



AGENDA FOR THE PLANNING COMMITTEE

MONDAY 20TH SEPTEMBER 2021 IN THE GUILDHALL

You are hereby **SUMMONED** to attend the **Planning Committee** on **Monday 20th September 2021** at **6.30pm** for a maximum of 90 minutes in the Guildhall for the purpose of transacting the following business:

Committee Members: Councillors G Allen (Chair), S Collinson, R Hendriksen, J Hodgson, P Paine and V Trow.

1. WELCOME AND APOLOGIES FOR ABSENCE

The Chair will read out the following statement:

Welcome to everyone attending and observing the meeting.

A reminder that open proceedings of this meeting will be video recorded. If members of the public make presentations, they will be deemed to have consented to being recorded. By entering the Council Chamber attendees are also consenting to being recorded.

This meeting is limited to 90 minutes and therefore members are asked to raise their points succinctly and not repeat the same view expressed by colleagues if it does not add to the debate.

To receive apologies and to confirm that any absence has the approval of the Council.

The Committee will adjourn for the following items:

PUBLIC QUESTION TIME

A period of 15 minutes will be allowed for members of the public to ask questions or make comment regarding the work of the Committee or other items that affect Totnes.

The Committee will convene to consider the following items:

2. DEPUTY CHAIR

To elect a Deputy Chair (who will chair in Chair's absence). No document.

3. CONFIRMATION OF MINUTES

To approve the minutes of 24th May 2021 and update on any matters arising. Document attached.

4. DELEGATED DECISIONS

To note a list of comments submitted under delegated authority to South Hams District Council on planning applications since 24th May 2021. Document attached.

5. TREE WORKS APPLICATIONS

To make recommendations on the following tree works applications:

5a. 3389/21/TPO - T1: Oak - Removal of limb at approximately 7 metres from ground level on the East side due to extending to roofline of neighbouring property. Endsleigh, Jubilee Road, Totnes, TQ9 5BP. See

<http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/213389>

6. PLANNING APPLICATIONS

To make recommendations on the following planning applications:

6a. 3085/21/HHO - Householder application for demolition of existing balcony and formation of proposed single storey front extension and rear single storey extension together with internal works. 11 Borough Park Road, Totnes, TQ9 5XW. See

<http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/213085>

6b. 2515/21/HHO - READVERTISEMENT (Revised plans received) Householder application for two storey rear extension. 50 Smithfields, Totnes, TQ9 5LR. See

<http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/212515>

6c. 1439/21/HHO - READVERTISEMENT (Revised plans received) Householder application for ground floor, single storey kitchen extension. 9 Somerset Place, Totnes, TQ9 5AX. See

<http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/211439>

6d. 3214/21/FUL & 3215/21/LBC – Listed building consent and application and convert existing two flats back to one dwelling including internal refurbishment and reorganisation, demolition and reconstruction of single storey rear extension including external storage area and replacement natural slate roof covering. 4 Seymour, Totnes, TQ9 5AY. See

<http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/213214> &
<http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/213215>

6e. 2467/21/VAR - READVERTISEMENT (Revised plan received) Application for variation of condition 2 (approved plans) of planning consent 0332/19/FUL. Garages 7, 9 and 11 Christina Park, Totnes. See

<http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/212467>

6f. 2972/21/LBC - Listed building consent for replacement gutters, door lintel, roof joists, battens & slates on outbuilding roof (part retrospective). 7 Plymouth Road, Totnes, TQ9 5PH. See <http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/212972>

6g. 3009/21/FUL - Replacement patio doors and windows. 8 Elizabethan House, Steamer Quay Road, Totnes, TQ9 5BY. See <http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/213009>

7. TREE PRESERVATION ORDERS

7a. To consider the serving of a new Tree Preservation Order no. 1053 on all evergreen, deciduous and coniferous tree species within A1 and A2 at the Former Magistrates Court, Totnes. Document attached.

7b. To note the confirmed as modified Tree Preservation Order no. 1033 on mixed trees at Rainbow View, Parkers Way, Totnes, TQ9 5UF. Document attached.

