

PLANNING APPLICATION REPORT

Case Officer: Belle Richer-Hill

Parish: Totnes **Ward:** Totnes

Application No: 3679/22/FUL

Agent/Applicant:

Mr R Smith - Hand Drawn Home Ltd
(Architects)
Modbury House
New Mills Business Park
Modbury
PL21 0TP

Applicant:

Mr & Mrs Biggs - Bonds Lifestyle Ltd
Evesham Road
Dodwell
Stratford-Upon-Avon
CV37 9ST

Site Address: 92 High Street, Totnes, TQ9 5SW



Development: Change of use from shop to residential of part of the ground floor & entire first & second floors comprising two dwellings & second floor roof conversion/extension

Reason item is being put before Committee

- *Lack of parking provision – this will put pressure on existing busy car parking facilities in the town.*

The Committee requests that if the Planning Officer is minded to recommend approval of this application that it is called to DM Committee as a precedent could be set in creating holiday retail units.'

- Drainage None received

Representations:

None received

Relevant Planning History

Decision date	Planning application reference	Proposal	Decision
30/01/2014	56/2331/13/PREHH	Pre - application enquiry for proposed change of use to residential.	Pre application (Partial Support)
11/08/2016	1828/16/FUL	Application to form new rear pedestrian access	Conditional Approval
17/10/2022	2663/22/PR4	Pre Application Enquiry For - Creation of 2 self contained holiday lets on 1st & 2nd floors. Shop below to be refurbished.	Pre application (Partial Support)
15/06/2016	1287/16/FUL	Alterations to provide new rear pedestrian access and drainage connection	Withdrawn
28/10/2014	56/0935/14/PREHH	Pre - application enquiry for proposed alterations to building	Pre application (Officer support)

ANALYSIS

1 Principle of Development/Sustainability:

1.1 The site is located within the Totnes town centre and is one of the Main Towns identified in Policy TTV1 of the Joint Local Plan (JLP) which seeks to prioritise growth in sustainable locations. The Main Towns area is the top tier of the settlement hierarchy and is identified as the most sustainable locations for growth and development. JLP Policy TTV1 states that *'The Main Towns will be prioritised for growth to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area'*.

1.2 Policy DEV16 (Providing retail and town centre uses in appropriate locations) sets out considerations for determining development proposals relating to retail and other town centre uses including changes of use of existing floorspace, this states that *'Proposals within identified centres should be of a scale appropriate to the role of the centre'*. Policy DEV17 (Promoting competitive town centres) offers support in the town centres for development proposals that offer 'residential uses above ground floor retailing' and notes that *'change of uses in the town centres will be supported in suitable locations and in accordance with the town centre, primary shopping frontages and secondary shopping frontages designations'*. Policy DEV18 (Protecting local shops and services) sets out considerations for development

proposals which result in the loss of retail, this includes that *'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'* and recognises that alternative commercial uses to A1 might be acceptable provided that development proposals continue to encourage footfall within the centre and support the main functions of the rest of the centre. The supporting text acknowledges that *'there is a need to recognise that the nature and role of town centres has evolved over the years in response to issues such as changing retail behaviour'*. Policy E3 (The Town Centre) of the emerging Neighbourhood Plan states that *'Within the town centre's primary shopping area, as defined in the JLP, ground floor space and shopping frontages should be retained predominantly in retail use'* and that *'New development in the town centre will be required, where appropriate, to contribute, .. towards the following priorities'* which includes, but is not limited to, *'improved vehicle, bicycle and car parking provision'* and *'maintaining the offer for convenience and everyday goods'*.

1.3 The proposal involves the change of use of a portion of the ground floor commercial space for a bin/refuse store and cycle store to support the residential accommodation, and the change of use of the first and second floors to create self-contained residential flats. The external shopfront would remain unaltered.

