

# PLANNING APPLICATION REPORT

**Case Officer:** Jacqueline Houslander

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

**Application No:** 2560/21/FUL

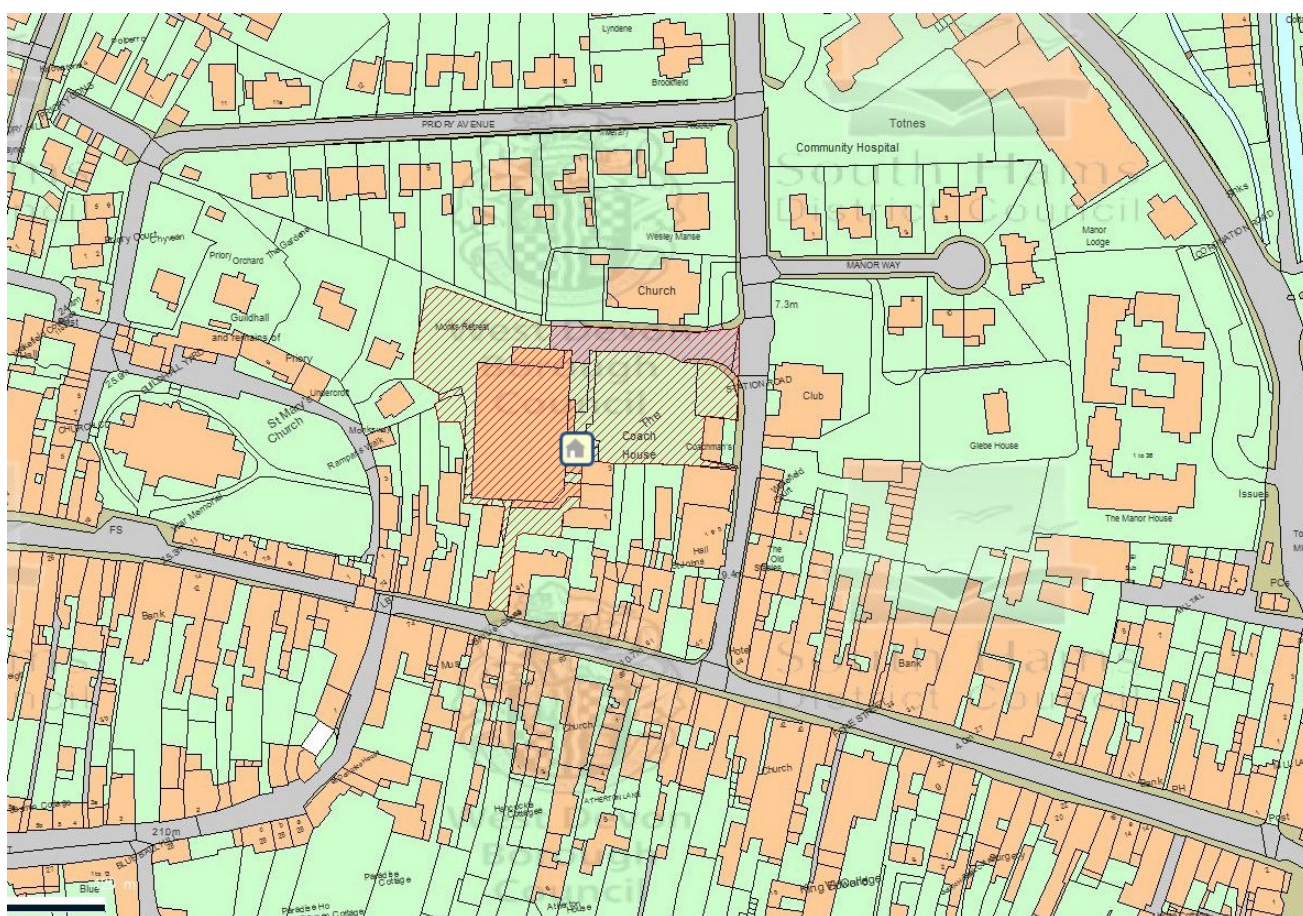
**Agent/Applicant:**

Mr Matthew Shellum  
Planning Issues Ltd  
Churchill House  
Parkside  
Ringwood  
BH24 3SG

**Applicant:**

Churchill Retirement Living Ltd  
Churchill House  
Parkside  
Ringwood  
BH24 3SG

**Site Address:** Former Brutus Centre, Fore Street, Totnes, TQ9 5RW



**Development:** Demolition of existing building and redevelopment of the site to form 2 no retail units, public car park and 42 Retirement Living apartments including communal facilities, access, car parking and landscaping (resubmission of 4198/19/FUL)

**Reason item is being put before Committee:** The Development Management Committee at the meeting on 8<sup>th</sup> September requested further viability information to be provided in relation to the Affordable housing contribution. The Committee asked for the application to be represented to them at the October Committee.

**Recommendation:** Approval subject to delegation to the Head of Development Management Practice, for the preparation of a Section 106 legal agreement to secure the following contributions:

- Affordable Housing: £410,000.00 as an offsite contribution
- Open Space Sport and Recreation: £19,968 towards improvements to sports and recreation facilities at Borough Park, Totnes.
- On-going management and maintenance of both the communal garden and public realm areas, as well as public access in perpetuity to the public realm areas.

### **Conditions**

1. Time limit
2. Accord with plans
3. WSI
4. No development in the bird nesting season
5. Details of the balconies and how they will be fixed to the building to be submitted and agreed.
6. Unexpected contamination
7. Construction management plan
8. Access complete before occupation
9. Access improvements carried out prior to occupation.
10. External lighting strategy to be agreed by LPA
11. LEMP
12. CEMP
13. Detailed landscape plan to be submitted and agreed prior to development above slab level.
14. No building or vegetation clearance to take place in bird nesting season.
15. !:20 shop front plans to be submitted
16. Junction of materials to be submitted to and agreed
17. Location and angle of photovoltaics to be agreed
18. Location and type of plant to be agreed
19. Roof specification to be agreed
20. Natural stone sample and to be laid on its natural bed.
21. External finishes
22. Parapet wall details to be submitted
23. Railings around site to be submitted and agreed
24. Rainwater goods
25. Details of public route
26. Tree protection measures.
27. Prior to the commencement of development a Waste Statement in accordance with Para 8 of the NPPF and W4 of the Devon Waste Plan to be submitted.

### **Key issues for consideration:**

Loss of retail space; loss of public parking spaces; proximity to listed buildings; Impact on listed buildings; impact on the conservation area; impact on neighbouring developments, affordable housing provision; and design; biodiversity; drainage.

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**Site Description:** The application site, comprises the former Budgen's store in the centre of Totnes. The site includes the supermarket site (which has been empty for some time); the pay and display car park and two small independent retail stores.

The site area is approximately 0.49 hectares. It is directly behind Fore Street, the primary shopping street and is accessed off Station Road. To the north of the site is inter war residential development and the rebuilt St Mary and St Georges Catholic Church (mid 1980's). To the south east and west is mixed commercial, retail development - Fore Street

and to the east is a mix of mid-19<sup>th</sup> century and more recent development and mixed commercial and residential development. The floor area of the current proposal is 1,378 square metres and the overall floor area of the proposed development is 3,127 square metres.

The site lies within the Fore Street and the Plains Conservation Area. There are a number of listed buildings and significant non-designated heritage assets within the vicinity of the site, including the Little Priory (grade II listed); No 61 Fore Street (Grade II listed); St Marys Church, the Guildhall and the East Gate are all Grade 1 listed.

