



PLANNING REF: 1850/21/ARC

Address: Land to the South side of Derby Road Kingsbridge

Description: Application for approval of details reserved by conditions 6 (Tree Protection scheme), 9 (Parking details), 10 (Access road and highway) & 11 (Access road through site) of planning permission 28/1560/15/O (Appeal Reference APP/K1128/W/16/3156062)

25th July 2021

LETTER OF REPRESENTATION FROM THE SOUTH HAMS SOCIETY

The South Hams Society interest

For nearly sixty years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the protection of the South Devon Area of Outstanding Natural Beauty (AONB) very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development, as we strongly believe to be the case with this application.

The South Hams Society has concerns regarding future of the Public Right of Way Footpath Number 6 across this development site.

We note an email has been placed on the planning application web site regarding highway discussions.

In an email dated 14th July 2020 from Ian Roach, a Director, the following is stated regarding the Public Right of Way.

'Notes on Public Right of Way (PRoW)

*We reiterate our previous comment (email 2nd July) that the PRoW does not relate to the planning conditions on the outline permission and cannot be used as a reason not to discharge the conditions. The same point was also made yesterday by the applicant's solicitor to the Council's solicitor (letter 13th July). The latter states that Condition 11's requirement for approval to be given for the details of the access road through the site including roads and **footpaths clearly refers to new on-site footpaths** which are to be*

W: <https://southhamssociety.org/> FB: <https://www.facebook.com/South.Hams.Society/>
Charity number: 263985

Registered address: Olde Stones, West Alvington, Kingsbridge, South Devon TQ7 3PN



established as part of the approved development. Condition 11 does not support the requirement for a PRow upgrade or provide that a new diverted PRow route needs to be brought into operation, via a Section 257 Order, prior to the discharge of this condition. Construed properly, such matters fall outside the strict terms of the condition which the inspector has imposed, and to interpret it in such a fashion undermines the principle of the planning permission which has been granted, in the view of the applicant's solicitor.

For information, the applicant has advised that they will maintain access to the PRow at all times during construction and are planning to apply for it to be Stopped Up in due course, as its gradient and surface are unsafe for the majority of the public. Furthermore any enhancement to the PRow surface would be to the detriment of the existing tree RPA's, through which the legal PRow red line crosses.

Ian Roach MRTPI MIEMA CEnv

Director

www.roachplanning.'

The South Hams Society are of the opinion that the development is clearly poorly ill-considered regarding public highway safety. It does not look to provide any safe public footpaths along the development road. The only Public Footpath is the Public Right of Way, a popular well used public facility.

Throughout the public consultations for planning application 28/1560/15/O and subsequent appeal, the future of the Public Right of Way was never in question. In a good number of the conditioned plans, its existence has been illustrated.

In October 2020, a planning application was submitted for improvements to the PRow.

The South Hams Society refer you to that planning application 3377/20/NMM – Non material minor amendment to planning consent 28/1560/15/O (Appeal ref: APP/K1128/W/16/3156062) to move 1 dwelling **and increase path width to 2m.**

Condition 1 of that planning application conditions the drawings that show the improved footpath.

'1. The development hereby approved shall in all respects accord strictly with drawing numbers:

215/102F, 215/101B, 215/01B, 215/02B, 215/03B and 215/04C received by the Local Planning Authority on 26/10/2020.

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

W: <https://southhamssociety.org/> FB: <https://www.facebook.com/South.Hams.Society/>
Charity number: 263985

Registered address: Olde Stones, West Alvington, Kingsbridge, South Devon TQ7 3PN



It follows that this Public Right of Way has been consulted upon and agreed that the ProW will remain and have a minimum width of 2.0 Metres. This Non Material Minor Amendment is part of the outline application 28/1560/15/O.

The South Hams Society therefore disagree with Mr Roach's comments. The PRoW is part of the outline approval and subjected to a non material amendment as previously quoted. The drawings stated in planning application 3377/20/NMM are conditioned drawings attached to planning consent 28/1560/15/O and must be covered by condition 11 of the planning application 28/1560/15/O.

The South Hams Society would expect that the Local Planning Authority would, if required, enforce the planning conditions and the Society would likely object to any section 257 Order that was advertised by the South Hams District Council for this footpath to be stopped up.