

# PLANNING APPLICATION REPORT

**Case Officer:** Jacqueline Houslander

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

**Application No:** 2873/20/FUL

**Agent/Applicant:**

David Kemp DRK Planning Ltd  
215 Alfred Court  
53 Fortune Green Road  
West Hampstead  
NW6 1DF

**Applicant:**

Totnes Property 1 Ltd  
C/O Agent  
215 Alfred Court  
53 Fortune Green Road  
London  
NW6 1DF

**Site Address:** Rainbow View, Parkers Way, Totnes, TQ9 5UF

**Development:** Additional storeys to existing building to create 5 new duplex units



**Reason the application is to be heard at Committee:**

Councillor Birch requested that the application be heard by Committee because of the number of objections to the scheme and indicates the concerns are based around the Town Councils proposed reasons for refusal.

**Recommendation:** Approval, subject to the submission of a detailed plan indicating the position of the photovoltaic panels.

**Conditions** (list not in full)

1. Time limit
2. Accord with plans
3. Samples of materials
4. Biodiversity enhancements
5. Adherence to ecology report
6. Unexpected contamination
7. No external lighting
8. Protection of trees along northern boundary.
9. Enhanced landscaping along rear boundary hedge
10. The EV charging points identified on plan shall be installed and made available for use prior to the occupation.

**Key issues for consideration:** Location of development; design of development; parking and highway considerations; impact on residential amenity.

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**Site Description:** The site is located on the southern side of Parkers Way in Totnes and comprises a former Devon County Council Children & Young People Services office building, of partially two and three stories.

The overall site area is 0.46 ha. To the south of the site is the Steamer Quay mixed use development site with some residential dwellings completed. Other surrounding land use is primarily residential.

The site is in Flood Zone 1 and is in a Critical Drainage Area.

A previously approved scheme to add 2 floors to the other part of this building is currently under construction.

Prior approval was granted in 2017 for the change of use of the existing building to form either 26 or 30 apartments, although work has already started on site to implement the 26 apartment scheme. Consent was also granted for related external changes including the introduction of balconies and enhanced façade detailing.

**The Proposal:** This proposal seeks to add 2 further floors to the building running east west on the site. The two floors would seek to provide 5 x 2 bedroom maisonettes. Two bedrooms and a bathroom on the first floor (4<sup>th</sup> storey) and an open plan living, kitchen and dining area on the ground floor (3<sup>rd</sup> floor). The design of the proposal is very similar to that approved for the other building on the site under application Number, 1683/19/FUL.

Elevations will be render, with grey windows and cladding as well as some timber cladding between window openings.

**Consultations:**

- County Highways Authority: No comments received
- Environmental Health Section: No comments received.
- Town/Parish Council: Object. The Committee has concerns about this application and would request that it is considered by the South Hams District Council Development

Management Committee and not given delegated approval. The Committee's concerns about the application are as follows:

- Insufficient parking for the number of dwellings (20 spaces for 26 or 31 flats) which will impact on the neighbouring roads, particularly Parkers Way, that are already overcrowded with vehicle parking.
- Increased level of vehicle movements in the area and so close to St John's School.
- The height created by the additional floors is overbearing and unneighbourly for neighbouring properties.
- The adequacy of the number of fire escapes for the number of properties to be created and lack of information on fire prevention measures that will be installed, for example internal provision of sprinkler systems.
- Overdevelopment of the site.

- Drainage: No comments received

- Ecology: the lighting plan does not provide for the lux levels required for areas where bats are present. A condition will be required to ensure a suitable lighting plan is submitted.

