstanding concerns regarding the viability of the reconfigured boatyard and its long term future).
- General economic benefits associated with redevelopment of the site.
- Provision of 55-bed care home.
- BNG.

#### **Planning Balance and Conclusion:**

First and foremost, the application does not accord with the allocation policy TTV21. This is a fundamental failing which means that the application does not accord with the development plan as a whole. Other issues related to that assessment of compliance with the allocation policy also give rise to breaches of other development plan policy. The application is deficient in certain key respects and adopting a precautionary approach it cannot be agreed that those matters are either acceptable, or likely to be acceptable, when striking the planning balance. Planning conditions would not remedy this because of the nature of the issues identified. Those issues include landscape effects, highway safety, and issues of deficiency of detail in drainage.

The application fails to accord with the development plan as a whole. Other material considerations do not outweigh the direction of the plan to refuse to grant planning permission. Application of policies contained within the NPPF reinforce that direction, and the benefits of the scheme whilst weighty of themselves (and noting NPPF policies that support those benefits including paras. 61, 124, 125, 129, and 130) are insufficient to outweigh the various harms identified which seek to ensure that a high quality scheme can be delivered in accordance with the allocation policy TTV21.

Even in application of the tilted balance as a material consideration, the harms of the proposed development significantly and demonstrably outweigh those benefits.

The recommendation is therefore that permission be refused.

***This application has been considered in accordance with Section 70 of the Town and Country Planning Act 1990, Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.***

#### **Planning Policy**

##### Relevant policy framework

Section 70 of the Town and Country Planning Act 1990 requires that regard be had to the development plan, any local finance, and any other material considerations. Section 38(6) of the

Planning and Compensation Act 2004 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 26<sup>th</sup> 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).

The new National Planning Policy Framework (NPPF) was published on 12<sup>th</sup> December 2024. The revisions to the NPPF make numerous changes, the most significant of which is the clear aim of increasing housing delivery nationally, and the changes introduced to the standard methodology which sets out the way in which local housing needs are calculated.

Consequently, it is considered the Joint Local Plan Authorities can no longer demonstrate a 5-year supply of housing land when assessed against the new standard methodology, and paragraph 11(d) of the NPPF applies.

The approach taken in Paragraph 11(d) is generally referred to as “the tilted balance”. The titled balance means that decision-makers should be disposed to grant planning permission unless the presumption in favour of sustainable development can be displaced. The presumption can be displaced where the application of the NPPF policies that protect areas or assets of particular importance provide a strong reason for refusing planning permission (paragraph 11(d)(i) or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole (paragraph 11(d)(ii).

Paragraph 12 of the NPPF states that the presumption in favour of sustainable development ‘does not change the statutory status of the development plan as the starting point for decision making’.

Paragraph 232 of the NPPF states that ‘existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).’

In the application of paragraph 11(d)(ii), it is necessary to look at the ‘most important policies’ applicable to a particular application and whether, when read as a whole, the ‘basket’ of those most important policies remains relevant, as well as considering how much weight can then be attributed to each of those policies in the overall planning balance.

It is also important to understand the degree to which the housing land supply position is below the required 5 years (plus appropriate buffer), and the extent to which the adopted development plan policies align with the policies in the NPPF. As a result of the new standard method set out in national planning practice guidance (NPPG), the combined authorities are able to demonstrate a 2.53 year housing land supply.

The relevant development plan policies are set out below. With the exception of the Council’s policies for the allocation of housing, they are considered to be up to date and should attract significant weight in determining this application.

**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
- 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  
TTV21 Land at Baltic Wharf  
TTV26 Development in the Countryside  
TTV29 Residential extensions and replacement dwellings in the countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV3 Sport and recreation  
DEV4 Playing pitches  
DEV5 Community food growing and allotments  
DEV7 Meeting local housing need in the Plymouth Policy Area  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV9 Meeting local housing need in the Plan Area  
DEV10 Delivering high quality housing  
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  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV30 Meeting the community infrastructure needs of new homes  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts  
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

### **Totnes Neighbourhood Plan**

Following a successful referendum, the Totnes Neighbourhood Plan was adopted on 30th November 2023. Relevant policies include:

Policy V1, LOCAL IDENTITY  
POLICY V2: HEALTH AND WELLBEING  
POLICY En1: SUSTAINABLE DEVELOPMENT AND THE SETTLEMENT BOUNDARY  
POLICY En2: DEVELOPMENT AND DESIGN  
POLICY En3: HISTORIC AND BUILT CHARACTER  
POLICY En4 – LANDSCAPE SETTING OF TOTNES  
POLICY En5: THE RIVER DART  
POLICY En6: ENHANCING LOCAL ENVIRONMENTAL CAPACITY  
POLICY En7: RENEWABLE ENERGY GENERATION  
POLICY En8: DOMESTIC AND SMALL-SCALE WASTE MANAGEMENT  
POLICY En9: LOCAL FOOD GROWING  
POLICY E1: THE LOCAL ECONOMY  
POLICY E4: TRAINING AND EDUCATION  
POLICY E6: THE GREEN ECONOMY

POLICY E7: SUSTAINABLE TRANSPORT  
 POLICY E8: WALKING AND CYCLING  
 POLICY E9: PUBLIC AND COMMUNITY TRANSPORT  
 POLICY E10: CAR PARKING  
 POLICY C1: THE PUBLIC REALM  
 POLICY C2: PUBLIC OPEN SPACES  
 POLICY C4: HOUSING  
 POLICY C5: SERVICES AND FACILITIES  
 POLICY C6: NEW SERVICES AND FACILITIES

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:

- South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)
- Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)
- Plymouth and South West Devon Climate Emergency Planning Statement (2022)

There are no material considerations which indicate that the direction of the plan should not be followed in this case.

**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.

<b>The above report has been checked and the plan numbers are correctly recorded within the computer system. As Determining Officer I hereby clear this report and the decision can now be issued.</b>
<b>Name and signature: Lucy Hall</b>
<b>Date: 29/01/25</b>

Ward Member	Cllr Allen	Ward Member	Cllr Birch	Ward Member	Cllr Presswell
Date cleared	29/01/25	Date cleared	29/01/25	Date cleared	29/01/25
Comments made		Comments made		Comments made	