The Old Coach House is adjacent to the southern site boundary. It is not listed but recognised in the Totnes Conservation Area Appraisal as historically important. It is natural stone built with a natural slate roof, set back from the road edge.

The site slopes gently from west to east. There is a small grassed area next to the existing entrance to the site, which has a large redwood tree, which has significant townscape value. The red line for the site does not include the tree, but car parking is proposed within the canopy area.

### **The Proposal:**

The previous application on the site was refused for the following reasons:

1. The proposal fails to acknowledge the sites' historic context and as such neither preserves or enhances the character or appearance of the Conservation Area (of which the site is part), neither does it preserve or enhance the special architectural or historic interest of the listed buildings or their settings which surround the site, contrary to Policy DEV21 of the JLP; The NPPF paras 190 – 200 and the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The proposed design does not relate positively to its context in terms of massing, scale, style and layout, being a large single building in a context of smaller plot's and tight knit morphology, resulting in harm to the character of the area, contrary to Policy DEV20 of the PJLP and para. 127 of the NPPF 2019.
3. Insufficient information has been submitted to enable the Local Planning Authority to assess the impact of the development on the redwood tree on the site (which is covered by a Tree Preservation Order). The proposal fails to meet policy DEV28 of the Plan. In addition the proposal fails to demonstrate a net gain in biodiversity on the application site, which is a requirement of Policy DEV26.5 of the Plymouth and South West Devon Joint Local Plan and paras. 170 (b) 170(d) and 175 (d) of the NPPF 2019.
4. Insufficient information has been submitted to ensure that the proposal will provide safe vehicular and pedestrian facilities both within the site and on the adjacent Station Road to the satisfaction of the Local Planning Authority. Without this information the Local Planning Authority cannot confirm the highway safety of the proposal and as such is contrary to Policy DEV29 of the Plymouth and South West Devon Joint Local Plan and para. 108 and 110 of the NPPF 2019.
5. The proposal does not provide any affordable housing in line with policy DEV8.3, neither does it provide any off site contribution in lieu of on-site provision. The

Local Planning Authority have examined the viability statement submitted to justify a zero contribution to affordable housing and find that there is a sound basis to seek an off-site contribution. The proposal is therefore contrary to Policy DEV8 of the Plymouth and South West Devon Joint Local Plan and para 64 of the NPPF 2019.

6. The drainage proposals for the site do not provide sufficient information to be able to determine that the site can be adequately and appropriately provided for in terms of surface water drainage. The lack of information results in the proposal being contrary to Policy DEV35 of the Plymouth and South West Devon Joint Local Plan, the emerging supplementary Planning document supporting the Plan and para. 165 of the NPPF 2019.

7. The proposal has failed to provide the appropriate surveys for European Protected Species that may be on the site, without which the Local Planning Authority cannot be sure that such species would not be lost or habitat destroyed by the development proposal. The proposal is therefore contrary to policy DEV26 of the Plymouth and south west Devon Joint Local Plan, guidance in the emerging Plymouth and South West Devon Joint Local Plan Supplementary Planning Document and Para's 175(a) and 177 of the NPPF 2019.

8. The proposal does not demonstrate on a plan, the climate change measures which will be used on the development to meet policy DEV32 in the Plymouth and South West Devon Joint Local Plan. Without a plan indicating the location of photovoltaics or underground heat source pumps, the LPA are unable to ensure the measures are undertaken as part of the development. The NPPF 2019 states in para 150 (b), that proposals should help to reduce greenhouse gas emissions.

The current proposal sees the demolition of the Brutus centre (also known as the former Bugden's store) and redevelopment to create 42 retirement living apartments, 26 one bed and 16 two bed retirement living apartments, associated communal facilities, landscaping, vehicular access and parking, 25 public spaces and 14 spaces for the retirement home. 2 retail units are also proposed facing Fore Street.

The proposed building has been designed with the built form set around a central amenity space for the residents. The facades therefore have to address quite different contexts. The eastern elevation faces onto the car park, and is the most publically visible as the car park and entrance have an open aspect. Public views of the south elevation are from Fore Street, but are funnelled by the snicket that is a pedestrian route from Fore Street through the car park and the proposed building; this will be retained. The west elevation from a public vantage point has limited views being partly screened by the trees and private houses along the boundary of the site. Private views from the residential development to the north also prevent public views from a distance, but is viewable from the access road and the Church of St Mary's adjacent to the access road.

The building proposed is a mix of 2 and 3 storeys in height. The pedestrian entrance is to the north of the building, where the proposed reception is glazed at ground floor level, enabling views through to the inner amenity area.

The east elevation is 3 storey (with a raised ground floor because of the levels across the site), with a two storey element at the northern end. The 2 storey element wraps around the

building extending along the north elevation, but with a setback second floor, with 2 storeys over the entrance lobby and then a block of 3 storey elements broken up at roof level with the use of pitched roofs and gables.

The west elevation is almost entirely 3 storey with a 2 storey element at the southern end, with pitched roofs plus a flat roof element which picks up on the flat roof elements on the east and north elevation. The south elevation contains the two retail units, which have been designed in a contemporary way and sit forward of the rest of the building which has picked up on the width of the burgage plots and the more traditional roof pitches in this part of Totnes. Slate hanging above the shop units and on the shop fronts pick up on the slate hanging of the property to the west of the snicket.

A question was raised at the site visit about the difference in floor area between the existing building and the proposed building and the information was again requested at the DMC. The floor area of the existing building is 1378 sqm. The proposal scheme is 1372sqm. The proposed building over 3 floors has a gross internal floor area (GIA) of 3,127sqm.

At the previous DMC, questions were also raised about the size of the bin store and how the waste from the site would be dealt with. The applicant confirms the following:

*"In respect to waste there is an internal refuse room which can be seen marked in blue on the site plan which has the ground floor plan imposed. We have internal refuse room for these forms of development so residents do not have to go outside in winter months to drop off their refuse. Page 61 of the Design and Access statement provides the necessary information with regard to bin store capacity. I would note that retirement housing schemes in general have occupancy rates which are 50% lower than typical open market equivalents as many of the units are single person occupancy. This does mean that the level of waste creation is also reduced. A calculation is provided on Page 61 specifically for this scheme identifying a requirement for 5250L of bin space and our proposal is for 6600L in the form of 6 x 1100l bins. One of these bins can be dedicated for recycling purposes."*

A further question was asked in relation to the visual images of the proposed building and whether that can be considered an accurate representation. The applicant has confirmed that *"the images produced by Nicholas Pearson Associates are verified visual images. The D and A explains the methodology, equipment and lenses. Each visual also has photos of position and equipment taken as evidence. The tripod with the camera is set at an eye height of 1.65m and uses a lense as close to the human eye as possible. They are in my experience unchallengeable at appeal and we stand by them as accurate."*

An additional plan will be provided at the Committee indicating an outline of the existing building on the proposed elevation.

### **Consultations:**

County Highways Authority: Recommend conditions relating to construction management plan; access, parking, loading and unloading and turning areas to be completed prior to occupation; access improvement works to be completed prior to occupation

Environmental Health Section: CEMP and Unexpected CL condition recommended.

Noise: The report concludes that the apartments will comply with the Noise Policy Statement for England guidelines if provided with standard design of windows and ventilation. We agree with this conclusion.

Air Quality: The report concludes that there will be no significant effects and EH agree with this.

Contaminated land: No significant contaminants are predicted that will not be removed during the demolition and oversite works. We agree with this conclusion but recommend that the “unexpected contamination” condition is included on any approval.