## **Representations:**

### **Representations from Residents**

22 Letters have been received objecting to the development.

- Traffic generation. The roads area already struggling with the traffic.
- Overshadowing and ;loss of light
- Over dominance and over development of the site
- Highway safety
- It will ruin the skyline. It will be above the tree line.
- It will be out of proportion with the other buildings in the area
- It is marketed as second homes
- Bridgetown has endured an excess of building over the last 10 years and could do without a high rise monstrosity.
- Design is ugly
- Density of development is too much for this residential area
- Impact on school children
- Light pollution and additional noise
- Not in keeping with the area
- We do not need high rise buildings
- Blocking of views over Bridgetown from Camomile Lawn
- Its scale is out of place in this area
- Light pollution in an area designated as a bat run
- Existing infrastructure cannot cope
- Wildlife will suffer – bats owls
- The quayside project already impacts on our parking, the road is full of cars every day from the care staff.
- Developers are trying to make money at the expense of local residents.
- Local drainage - I understand that there is not enough drainage to cope with the new residential areas of Camomile Lawn and the Bridgetown area.

## **Relevant Planning History**

1683/19/FUL Application for two additional storeys to existing 2-storey East- West wing of the building, car parking for 20no. cars including 6no. ECV points, cycle parking for 36no. bicycles and associated landscaping, access, and waste and recycling storage.

## Conditional approval

1891/18/FUL, External alterations to existing building including new cladding, window and doors, new stairwell extension to the rear, new walkways and balconies – conditional approval 2/4/2020.

2802/18/ARC, application for approval of details reserved by conditions 2 and 3 of planning consent

3895/17/POD, change of use of building from office use (B1a) to 30 flats (c3), prior approval given

1483/17/POD, Prior approval notification for proposed change of use of building from Office (B1a) to residential (C3) comprising 26 no. flats, Parkers Barn, Parkers Way, Totnes – prior approval given

56/0136/06/CM - Conversion of ground floor to provide training room conversion of part of first floor to provide office accommodation erection of single storey extension installation of new windows and doors and associated works and provision of additional parking.  
Conditional approval: 24 Feb 06

56/0644/90/3 - Change of use from residential home to offices/ community resource day centre and construction of car parking area. Conditional approval: 15 May 1990

56/2811/88/3 - Permanent enclosure of external fire escape stairway. APPROVE 08 Feb 89  
56/0863/99/CM - Replacement of window units to part of ground and first floor and provision of pitched slated roofs to existing balconies. Approval: 12 Jul 99

56/1714/92/3 - Addition of room to existing day centre. Conditional approval: 20 Jan 93

56/1847/79/3 - External fire escape. Conditional approval: 23 Apr 8

## ANALYSIS

Principle of Development/Sustainability: The principle of converting the existing, redundant employment building and site into residential to provide up to 30 dwellings was established through the GPDO prior approval process. This prior approval remains extant, with 3895/17/POD, which permits 26-30 units or residential accommodation. The previous application on the site converting the block which runs north south on the site does not increase the number of units beyond the 26.

The current proposal however seeks a further 5 maisonette flats over two stories on top of the existing east – west block, which would make 31 units on this site. One more unit of accommodation than met the prior approval criteria.

Whilst the prior approval allowed for between 26 and 30 units, the introduction through this application of one more, will be considered in terms of design, highways, neighbour impact alongside the 4 which already have in principle permission.

In the context of the extant prior approvals which allow the whole of the building to be converted it would not be appropriate to require evidence that the site can no longer be used for employment in accordance with DEV14.

The site lies within Totnes which is identified in the JLP as a main town where the principle of sustainable development is supported by policies SPT1, SPT2 and TTV1. The application site is within a residential area of the town and is close to a primary school. There are buses which provide public transport to the town centre for this residential area and the town is also walkable. The application site is therefore sustainable.

Policy DEV 10 in the JLP seeks to ensure that new residential development meets national space standards. In this case the units comply with the National Space Standards.