1.4 Officers are aware that the Parish council have objected to the loss of commercial space and raised concerns that the proposal could compromise the future use of this retail area. In this case, the submitted supporting documents have demonstrated that the proposal responds to the *'changing nature of shop keeping and commercial trading'* and seeks to *'compete with online only companies with a hybrid offering'*. It has been demonstrated that the ground floor space would be retained predominantly in retail use meaning that the partial change of use would not have an adverse impact on the commercial space which would remain viable. This would not undermine its contribution to the town centre and the retail offer available in general. On balance, this is considered to be proportionate response that would continue to contribute to the town centre.

1.5 Policy DEV10 sets out that *'housing development should be of a high quality in terms of its design and resilience'*. Of relevance to this application, the policy states that *'New dwellings (including conversions of existing properties into flats) should be of sufficient size and layout to provide good quality accommodation to meet the needs of their occupants, with developers required to meet Nationally Described Space Standards. Sufficient external amenity space or private gardens should also be provided'* and *'Conversions of existing properties into flats and Houses in Multiple Occupation will only be permitted where the development will not harm the character of the area having regard to the existing number of converted and non-family dwellings in the vicinity, and in the case of flats, where the accommodation is self-contained'*.

1.6 The internal floor space for the first floor flat at 82sqm (standard based on one storey, 2 bedrooms, 4 people = 70sqm + 2sqm built-in storage) and second floor flat at 69sqm (based on one storey, 2 bedrooms, 3 people = 61sqm + 2sqm built-in storage) exceeds the minimum gross internal floor areas and storage set out by the Nationally Described Space Standards with further provision for communal bin and cycle storage. The external amenity space recommended in the South West Devon Supplementary Development Plan (SPD) for flats is 50m² per development, normally in the form of communal space. In this case, although this is not provided, as the site is within Totnes town centre with good access to existing parks and other community facilities, officers consider that this would not be of sufficient weight to refuse the application on this basis. Policy DEV10 and Policy E10 (Car Parking) of the

Neighbourhood Plan requires parking provision, however Policy E7 (Sustainable Transport) of the Neighbourhood Plan states that '*New development should be designed to reduce the likelihood of travel by car and support a more sustainable local transport network*'. In this case, although there is no provision for parking, the site is within Totnes town centre and is well located with good pedestrian, cycling and public transport connectivity to existing developed areas, open spaces and local services such as schools and shops. Officers consider that whilst the proposal does not meet the planning policies completely, this would not be of sufficient weight to refuse the application on this basis.

1.7 The parish council have objected to the potential use as holiday units. In response, the applicants have explained that these residential flats may be used in various ways and the benefits that a holiday let would provide to the area. Officers consider that as the site is located within a Main Town and is well located with transport connectivity and local services, this is a sustainable location for tourism and at present there is no planning policy for refusing the application on this basis, therefore officers consider potential use for holiday accommodation would not warrant a refusal.

1.8 Overall, the proposal is well located in a main town with good access to existing facilities and public transport connectivity. This is considered to be a sustainable form of development that would not undermine the vitality of the town centre and complies with JLP Policies SPT1, SPT2, TTV1, TTV2, DEV18, and DEV10 and Policies En1, E3, E7, and E10 of the Totnes Neighbourhood Plan and is therefore considered to be acceptable, subject to conditions and compliance with other relevant policy considerations.

2 Design:

2.1 Proposed external alterations include, but are not limited to: removal of window bars; replacement windows and doors largely in existing openings; the replacement of existing rooflight and addition of 3 further conservation rooflights to the south west elevation (facing South Street); addition of partial mansard roof, dormer, and creation of a flat roof terrace with metal balustrade and privacy screen to north east elevation; and repairs to external materials where necessary. The proposed external alterations are generally consistent with the appearance, details and materials of the existing building and surrounding area. The proposal would therefore maintain the local distinctiveness and historic character of the area. This responds positively to the site context and complies with JLP Policies DEV10 and DEV20 and Policies V1 and En2 of the Totnes Neighbourhood Plan, and is therefore considered to be acceptable, subject to conditions.