CEMP: Being a town centre site, with restricted access for deliveries and restricted parking for site workers recommend a CEMP and CMP.

Town/Parish Council: Totnes Town Council would like to acknowledge the steps taken by Churchill to answer some of the concerns raised in response to the initial planning proposal and we believe that the design is much improved.

The Council would however like to emphasise the following points:

- S106 monies. We are very unhappy with the S106 contribution from Churchill, which we don't feel is adequate in any way. We would like to see an affordable provision of no less than 30% in the home itself and extra contributions to town no less than for £400,000 as suggested by a SHDC officer last year, to help mitigate the impact that the home will have on the town. We would like to see this money kept in Totnes to help with our serious traffic situation and to support our strained health service.
- We would like to see the remaining few public parking places kept for the public and not be lost to residents of the home. We would like an assurance that permits for the remaining places will not be offered to residents. This could possibly be dealt with in a S106 agreement.
- We acknowledge the plan to put in two electric charging points into the car park, but we would like to see at least six charging points to encourage the use of electric cars by residents of the home and to also provide this asset to the town, which is very much lacking in electric charging points.
- Although we acknowledge improvements to the overall design and bulk of the building and are happy to see that the materials used are more in keeping with the overall style in the conservation area of town, we would like to see further improvements particularly to the mass and bulk of the building, which is very imposing in this sensitive area of town, abutting as it does, two Grade 1 scheduled monuments and the conservation area in the heart.
- The town council requires an assurance that the thoroughway from Fore St to Station Rd is wide enough to accommodate two wheelchairs passing each other. The loss of car parking space in this most central of car parks has been flagged up by our local disability advocate group, as very problematic. Those with mobility issues use the Brutus car park more than any other group.

Landscape: The general approach shown on the ‘Residential Landscape Strategy Plan is acceptable, although noting that detailed planting proposals will be required. There is some discrepancy between some of the landscape plans and therefore highlights the need for more detailed planting proposal, showing planting layouts, schedules of plants including numbers, and specification information all on one sheet.

No objection to the planting mixes and species selected, and the planting specifications are broadly acceptable, although only allow for one year establishment maintenance and provide no indication of maintenance operations. I would therefore concur that a condition should be applied to any consent to ensure that the detailed landscaping proposals should be submitted prior to any development above slab level, including full specification for establishment maintenance and information to confirm the on-going management arrangements and operations.

I would agree with OSSR colleagues that any S106 agreement will need to secure on-going management and maintenance of both the communal garden and public realm areas, as well as public access in perpetuity to the public realm areas.



Archaeology: Recommend a programme of archaeological recording in accordance with a written scheme to be submitted and approved. A pre-commencement condition is recommended.

Historic England: Acknowledge that there have been improvements to the design by *“breaking down the bulk of the building into smaller components and with the introduction of more modelling and detail to the elevations, without seeking to replicate historic facades.”* However HE does have concerns about the introduction of the flat roof corner. The recommendation from HE is therefore: *Historic England does not object to the application. However, we consider there are some aspects of its design which fail to respond fully to its historic setting. This means that the proposal does not make the most of an opportunity to better reveal or enhance the significance of surrounding heritage assets.*

*It is for your Authority to consider, taking advice from your own heritage specialists, whether that would actually cause harm to the significance of those heritage assets which would need to be weighed against any public benefits derived from the proposal.*

*Tithe issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 197 and 206 of the NPPF.*

*In determining this application you should bear in mind the statutory duty of:*

*Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.*

*Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas*

Historic Environment Specialist:

South elevation with shopfronts

The general composition of the important view from Fore St is much as discussed. Details are so important and a lot could be covered by conditions but I have some observations as per previous comments that I would like to see addressed.

- I wonder about the treatment of the gap between the shopfronts. It appears unresolved and would likely become advertisement space which is unnecessary and not a good outcome. A continuous fascia makes some sense, spanning the two different elements for this elevation, but it would be improved if the stonework filled this space below fascia level. It is also an opportunity for an artwork or some form of interpretation material to be installed - more consideration is needed.
- The treatment of the parapet and how this then abuts the slate hanging is also unresolved. I have repeatedly asked that parapets be indicated as either granite or slate – a simple annotation is all that is needed at this time.
- I can't think of a slate hung building in Totnes with a shopfront where the slate hanging does not begin immediately above the fascia – this may help to tie the elevation together better by giving the slate hung element its own character and the other half being a complementary contrast.
- A contemporary shopfront design is welcome but needs to be of high quality design and materials – both are very unclear as shown. We have asked for more detail as 1:100 scale drawings are inadequate for such important features. 1:20 minimum is expected.

East elevation to Station Road

The composition is much improved by the introduction of the bay windows framing balconies. The strip of slate hanging to the right at parapet level seems a gratuitous feature that adds no positive merit that I can see. I don't object to there being some flat roofing in this location where there has not been historic development and it can be said to give better views to the church tower.

- In all iterations to date stonework has been the primary material for this elevation but now there is an abundance of white render with minimal stonework which is a negative change.
- The amendment to the proportion of window openings to have vertical emphasis is welcome but the inverted 'mullion and transom' subdivision is awkward. Assuming only top sections are opening the actual appearance will be nothing like what is shown. The treatment of the fixed lower sections is not stated and I suspect will be infill panels not glazing. I would like to see a more architecturally positive and user friendly approach as this design will dissect the fine views for the residents.
- Along with other key details the provision of bespoke and architecturally considered ironwork to balconies and boundaries is really important to make this development a welcome presence rather than just another generic building.

Tree Specialist: I had a meeting with their arborist where as far as I'm concerned all matters appeared to be agreed, and that an updated TPP and AIA would be forthcoming. If it mirrors our conversation I would be unlikely to have no objection to either of the schemes.

Ecology and Biodiversity: The ecology survey is sufficient and there are unlikely to be any impacts on any protected species. Biodiversity matrix requested. Conditions recommended.

The adopted Joint Local Plan Supplementary Planning Document requires major developments to ensure a 10% net gain in biodiversity – this development is classified as a major development under the JLP.

It is noted that a net gain report (Tyler Grange, June 2021) has been submitted, but in order to comment on the suitability of the proposed landscaping/habitat creation the applicant must submit a Defra metric calculation spreadsheet for comment, which clearly evidences that the scheme will lead to a 10% net gain in biodiversity.

Affordable Housing: Comments from the Affordable housing team and the viability assessor from PCC, will be available as a verbal update at the Planning Committee meeting.

LLFA: DCC's Flood and Coastal Risk Management Team have no in-principle objections to the planning application, but there was a further revision to the surface water drainage document which the applicant has submitted.

South West Water: South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain. We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Please note that no development will be permitted within 3 metres of the water main, and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant.

Police Architectural Liaison officer: Security recommendations, including access controlled gates and fencing/railings prior to plot 11; battery and cycle store to be designed to Secure by Design standards; Deep recessed areas between plots 2 & 3 should be removed and



external spaces for plots 9, 19 and 11 lack neighbourly overlooking – reduces natural surveillance; Open access from the public realm on the east elevation could attract unwanted loitering. The railings should be designed such that they cannot be climbed.

Open space Sport and Recreation: These comments should be read in conjunction with my previous comments dated 21 April 2020. It should be noted that since those comments were made, the Plymouth and South West Devon Joint Local Plan SPD has been adopted with its supporting Developer Contributions Evidence Base.