Policy DEV8 seeks to ensure that the mix of housing for an area is broad and meets locally identified housing needs. The proposals in this application are for 5 x 2 bed flats. When the ONS data is assessed for the town of Totnes, the need is for 4 bedroom detached houses and in fact 2 bed flats 2 bed housing is oversupplied. This proposal does not therefore meet the housing needs identified. In relation to policy DEV8 itself, it does indicate that certain groups of people are generally in need in the Thriving Towns and Villages Policy Area. These include,

*“i Homes that redress an imbalance within the existing housing stock.*

*ii. Housing suitable for households with specific need.*

*iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency.”*

So whilst this proposal does not redress the imbalance, the 5 units could provide accommodation for younger people; working families and older people who want a sense of self sufficiency. In addition because of the configuration of the existing building and therefore the proposed extension already approved, it would not be possible to incorporate 4 bedroom flats into the proposed scheme. It is therefore considered that as there are only a small number of units in this case and the configuration of the building itself will limit the ability to provide larger units of accommodation, the proposal does meet the overall principle of policy DEV8, but not the specific needs identified in the ONS data for the town.

Bearing in mind the extant prior approvals, the principle of the development is acceptable.

Design: The design of the proposed two extra floors mirrors that of the previous application on the north / south building on the site (1683/19/FUL). The site is sloping so the east west element of the building is at a higher ground floor level than the north south part of the building. The proposal sees the 3rd floor being on the same footprint as the existing floors below and the 4th floor is set back from the building frontage in order to accommodate a small terrace in front of the building line at that height. This set back helps to reduce the mass of the building facing south also.

The height of the building has raised some concerns by both the Town Council and the local residents.

The fact that the building is set higher than the adjoining road leads to the height being perceived as much higher than the existing approved building. However the number of floors is the same as already accepted on the north south building. Whilst these concerns are understood, the fact that the building is set in its own grounds, set well back from the road and with reasonable distances from the surrounding development, means that the height increase can be accommodated on the site. The new element to the building will be seen

from the development behind, but there is a hedge with substantial trees within it at the rear of the site which will mask and screen the development from that view. Bearing in mind the Extra Care building behind the site and the other apartment building along Parkers Way, which are of a similar scale to this proposal, it is considered that the scale of the development is in line with these recent approved schemes.

This application seeks to repeat the contemporary design and height increase, reusing this employment building and extending it to provide new homes. It is considered that in design terms, the site can accommodate the extra height over a small part of the building as proposed.

Policy DEV 20 seeks to ensure that design matters are acceptable. With the previous part of the building already having been approved in design terms, the proposal reflects that same approach. Context is a key consideration as outlined in Policy DEV 20 and it must be acknowledged that the surrounding development is predominantly 2 storey. However slightly taller more contemporary buildings are also now located within the vicinity of the site. The other wing of the building has been increased in height and has been designed in a more contemporary manner. The increase in height is not so out of character with the context to warrant refusing the development.

Neighbour Amenity: Concerns have been raised by a number of local residents about the impact of the proposed extension of the residential amenity of the other properties in Parkers Way opposite the building and also those within the development behind in Sparkhays Drive and Home Reach Avenue.

The development will be higher by approximately 5 metres. The distance front wall to front wall between the building and the other properties is approximately 40 metres to the closest dwelling. The properties at the rear are separated from the application site by a mature hedge and tree line and the application site is set at a lower level than the dwellings on Sparkhays Drive. There is an Extra Care facility on the development to the south and the distance wall to wall to that is 52 metres and to the nearest gable end of the dwellings in Sparkhays Drive is 49 metres. More than double what is recommended in the SPD.

Highways/Access: The Highway Authority have not made any comments on this proposal, however a number of letters of representation have raised concern about the parking in the general area and that the proposal should not exacerbate an already challenging parking scenario. The applicant was asked to amend this proposal to ensure there were two spaces provided per 2 bed apartment as required by the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (SPD). This has been achieved and there are now a total of 40 spaces for the residential units across the whole site together with 4 visitor spaces, 6 of which will have EV charging points.

1 cycle space per bedroom is proposed in purpose built cycle storage areas. This meets the SPD requirement.

Two access points are proposed, in line with the permitted Prior Approval. The Transport Statement indicates that the proposed use results in a reduction of traffic movements compared to the previous office use on the site, (*a reduction of 106 total person trips across the duration of a day*).