3 Heritage:

3.1 As the site is within the Totnes Conservation Area in an area with a high density of listed buildings, officers must be mindful of the duty to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' and pay '*special attention.. to the desirability of preserving or enhancing the character or appearance of that area*' (Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990). Due to the minimal external alterations, the proposal is considered to be in keeping with the character and appearance of the conservation area and retain the setting and significance of the nearby listed buildings. This responds positively to the site context and complies with JLP Policy DEV21 and Policy En3 of the Totnes Neighbourhood Plan, and is therefore considered to be acceptable, subject to conditions.

4 Landscape:

4.1 Given the character of the site and its surroundings, the development is considered to be in keeping with the townscape context. Therefore the proposal is considered to accord with JLP Policy DEV23.

5 Neighbour Amenity:

5.1 The proposal largely includes the replacement of existing windows. The addition of a flat roof terrace space, windows, and rooflights are proposed. JLP Policy DEV1(1) concludes that '*Unacceptable impacts will be judged against the level of amenity generally in the locality*'. In this case, the proposed development is generally consistent with the level of amenity within the town centre and would not introduce materially harmful impact on residential amenity by way of daylight, sunlight, outlook, privacy and noise disturbance, over and above that of the existing arrangements and no related objections have been received. Therefore the proposal is considered to accord with JLP Policies DEV1 and DEV2 and the requirements of the NPPF.

6 Ecology:

6.1 The submitted application form, associated Wildlife Trigger Table, and Ecological Appraisal confirms that there should be no detrimental impact on protected and/or priority species, designated sites, important habitats or other biodiversity features, features of geological conservation importance and no further details are required in relation to ecology and/or biodiversity. Therefore the proposal is considered to accord with JLP Policy DEV26.

7 Conclusion:

7.1 On balance, the proposal is considered to accord with the development policies set out in the JLP and Neighbourhood Plan. Therefore the proposal is considered to be acceptable and is recommended for approval, subject to conditions.

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 the Housing Requirement 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 confirming the change.

On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% 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 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[*now known as Department for Levelling Up, Housing and Communities]

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
SPT5 Provision for retail development
SPT6 Spatial provision of retail and main town centre uses
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV3 Sport and recreation
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
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

Totnes Neighbourhood Plan is currently at Regulation 16/17 stage (undergoing independent examination). As such significant weight must be placed on its policies when considering applications within the Plan area. Relevant policies include:

V1 – Local Identity

En1 – Sustainable development and the settlement boundary

En2 – Development and design

En3 – Historic and built character
En6 – Enhancing local environmental capacity
E3 – The town centre
E7 – Sustainable transport
E8 – Walking and cycling
E9 – Public and community transport
E10 – Car parking
C1 – The public realm
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: Plymouth and South West Devon Supplementary Development Plan (SPD) 2020 Totnes Conservation Area Appraisal (2007)

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.

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 the following drawing number(s) received by the Local Planning Authority on 8 November 2022:
 - Existing Sections 2204 EX02 RevB
 - Proposed Sections 2204 PL02 RevB
 - Location Plan 2204 EX00 Rev BAnd the following drawing number(s) received by the Local Planning Authority on 14 November 2022:
 - Existing Plans 2204 EX01 RevCAnd the following drawing number(s) received by the Local Planning Authority on 22 November 2022
 - Proposed Plans 2204 PL01 RevD

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. The recommendations, mitigation and enhancement measures of the Bat & Nesting Bird Survey, by Butler Ecology, dated 24 August 2022, 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.

4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building, unless amendments have been agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity.

5. All new rooflights shall be of a conservation type and shall be fitted so as to be flush with the existing roof profile.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and the conservation area.

6. The ground floor entry way shall be set out in accordance with drawing number(s) and shall be retained for this purpose only and not be used as habitable accommodation.

Reason: To safeguard amenity and the provisions of bin and cycle storage for the associated accommodation.

INFORMATIVES

1. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
2. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.