#### Amenity Areas

As previously, given the nature of the development, it is considered that the provision of a communal space for residents only (as opposed to a public open space) is appropriate, and the quality of space is more important than the quantity. The comments on 'Landscape and External Amenity' on page 66 of the revised Design and Access Statement are noted.

The general approach as shown on the 'Residential Landscape Strategy Plan (Drawing 12551/P04e) is considered suitable, although the specific planting proposals should be reviewed by the Landscape Officer.

It is noted that the communal area has been reduced in size since the previous submission (presumably to allow other design comments to be addressed), and thus it is recommended that the provision of external patios to ground floor level apartments, and balconies to first and second floor apartments, is maximised to provide private/semi-private space for as many of the new residents as possible.

As previously, the general approach to the public realm areas is supported – the specific planting proposals should be reviewed by the Landscape Officer. The provision of information boards and seating within these areas is welcomed, as well as the proposed potential to incorporate them into the Totnes Garden Trail.

The s106 agreement will need to secure on-going management and maintenance of both the communal garden and public realm areas, as well as public access in perpetuity to the public realm areas.

#### Other OSSR Facilities

As set out in my previous response, a contribution towards local sports and recreation facilities at Borough Park is considered justified.

In accordance with the new Joint Local Plan Developer Contributions Evidence Base the required contribution would be £19,968 towards improvements to sports and recreation facilities at Borough Park, Totnes.

DCC Waste: Major development proposals should 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. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels. No such Audit has been provided. A condition is recommended.

#### **Representations:**

##### **Representations from Residents**

Comments have been received and cover the following points:

Objections – 6 letters

- Excessive housing for the elderly in town is not supported by sufficient health care – MIU closed.
- It is aimed at incomers and so distorts the demographic and social character of Totnes.
- Totnes does not need town centre flats for the elderly. It needs housing for young people and families.
- The loss of parking will adversely affect the town.
- The site could provide more parking or employment.
- It will kill the town centre
- During construction, there will be increased use of the road by large vehicles, impacting on residents environment
- The increase in noise will impact on those people working from home
- The development should be providing for the youth of the town and for affordable housing.
- The giant Sequoia Tree is under threat despite an conservation orders
- There are too many retirement home in Totnes already and not enough small supermarkets.
- Design and appearance
- Impact on the Conservation Area and Listed buildings
- Over dominance
- Traffic generation.

Support 2 letters

- We should be pleased a company wants to invest in Totnes
- They have revised their plans and listened to the feedback
- The current eyesore should be removed
- Would they be able to make a financial contribution to Bob the Bus?

### **Relevant Planning History**

56/0497/83/3: FUL

Proposal Demolition of existing buildings construction of supermarket and retail shopping development with ancillary car parking together with new Roman Catholic Church  
Site Address Land behind 61 Fore Street and car park together with The Crichel Station Road Totnes.

Decision Conditional approval: 03 Jul 84

56/1624/84/3: FUL

Proposal Upgrading 61 and change of use to Presbytery upgrading 59 Fore Street Erection of Supermarket Shops and 4 Flats together with associated parking and landscaping  
Site Address Nos. 59 & 61 Fore Street site of former Council Offices r/o 59-65 Fore Street.

Decision Conditional approval: 17 Jan 85

56/0546/05/F: FUL

Proposal Refurbishment of existing store including external alterations and new refrigeration plant

Site Address Somerfield Store The Brutus Centre Fore Street Totnes TQ9 5RW

Decision Conditional approval: 13 Jun 05

56/0860/10/AD: ADV

Proposal Advertisement consent for 5 x fascia signs and car park signage

Site Address Co-op / Somerfield Store Fore Street Totnes TQ9 5RW

Decision Conditional approval: 18 Jun 10

56/1367/13/TCA: TCA

Proposal Leylandii Hedge - Reduce by 2.5m in height and trim both sides

Site Address Co-Operative Retail Services Ltd Unit 4 Brutus Centre Station Road Totnes (Car Park)

Decision Tree Works Allowed: 22 Jul 13

0627/20/TCA

T2: Giant Redwood - Stabilisation of deadwood, crown lift existing canopy to establish 4m clearance above car park area, pruning of canopy extents (limited to tertiary branches and foliage only) on Southern canopy extents to establish 2m clearance between foliage and The Coach House, installation of Cobra tree bracing system to establish flexible control to movement extents of primary lateral branches in close proximity to The Coach House.

"Former Budgens", Station Road, Totnes

Decision: Approval 3/4/2020

4198/19/FUL

Demolition of existing building and redevelopment of the site to form 2 no. retail units, public car park and 41 retirement apartments, including communal facilities, access, car parking and landscaping.

Refused 24/6/2020. Appeal hearing still outstanding.

## **ANALYSIS**

### Principle of Development/Sustainability:

The principle of this development in Totnes must be considered against development plan policies, national policy and other material considerations.

In relation to the principle of locating a development of 42 retirement flats and parking and 2 retail units in the town centre, reference must be made to the strategic policies SPT1 and SPT2 as well as the hierarchy in policy TTV1, which promotes development according to the size and facilities in a settlement, with the main towns such as Totnes being a focus for growth.

Policy SPT1 reinforces (with additional detail) the 3 dimensions of sustainable development contained in the NPPF 2021. The policy states... *"The LPAs will support growth and change that delivers a more sustainable future for Plymouth and South West Devon."* The policy proceeds to describe the tenets of sustainable development: a sustainable economy; a sustainable society and a sustainable environment.

### Economic impacts

Loss of retail has a negative impact on the towns economy, however it must be recognised that the supermarket has been closed for some time and no other occupiers have come forward in that time to utilise the space. The now empty building is not adding anything to the local economy and the longer it remains in this state could have a negative impact on the economy.

The replacement of retail with residential can be argued to have a negative impact on the economy, however the occupation of the 42 apartments with elderly people would mean that more money would be spent in the local shops, which are within easy walking distance of the site.

The contributions towards off site affordable housing and the facilities at Borough Park provide some public benefit from the development.

#### Social

Retail premises have a social impact on an area by encouraging social interaction. The use of the land for residential for the elderly will result in less social interaction and the way in which the building is designed with an inner courtyard area turns its back on the areas around the building.

However, the introduction of specific housing for the elderly in the town centre will add to the demographic of the town centre, with all local facilities on the doorstep. Access to public transport and the ability for residents to walk to all of these facilities is also a positive social benefit of the scheme. This complies with policies E7 and E8 of the draft Totnes NP, which encourage walking and cycling and the use of public transport. This site is well placed to ensure that walking is the primary transport to local facilities.

The current building has been empty for some time and is not a positive foreground for the historic buildings to the west of the site and in this application the climate change agenda has been more thoughtfully and proactively promoted.

The use of the building will result in more footfall in the local area, with comings and goings to the building as well as for other local people with the retained public car park. It does therefore present opportunities for social interaction.

#### Environmental:

The final aspect of policy STP1, relates to environmental sustainability, which promotes the use of brownfield sites, which this site is; seeks gains in biodiversity; seeks to minimise pollution and adverse environmental impacts of development and promotes local distinctiveness and sense of place through high standards of design. These issues will be discussed later in the report.

Policy SPT2 encourages development in communities such as Totnes, where: daily needs can be met; higher densities do exist and can be accommodated; have a good range of housing types and tenures - this is again an issue which will be discussed further on in this report; well serviced by public transport. Totnes is connected to the main railway route to Cornwall and London; there are numerous bus services to the surrounding area. There is access to green spaces and other urban spaces. There are facilities provided for all levels of the population, with schools for primary aged children and secondary education; there are employment opportunities, healthcare and arts culture and community facilities.