Drainage: The drainage proposed indicates that foul and surface water drainage will be sent to the mains sewer. A Flood Risk Assessment was submitted in support of the application

which indicates that the development will not increase surface water runoff from the site, as the runoff already occurs from the existing building and as the development is on top of the existing building the extent of building has not increased in terms of surface water runoff. In addition the report confirms that the runoff will not increase flood risk elsewhere.

Ecology: A preliminary Ecological Assessment was provided which indicates that a survey was carried out in September 2020 and concluded that the building as existing has negligible suitability for bats due to the lack of suitable roost features. There are no impacts predicted to bats or bat roosts or nesting birds as a result of the proposed works. It is recommended in the survey that cautionary approach should be taken during construction because if the potential for bats to arrive at any time, even during construction and in terms of actions, the report recommends: *“that enhancements for crevice dwelling bats and nesting birds are included in the design of the planned extension. These should take the form of bat and bird boxes.”*

A condition is proposed on the consent to ensure that the actions are implemented

Climate change: The Design and Access statement provides a sustainability section, which states that converting the existing building (instead of demolishing and re building) ensures that embodied energy in the existing building is retained on site; prevents construction waste being sent to landfill , which reduces impact on the environment. It also states:

*“The additional 2 storeys will exceed thermal building regulations requirements through the use of a lightweight structure which can be packed with insulation and provide an airtight structural envelope. The apartments will have a Mechanical Ventilation with Heat Recovery (MVHR) system installed. Double glazed aluminium windows; the existing building will be externally insulated to achieve an average u value of 0.24 W/m<sup>2</sup>K; the concrete ground floor will be upgraded to achieve an average 0.17W/m<sup>2</sup>K.”*

In addition the flat roof allows for the installation of PV arrays.

Policy DEV32 requires that all development must seek to reduce its carbon footprint. In this case that is being proposed through the above measures. The retention and conversion of buildings and the embodied energy it holds is an exceptionally beneficial means of reducing the carbon footprint of a development. The additional measures in terms of extra insulation both in the existing and new parts of the building and the insertion of Photovoltaic panels on the roof mean that the proposal is in compliance with the policy. It is however proposed that a detailed drawing of the location and angle of the proposed photovoltaics is required prior to any planning permission being granted. The recommendation for this application is therefore to approve subject to the receipt of such plans.

#### Objections to the development:

There has been a lot of development in this area of Totnes over recent years and the impact that has had on car parking in the area is a general concern from the objectors to the development. The site has a car parking area however which has been designed to accommodate all of the parking for this development on site as well as 4 visitor car parking spaces. The development should therefore not add to the parking issues experienced on Parkers way. The location of the development in the middle of Totnes, with local bus routes available and the town centre only 10 – 15 minute walk away should ensure that walking is the preferred transport certainly for local goods and services.

Increased traffic movement has also been raised as a concern by the Town Council. It is acknowledged that the increase in apartments will increase the number of car movements to and from the site. However the transport assessment indicates that the number of cars using the site when it was being used for employment purposes was more than is currently proposed and so in fact the traffic movement will be less than when it was occupied as an employment site. As no comments have been received from the Highway Authority it would be difficult to substantiate a reason for refusal.

Another objection is that the design of the building is ugly. The proposal is designed to mirror the design on the other part of the building and it would be inappropriate to insist on a different design for the same building. It is therefore considered that the design is acceptable as was agreed on the previous consent (1683/19/FUL).

The potential impact on wildlife has also been raised. As stated above the ecological survey has identified no roost locations or nesting sites, and recommended a precautionary approach to construction works as well as the imposition of bird and bat boxes on the building. In terms of bat use of the area, particularly the rear tree line, whilst an external lighting plan was submitted for this application, the lights proposed are not suitable for areas where bats are located and so it is proposed to place a condition on the consent to prevent external lighting. This would mean that any external lighting would be the subject of further consideration by the ecologist, via a planning condition.

The Town Council have also raised concern with regard to the position and number of fire escapes provided for the building. This is not a planning issue and will be considered by Building Regulations in relation to the fire safety of the building.