The principle of residential development in Totnes is supported by the Plan.

Another key consideration in relation to the replacement of a former supermarket with residential development in the town centre is the fact the loss of retail. Policy DEV18 seeks to ensure that shops in primary and secondary locations in town centres are not lost unless there are particular circumstances....

1. Development within centres should maintain the vitality and viability of the centre as a whole and ensure that the centre retains its role in the retail hierarchy, meeting the needs of the area it serves.

2. Development within centres should create an attractive street frontage and not cause unacceptable fragmentation or isolation of retail premises or a frontage.....

4. In the Thriving Towns and Villages Policy Area the LPA will support proposals which:

i. Result in the loss of ground floor premises in retail use (Use Class A1) within primary frontages to uses within Use Class A2 and A3 only where they do not create a continuous frontage of more than two non Class A1 uses and would not result in more than 15m of continuous frontage in non-Class A1 use.

ii. Do not result in more than:

30 per cent of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Dartmouth and Tavistock;

40 per cent of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Kingsbridge;

45 per cent of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Ivybridge and Totnes; and

60 per cent of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Okehampton.

iii. Provide uses outside Classes A1, A2 or A3 in ground floor premises within primary frontages only where the use would achieve a significant improvement in the vitality and viability of the centre.

iv. Result in the loss of ground floor premises in retail use (Use Class A1) within secondary frontages to other main town centre uses where they encourage footfall within the centre and support the main functions of the rest of the centre.

v. Within the wider centre, provide a broad range of uses which contribute to vitality of the area and do not lead to inactive frontage.”

The application site lies in the area described as secondary shopping frontage. The proposal does include two new shop units facing towards the pedestrian route from Fore Street, however this does not make up for the floor space lost from the supermarket. It is understood that the site has been marketed for some time as a food retail outlet, with no takers.

Part 4.iv. of the policy allows for other ‘main town centre’ uses, where they encourage footfall and support the main functions of the rest of the centre.

Whilst it would not be described as a main town centre use, residential development is located within the town centre, in the form of flats above shops and the other forms of residential at the edges and in the peripheral parts of the town. This site is secondary frontage, where there is no retail to its north, east or west. The site has been marketed for some time with no takers and the use of the land for residential for the elderly, will result in more footfall utilising the town centre uses from the development. The retained car parking will also mean there is a footfall through the snicket to the town centre. Two smaller retail units are proposed closest to the town centre and because of their size are likely to be more appealing in a town such as Totnes. Officers therefore consider that the loss of the supermarket in this secondary location is acceptable in this case.

As this site lies within the secondary shopping frontage, and two new retail units are proposed at the point where the building faces towards Fore Street, the proposal complies with Policy DEV18 and the loss of retail is balanced by the introduction of users who will utilise the shops and services in the town centre and the two new retail units.

### Loss of parking:

The proposal would take up a larger land area than the supermarket building currently does and as such 25 of the current 50 car parking spaces will be lost from the site. The spaces were previously owned by Bugden's, but since its closure have been public car parking. A number of letters of objection express concern about the loss of the car parking, concerned that the loss will impact on the success of the town centre and impact the local businesses through the loss of parking.

There are no specific planning policies in the JLP regarding loss of parking spaces, however the draft NP policy E10 is relevant. *"Development that would involve the loss of public car parking will not be permitted unless that loss is made up for elsewhere which will be of equal benefit to the overall functional sustainability of the town or it can be demonstrated that the parking is no longer needed due to changes in vehicle use."*

It is also clearly a matter which is important to the local community and the retail policies in the plan seek to ensure that the town centre remains vital and viable. During the pre-application process the scheme started with the total loss of public parking spaces. However through negotiations, 25 public spaces are now provided. 14 spaces are also provided for the occupants of the proposed apartments.

Whilst there is still a loss of spaces, and there is no provision proposed elsewhere, bearing in mind the other car parks for the town and the ability in some areas to park on street, officers consider that the loss will not impact on the vitality and viability of the town centre.

A question at the last DM Committee was with regard to providing a percentage figure of the loss of 25 spaces. This information is being compiled and will be available for the Committee meeting.

### Affordable Housing:

Plymouth and South West Devon Joint Local Plan policy DEV8.3 states: *"Within the whole policy area a minimum of at least 30 per cent on-site affordable housing will be sought for all schemes of 11 or more dwellings. Off-site provision or commuted payments in lieu of on-site provision will only be allowed where robustly justified."*

The previous application proposed no affordable housing and no contribution to offsite affordable housing (hence the reason for refusal on that issue), however discussions with the Council's viability expert resulted in amendments to the viability statement such that the scheme at the time of the previous committee indicated an offsite contribution of £210,000.00. Members were not satisfied with this level of contribution and therefore instructed officers to seek further guidance on the viability of the proposal and the ability for a larger contribution to be available.

Running in parallel with this application is an appeal, against the previous refusal, which is due to be heard on 28<sup>th</sup>/29<sup>th</sup> September 2021. In consultation with the appellant and the Inspector, agreement has been reached that the appeal will be delayed for 2 months so as to allow the Council to seek relevant evidence in support of the Council's case on viability.

The appellant has also provided a different (without prejudice) offer of £410,000.00 towards off site affordable housing. The Housing team and the existing viability consultant are reviewing this and their response will be provided at the DMC meeting.

The policy as indicated above does require 30% unless robustly justified. Further information is awaited from the applicant with regard to the justification for the amount and the off-site



contribution and will be shared at the DM Committee. In terms of on-site contribution however the applicant has always maintained that the Churchill's model, which requires an ongoing maintenance contribution by the occupiers does not work well when adding affordable housing into the mix.

### Local Housing Need

The JLP requires officers to consider housing need when determining applications for residential development. Policy SPT2, seeks to ensure that sustainable settlements:

"4. Have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs.

5. Promote resilience to future change by ensuring a well-balanced demographic profile with equal access to housing and services."

Local housing need is also promoted in paragraph 61 of the NPPF.

This planning application includes a submission relating to the need for housing for the elderly in the South Hams, which refers to the NPPF 2019 and the fact that the elderly are identified in paragraphs 61 and it introduces a paragraph on Housing for Older and Disabled People. It goes on to refer to the NPPG, which provides further commentary on the provision of housing for the elderly.

The only reference in the JLP planning policies to housing for older people is in policy DEV8 which states that the LPA's will seek to deliver a wide choice of high quality homes..... The following provisions will apply.....:

*"A mix of housing sizes, types and tenure appropriate to the area and as supported by local housing evidence should be provided, to ensure that there is a range of housing, broadening choice and meeting specialist needs for existing and future residents. The most particular needs in the policy area are:*

*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."*

The applicant's report makes reference to the NPPF for the provision of accommodation for specialist housing for the elderly to address the need. The report refers to a document by Devon County Council (Joint Strategic Housing Needs Assessment Devon in June 2018), which identifies the need for accommodation for older age groups. Reference is also made to a planning tool called SHOP (Strategic Housing for Older People analysis tool). The Report suggests that for South Hams District there would be a need for 1,200 sheltered housing units to 2035.

The report concludes that based on Policy DEV8 there is a need for older persons housing and it ties in with the County Council's objectives. It goes on to conclude that the current provision for the elderly is in rented accommodation and shared ownership, with only one scheme of 30 private sector short leasehold properties in Totnes. The JLP, however, was not assessed or provided data about the need for housing for the elderly.

In response, the Council cannot argue that the population is not aging. However the Council also have an up to date Development Plan and during the examination of the plan the inspector did not require the 3 Councils to carry out any assessment of need for the elderly population. The plan does acknowledge that older people can be considered alongside other

local housing needs such as for young people and working families and those who have a specific need, in Policy DEV8. The aim of the policy is to ensure that there is a balanced mix of house types, tenures and sizes within the settlements in the Thriving Towns and Villages policy area.

The draft Neighbourhood Plan also makes reference to housing and local need, “specifically increasing the number of smaller homes to meet the needs of local young and older people”. The Strategic Housing Market Assessment, also identifies the need for smaller homes in the town.

Policy C4 in the draft NP, encourages developments of 11 or more, to have 75% to be one and two bedroom dwellings. In this case 100% are 1 and 2 bedroom homes for older people. The benefit of this style of development is that other properties within the town will become available for families and younger people as the older people downsize to this type of development.

The town centre location, is also of relevance, allowing for sustainable forms of transport – walking and cycling and use of public transport is a relevant consideration in policy SPT2. The extent of the need identified by the applicant’s submission has no policy basis, so whilst material to the application, carries little weight. However policy DEV8 does accept the need for housing for the elderly and there are very few opportunities currently in the town for ownership of elderly persons’ accommodation. The proposal also provides 1 and 2 bed units which are promoted in the SHMNA for the whole of the district. It is therefore considered that the tenure and type of housing proposed is acceptable and policy compliant.

### Design

The previous proposal did not relate well to the context and appeared to ignore the rich, characterful and historic context. Hence two of the reasons for refusal of that application. The applicants have taken the refused application to appeal, but have also been looking to overcome the reasons.

The design, layout and materials have therefore been reconsidered and discussions have taken place with the Planning Specialist and the Heritage Specialist to try to provide a proposal which is more appropriate in this sensitive location adjacent to listed buildings and within the Conservation Area.

Negotiations have resulted in the building design changing significantly. The entrance has been moved to a more visible location and is proposed as an open glazed link. The materials, in this case, clearly identify it as the entrance to the building.

The previous blank facades have been replaced with more articulation through the provision of balconies, bay windows, plus building elements which step forward and backwards. The roofscape has been improved through the recognition of the narrow burgage plots that will have once been part of this historic part of Totnes, albeit they are still larger in scale. The roof form also reflects the narrow building forms still present in and along Fore Street adjacent to the site.

The inclusion of some areas of flat roof have been used where possible to create more private outdoor space for residents. The shop units are more simple and contemporary in their aesthetic and whilst acknowledging the context in terms of materials, are still identifiable as a modern infill into the historic context.

In terms of materials, the proposal is to use slate roofing and slate hanging on some areas of the building, natural stone and render. The Heritage Specialist has identified some concerns with the detail of the fenestration and the placement of some of the materials and so this will be subject to further discussion once the principle of the development has been approved, but prior to a decision being issued.

#### Impact on Conservation Area and Listed Buildings

Heritage Specialists had grave concerns about the previous proposal and the fact that it did not relate positively to its context. Some of the issues previously raised by the Design Panel had also not been taken on board. Negotiations between the Conservation Specialist and the Planning Specialist, with the applicant have resulted in many changes to the proposal to try to address these concerns.

The Conservation Area Plan for Fore Street and The Plains, identified many of the buildings on Fore Street to the south of the site as either listed buildings or historic buildings with a positive impact. Some of the buildings along Station Road are also both listed and historic buildings with a positive impact.

The Historic Environment Specialist has identified some concerns, which have been communicated to the applicant and may result in amended plans prior to the committee, however the number of concerns are much reduced from the previous proposal and are matters which can either be dealt with by condition or negotiated post committee, whilst waiting for the Section 106 to be produced.

As stated by the Historic Environment Specialist in relation to the previous application, the current building on the site does mean that the starting point in terms of considering this proposal sets a low bar. Policy DEV21 in the JLP seeks to ensure that impact on historic assets is properly considered and local character and distinctiveness is sustained by conserving and where appropriate enhancing the historic environment. The application submission contains a Heritage Statement which indicates an understanding of the historic context and acknowledges the fact that the current building on the site does not make a positive contribution to the Conservation Area.

The Plymouth and South West Devon Supplementary Planning Document (adopted July 2020) indicates that *“Where less than substantial harm is identified then the LPA is required to consider whether other public benefits arising from the proposed development outweigh this harm. If this is considered to be the case, then the development may be approved.”*

Para 6.64 in the SPD provides a ‘simple checklist’, such that if development meets the list then there is more likelihood that the development will preserve/enhance the character and appearance of the Conservation area.....

- *“The retention or reinstatement of authentic/original features like authentic windows and doors, stone walls, cast-iron rainwater goods, chimney stacks, decorative architectural detail and distinctive wall finishes or claddings;*
- *The avoidance of incongruous features like poorly designed windows and doors, panel fencing, satellite dishes and mass produced ‘add-ons’ like porches;*
- *The incorporation of wall or roofing materials that are prevalent in the area; and/or,*
- *The introduction of new buildings that add quality and interest to valued street scenes and views.”*

As this is a new build on a site with a building which does not enhance and conserve the character and appearance of the Conservation area, the first criteria is not relevant. The

issue of the doors and windows has been raised by the heritage specialist and the details will be negotiated. Most of the materials proposed are prevalent in the area, and those that are not or are inappropriately placed on the building will be negotiated. And finally the proposed building has been broken up in terms of its massing, the elevations have been better articulated. There are details which still require some refinement as per the Heritage Specialist's advice but in principle the proposal is far better and relates more positively (accepting the fact that it has to be a single building) than the previous refused proposal.

Landscape: Whilst landscape colleagues were not consulted on the proposal, the submission as it stands only provides a landscape strategy. From both a biodiversity perspective and detailed design of the landscaping, it is considered that a condition should be applied to any consent to ensure that the detailed landscaping proposals should be submitted prior to any development above slab level. Policy C1 in the draft NPP also seeks high quality public realm, particularly in the historic core. This proposal includes the improvement of the lane through to Fore Street as part of the development. The space will be resurfaced and improved with seating and a central planted area. The detail of this will be conditioned.

Open Space provision: The application does not provide for open space on the site and so as such the OSSR specialist has requested an off-site contribution to improve facilities at Borough Park. Policy DEV4 in the JLP seeks the provision of playing pitches on site where practicable, however in this case, there is no space for such provision and the slope on the site would make it impossible to provide. The policy allows for an off-site provision if it can't be provided on site. Policy C2 in the draft NP also suggests an alternative site of the same size should be provided, however this has not been offered in this case and the policy does also allow for off-site provision.

Trees: On the previous scheme (and which was subject to a reason for refusal) the impact of the development on the redwood tree (outside of the application site but within an area where parking is proposed) was a concern to the Tree Specialist. Subsequent discussions between the Tree Specialist and the applicant's arborist agreed some changes which were acceptable, but which are subject to the submission of some additional plans (currently awaited).

#### Neighbour Amenity:

The building has been designed to be less substantial in terms of bulk and massing. Breaking up the roofscape to be more reflective of the narrower roof style in the vicinity has helped to reduce the scale of the building. Whilst the proposal remains to be a single building, the design tools used has succeeded in reducing its overall impact.

Whilst it is acknowledged that such buildings have a large footprint and there needs to be an ability to flow through the building, it has been broken up to reflect the roofscape of the context; to provide small private outdoor spaces for some of the residents;

#### Distances

There are residential properties to the north of the application site on Priory Avenue. Currently there is a high hedge. The benefit of the hedge is that the properties at the rear are protected from development on the site. A fence is proposed to replace the hedge and whilst this may be appropriate, the hedge is already established and because of its width, would create a more natural and potential slightly greater screening for the properties to the south. It is considered that the hedge should be retained or replaced.