Officers consider that whilst the objections are of great concern to both the residents and the Town Council, the scheme does provide for sufficient parking on site; the lighting proposals are to be subject of a planning condition; Building Regulations will deal with the technical requirements for fire safety and so will ensure that enough fire escapes are provided. It has also been indicated in the Transport Statement that traffic movements to and from the site are likely to be less than when the building was previously used as an employment site. Officers are therefore content that the scheme will not lead to further parking and traffic concerns.

#### Conclusion:

The proposal is policy compliant and meets the required parking standards as set out in the SPD. Whilst the height has been a concern, officers consider that the site and its layout and distance from surrounding development can take the addition, without it causing harm to residential amenity or be inappropriate in design terms.

The application is therefore recommended for approval subject to conditions as outlined.

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

#### **Planning Policy**

##### Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.



For the purposes of decision making, as of March 26th 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).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22 December 2020).

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on 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  
SPT14 European Protected Sites – mitigation of recreational impacts from development  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
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  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV26 Protecting and enhancing biodiversity and geological conservation  
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

**Neighbourhood Plan:** Totnes Neighbourhood Plan is at Regulation 15 stage, whereby the Draft Plan has been submitted to South Hams District Council for comment and public consultation. In terms of weight to be given to a plan at this stage in the production of a Neighbourhood Plan, it is very limited weight. Whilst the policies have been considered they have not been included in the analysis for that reason.

The draft policies in place, which would be relevant, but carry limited weight, are:

Policy V1 – local identity

Policy En1: sustainable development and the settlement boundary

Policy En2: development and design

Policy En6: enhancing local environmental capacity

Policy En7: renewable energy generation

Policy E7: sustainable transport

Policy E8 Walking and Cycling

Policy C4 Housing

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 2, 11, 47, 68, 105, 109, 124, 127, 154, 163, 175 and guidance in Planning Practice Guidance (PPG).

### **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.

### **Proposed conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

1093/001 Rev B Site Location Plan;

1039/004 Rev H Proposed site Plan;

1093/015 Rev H Second floor Plan;

1093/016 Rev H Third floor Plan;

1093/041/Rev E proposed NS Elevations,

2019-072 Rev 1 Proposed drainage layout, received by the Local Planning Authority on 2/10/2020.

2042 SK(0) 04 site layout for parking purposes, received by the Local Planning Authority on 15/12/2020.

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.

3. Prior to their installation, details / samples of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved and retained and maintained thereafter..

Reason: In the interests of visual amenity.

4. The recommendations, mitigation and enhancement measures of the Ecological Report, by Orbis Ecology on 29/9/2020, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species.

5. The biodiversity enhancements indicated in the Ecological Appraisal shall be implemented on the site prior to the occupation of any of the units hereby permitted.

Reason: to ensure there is a biodiversity net gain from the development of this site.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

7. Notwithstanding the details provided, the detailed lighting proposals shall be submitted to and approved by the Local Planning Authority prior to installation. The lighting proposals must take account of the wildlife species on and around the site as identified in the ecology survey by Orbis, dated 29/9/2020.

Reason: To protect wildlife from light spill, which arises as a result of the development.

8. The hedgerow and trees along the northern boundary of the site shall be retained and protected during development in accordance with a programme for the protection of the vegetation and trees along that boundary, to be submitted to and agreed by the Local Planning Authority. The works shall be carried out in accordance with the agreed protection regime.

Reason: To ensure the well-established vegetation is protected in the interests of wider visual amenity.

9. Prior to the occupation of the flats hereby approved, a landscaping scheme to enhance the rear boundary of the site shall be submitted to and approved by the Local Planning Authority. The scheme submitted shall be fully implemented in the planting season following the completion of the development and the plants shall be protected, maintained and replaced as

necessary for a minimum period of five years following the date of the completion of the planting.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

10. The EV charging points identified on plan no: SK(0) 04 shall be installed and made available for use prior to the occupation of the development hereby approved.

Reason: To ensure the charging points are available for the occupiers of the flats hereby approved.