The distance window to window of the proposed properties and the residential properties on Priory Avenue is more than 21 metres, however rear garden areas will be able to be overlooked from the upper floors of the proposed flats. However because of the distance, it is not considered this issue would be a reason to refuse the development and so the proposal would not harm residential amenities of the properties to the north.

The other sides of the proposal are retail and commercial units on Fore Street, the churchyard and further residential units to the east and Station Road and the Catholic Church to the west. Station Road has commercial uses and shop units towards the north and the Totnes Conservative Association to the south as well as further residential properties.

The impact on these uses is less of a problem, because they are not residential in nature.

#### Highways/Access:

The highway authority have no objections to the proposal and acknowledge that there remains a public car park within the scheme. In total 25 public car park spaces will be lost as a result of the development. Conditions recommended.

Climate change: The application includes the submission of a Sustainability Statement. The Statement proposes the following measures:

Fabric first specifications

Thermostatic heating controls

Movement sensor lighting where appropriate

Photovoltaic arrays on the roof space

Low internal water consumption measures

A site waste management plan during the construction phase.

2 electric vehicle (EV) car charging points in the public car park and 4 in the resident's car park.

Policy DEV32 requires that all developments consider reduction in carbon emissions, by minimising use of natural resources and considers re-use or recycling materials in construction; take account of projected changes in temperature, rainfall, wind and sea level in its design; use good layout, orientation and design to maximise natural heating, cooling and lighting and reduce heat loss area; and all major developments to provide data relating to natural light and utilising low carbon or renewable energy generation.

The Waste Authority have also asked for a waste strategy for the site to be requested on any permission given, which will indicate how the waste arising's on the site will be dealt with, so this matter can be conditioned.

The proposal includes a large amount of solar arrays as indicated on drawing number 10104TN/PA205, and a fabric first construction will mean that insulation levels are high and utilising low water consumption measures will also add to the reduction in carbon on this development. A plan has also been provided indicating where EV charging points will be located to future proof the development proposal. Officers consider that the measures provided will secure a reduction in carbon sufficient to be 20% more than Building Regs Part L requires in accordance with policy DEV32.

#### Drainage:

The Lead Local Flood Authority have reviewed the current proposal and have no in principle objections to the development, but are seeking some additional information in relation to the surface water drainage scheme as a result of the amended design. This is to ensure that the

changes will not have an effect on the locations of any surface water drainage feature. It is possible that the layout change could impact the location of the surface water storage. The information has been requested.

Ecology and Biodiversity: An ecology survey was submitted with the application and relevant surveys have been carried out on the site with regard to protected species. The County ecologist has reviewed the report and is satisfied that the development will not impact on any protected species.

With regards to a net gain in biodiversity as required by the JLP SPD, some additional information has been requested by the ecologist to ascertain the amount of net gain the development delivers. That information is currently being reviewed by the ecologist, however the information does indicate a 35% increase in biodiversity as a result of the development, which more than meets the target of 10% indicated in the SDP.

#### Letters of representation

6 letters of objection were received, concerned about the impact of the development on the town centre; loss of parking; construction noise; impact on the redwood tree; the tenure of the development and that elderly person housing should not be in the town centre. Some of these issues have been dealt with in the bulk of the report, however in terms of parking there are a number of other car parks in the town centre which provide parking, such as Victoria Street car park; Heath Way car park; Steamer Quay car park; as well as smaller car parks such as the one on North Street and on South Street. There is also parking along Fore Street, High Street and The Plains for short term parking. There will also be the remaining 25 on the application site. Officers consider that the loss of 25 spaces is not a sufficient number to warrant refusing the proposal.

Officers also consider, as has been mentioned further in the report, that the use of the site for residential development is acceptable, because of the potential for increased footfall in the town centre and its location close to local facilities and public transport will benefit the occupants. The JLP does acknowledge the need for homes for young families and for affordable housing and this development will be contributing a sum of money to provide affordable housing elsewhere in the town. However Policy DEV8 also identifies the need for housing for the elderly which this application provides. The town centre residential tends to comprise currently flats above shops; small terraced houses in the side streets as well as larger town houses on the periphery of the centre along the upper parts of High Street. Officers therefore consider that the use of the site for housing for the elderly is appropriate and enhances the current mix of housing types in the town centre.

The impact of the development proposal on the Sequoia tree has been fully investigated by the Council's tree Specialist and he is satisfied that the changes agreed with the applicant's arborist will ensure the continued health of the tree.

The letters of support underline the benefits of the proposal to the locality, in removing the eyesore that is currently on the site and because the design has taken on board feedback from the previous approval.

#### Town Councils' comments.

Officers note that the Town Council feel the design is improved, but still raise concerns about the bulk and massing, in relation to the two listed buildings. Whilst this concern is noted the Historic Environment Specialist and Historic England accept the new proposal acknowledging that the mass has been broken up through the use of the smaller roofs and the flat roofed



elements in locations where the views of the historic assets are important. As neither of the consultees object to the current development in principle, I would defer to their expertise in these matters.

The Town Council have also mentioned concern about the small amount of affordable Housing contribution. Now that this sum has been increased to £400,000.00, officers assume this is acceptable to the Town Council. With regard to the Section 106 monies and where it will be spent. The affordable housing officer has confirmed in her consultee response that the money will be used for affordable housing in the town. The OSSR money is also destined for Borough Park and an improvement to its facilities and the other S.106 contribution will be towards the maintenance of the public realm around the building including the route through to Fore Street.

With regard to the proposed public parking spaces, it is regrettable that some spaces are being lost, 25 will remain and officers have sought confirmation from the applicant that there will be the requisite number of disabled spaces available.

As regards EV charging points, it is noted that the applicant has proposed 2 in the public car park and 1 in the occupier's car park. The Town Council are requesting more (6). This provision is being discussed with the applicant.

#### Conclusion:

This proposal to replace the former Bugden's supermarket with 42 retirement flats and 2 retail units has overcome the reasons for refusal on the previous application (4198/19/FUL). The loss of a retail unit in the secondary shopping area is accepted on the basis that the use, whilst primarily non-retail will lead to additional footfall into the primary shopping areas of the town and as such maintain the vibrancy of the town centre.

In terms of affordable housing, because of the nature of the use (flats for the elderly) officers are content that a contribution towards affordable housing elsewhere in the town and will require a Section 106 agreement to secure this.

The new proposal provides sufficient carbon reduction measures and has addressed previous concerns about the lack of ecology surveys.

The layout of the scheme is vastly improved and the layout and massing, much more successfully reflects the roof scape of Totnes and breaks down the massing effectively. Detailed design concerns with regard to the placement of materials; fenestration details and how the junctions of materials will work still need some further discussion, so these aspects of the proposal have been conditioned. A Section 106 Agreement has already been drafted because of the pending Informal Hearing, so if the Committee were minded to approve, the decision can be delegated to the Head of Planning to finalise the Section 106.

The application is recommended for approval.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.***

#### **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 13<sup>th</sup> 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<sup>nd</sup> 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

SPT4 Provision for employment floor space

SPT5 Provision for retail development

SPT6 Spatial provision of retail and main town centre uses

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV3 Strategic infrastructure measures for the Main Towns

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV3 Sport and recreation

DEV4 Playing pitches

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  
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  
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

**Neighbourhood Plan:** Totnes Neighbourhood Plan has reached Regulation

The relevant policies are:

Policy En1: sustainable development and the settlement boundary

Policy En2: Development and Design

Policy En3: Historic and Built Character

Policy En6: Enhancing local environmental capacity

Policy En8: Domestic and small scale waste management

Policy E3: The Town Centre

Policy E6: The Green Economy

Policy E7: Sustainable Transport

Policy E8: Walking and Cycling

Policy E10: Car parking

Policy C1: The Public Realm

Policy C2: Public Open Spaces

Policy C4: Housing

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:

Totnes Conservation Area Appraisal (Fore Street and The Plains)

**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).

2. The development hereby approved shall in all respects accord strictly with drawing number(s) 10104TN/PA201; PA202; PA203; PA204; PA205; PA206; PA207; PA208; PA209; PA210; PA211, received by the Local Planning Authority on 25/6/2021.

12551- PO4e; PO6 Rev E Plan 1; P06 Rev E Plan 2, received by the Local Planning Authority on 9/7/2021

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. No development beyond slab level shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

4. Prior to development beyond slab level, full details of the hard and soft landscaping of the open space, including, fencing, surfacing, bins and benches shall be submitted to and approved by the Local Planning Authority. The space shall be constructed and equipment placed in accordance with the agreed details.

Reason: To ensure the space is appropriately landscaped and supplied with associated equipment, as on the approved plans.

5. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason: To ensure, in accordance with the Joint Local Plan and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development.

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. Prior to commencement of any part of the site the Local Planning Authority shall have received and approved a Construction Management Plan (CMP) including
- (a) the timetable of the works
  - (b) daily hours of construction
  - (c) any road closure
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8.00 a.m. and 6.00 p.m. Mondays to Fridays Inc. 9.00a.m. to 1.00 p.m. Saturdays and no such movements taking place on Sundays or Bank holidays unless agrees by The local Planning Authority in advance.
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases
  - (g) areas on site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County Highway for loading or unloading purposes unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present on the site;
  - (i) the means of enclosure of the site during construction works;
  - (j) the details to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off site;
  - (k) details of wheel washing facilities and obligations;
  - (l) the proposed route of all construction traffic exceeding 7.5 tonnes;
  - (m) details of the amount and location of construction worker parking; (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Reason: In the interests of residential amenity and highway safety.

8. No part of the development hereby approved shall be occupied until the access, parking facilities, commercial vehicle loading/unloading area and turning areas have been provided and maintained in accordance with the Proposed Site Plan Drawing 10104TN/PA201 and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site.

9. Prior to the occupation of any part of the building the access improvement works shown on drawings 135.0022.006 B and 135.0022.007 B shall be completed to the satisfaction of the Local Planning Authority.

Reason - In the interests of highway and on site safety.

10. Prior to any development extending beyond slab level, a detailed landscaping scheme to include the biodiversity measures indicated in the Biodiversity plan shall be submitted to and agreed in writing by the Local Planning Authority.

The agreed details shall be implemented in the first planting season following completion of the development and shall be retained and maintained for a period of 5 years from the implementation of the scheme.

Reason: To ensure the landscaping scheme is implemented and established on the site.

10. A Lighting Strategy will be submitted for agreement with the LPA. The strategy will minimise indirect impacts from lighting associated with the pre-construction, during construction and operational activities. Lighting will be implemented in such a way as to avoid any light spill (maximum 0.5lux) onto wildlife habitat (trees, scrub, vegetation etc.). We will require written confirmation from an ecological consultant that they are satisfied with the lighting proposals with regards to wildlife before this condition can be discharged.

Reason: To protect wildlife from intrusive levels of light.

11. Prior to development above slab level, a Landscape and Ecological Management Plan will be submitted to the LPA which will include details relating to habitat creation, species specification and management. This will need to be agreed in writing with the LPA.

Reason: to ensure the protection and proper management of protected species.

12. Prior to the commencement of development, a Construction and Environmental Management Plan will be submitted. This will include details of environmental protection throughout the construction phase of development. Details of the tree protection plan will be included within this. This will need to be agreed in writing with the LPA.

Reason: To ensure the construction of the development does no impact on any protected wildlife.

This is a pre commencement condition because it is essential that this information is provided prior to work commencing which could harm protected wildlife.

13. No building or vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

Reason: to protect nesting birds.

14. Prior to its construction detailed drawings and sections at 1:20 scale of the shopfront shall be submitted to and agreed in writing by the Local Planning Authority. The shopfront will then be installed in accordance with the agreed drawings.

Reason: To ensure the detailing of the shop front respects the historic character of the area and provides a high quality of finish.

15. Prior to commencement above slab level detailed drawings of all of the area on the building where different materials join shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the detailed junctions are satisfactorily resolved.



16. Detailed drawings of the balconies and how they will be attached to the building shall be submitted to and approved by the Local Planning Authority in writing prior to their installation.

Reason: To ensure they are appropriately.

17. Details of any plant to be placed on the roof of the building shall be provided to the Local Planning Authority and agreed in writing prior to its installation. Any plant shall be installed in accordance with the agreed details.

Reason: To protect the historic assets from any development which would impact on the setting.

18. Prior to the installation of the photovoltaic panels on the roof, details shall be submitted to and approved by the Local Planning Authority in writing. The works shall be carried out in accordance with the approved details.

Reason: To ensure the panels are in appropriate locations and angles in relation to the position of the sun.

19. Prior to installation, a full roofing specification including the types and sizes of natural slates to be used, together with the type, colour and profile of the ridge tiles shall be submitted to and approved in writing by the Local Planning Authority. The slates on the roof shall be fixed in the traditional manner with nails rather than slate hooks.

Reason: To ensure that the development displays good design practice in respect of the historic context.

20. The natural stone to be used shall be submitted to and approved by the local planning authority prior to its installation. The stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones. The stonework shall be carried out using the agreed stone.

Reason: To ensure that the finishes are appropriate to the locality.

21. Samples of all of the external finishes shall be submitted to and agreed in writing with the Local Planning Authority prior to their installation. The works shall be carried out using the agreed materials.

Reason: To ensure the development respects the historic context.

22. Prior to its installation, details of the top of the parapet walls shall be submitted to and approved by the Local Planning Authority in writing. The topping shall be installed in accordance with the agreed details.

Reason: In the interests of visual amenity.

23. Prior to its installation, details of the railings to be installed around the periphery of the development shall be submitted to and approved in writing by the Local Planning Authority. The railings shall be installed in accordance with the agreed details.

Reason: In the interests of visual amenity.

24. Prior to their installation details of the locations of rainwater goods, flues, ducts , vents and any other external attachments shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details and in the agreed locations.

Reason: In the interests of visual amenity.

25. Prior to its installation detailed plans of the new landscaped finish to the public route through from the site to Fore Street shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved plans.

Reason: To ensure it is appropriate for its purpose and in the interests of visual amenity.

26. No works shall take place to construct the public parking spaces until protection measures for the Redwood tree have been submitted to and approved by the Local Planning Authority. The protection measures shall be put in place prior to any works in this area of the site.

Reason: To ensure the tree is protected during construction works.

27. Prior to the commencement of any development in the site, including demolition, a Waste Audit Statement shall be submitted to and approved by the Local Planning Authority in writing. The audit should be in accordance with guidance in para. 8 of the NPPF 2021 and Policy W4 in the Devon Waste Plan and should include: on-site reuse of inert material

Reason: To ensure 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.

Informative:

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at: <https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>