8. PLANNING MEMORANDUM OF UNDERSTANDING

To consider a request from South Hams District Council to sign a Memorandum of Understanding relating to the and make a recommendation to Full Council. Documents attached.

9. POSTAL PROVISION AT NEW DEVELOPMENTS

To consider the requirement for post boxes at new developments. Document attached.

10. ATMOS

To note a verbal update on the ATMOS project. No document.

11. TRAFFIC AND TRANSPORT FORUM

To note the record of the Traffic and Transport Forum Green Travel Steering Group held on Wednesday 26th May 2021. Document attached.

12. JOINT LOCAL PLAN NEWSLETTER

To note the Plymouth and South West Devon Joint Local Plan newsletter. Document attached.

13. DATE OF NEXT MEETING

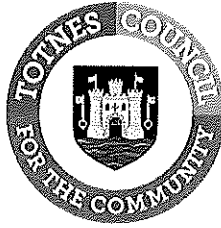
To note the date of the next meeting of the Planning Committee – **Monday 18th October 2021 at 6.30pm** in the Guildhall.

USE OF SOUND RECORDINGS AT COUNCIL & COMMITTEE MEETINGS

The open proceedings of this Meeting will be video recorded. If members of the public make a presentation, they will be deemed to have consented to being recorded. By entering the Council Chamber or Zoom meeting, attendees are also consenting to being recorded.

Televised, vision and sound recordings or live broadcastings by members of the press or public at Councillor Committee debates are permitted and anyone wishing to do so is asked to inform the Chair of the respective Committee of their intention to record proceedings.

ITEM 3 – CONFIRMATION OF MINUTES



DRAFT MINUTES FOR THE PLANNING COMMITTEE

MONDAY 24TH MAY 2021 IN THE CIVIC HALL

Present: Councillors G Allen (Chair), P Allford, S Collinson, R Hendriksen, J Hodgson, C Luker and P Paine.

Apologies: Councillor V Trow.

In Attendance: S Halliday (Governance and Projects Manager).

1. WELCOME AND APOLOGIES FOR ABSENCE

To receive apologies and to confirm that any absence has the approval of the Council.

Cllr Allen read out a statement about how the meeting would be conducted, recorded and live streamed on social media.

The apologies from Cllr Trow were accepted.

The Committee will adjourn for the following items:

PUBLIC QUESTION TIME

There were no members of the public present.

The Committee reconvened.

2. CONFIRMATION OF MINUTES

To approve the minutes of 26th April 2021 and update on any matters arising.

The minutes were approved as an accurate record of proceedings.

Item 5 – resolved by Full Council and comments have been submitted as part of the Torbay Local Plan consultation.

Item 6 – resolved by Full Council and comments have been submitted as part of the Community Risk management Plan consultation.

3. TREE WORKS APPLICATIONS

To make recommendations on the following tree works applications:

3a. 1502/21/TCA - T1-T11: Western Red Cedar - Dismantle to ground level. T12: Lawson Cypress - Dismantle to ground level. T13-T19: Thuja and Leyland Cypress - Dismantle to ground level. T20: Cherry - Crown height reduction by 3m. T21: Leyland Cypress - Dismantle to ground level. T22: Elm - Crown height reduction by 3m. T23: Portuguese Laurel - Crown height reduction by 2m. Heversham, Rhine Villas, Bridgetown, Totnes, TQ9 5BD.

The Committee has no objection to the proposed crown reductions but has concerns about the proposed felling of so many trees, particularly the 11 x western red cedar and would request that the South Hams District Council Tree Officer advises on the health and condition of the trees listed for dismantling to ground level. Councillors plan a site visit on 27th May 2021.

3b. 1513/21/TCA - T1: Eucalyptus - Fell due to growing excessively large. 3 Baring Cottages, Weston Lane, Totnes, TQ9 5AP.
Support.

4. PLANNING APPLICATIONS

To make recommendations on the following planning applications:

Note: Cllr Hodgson observes and does not vote on any applications which would potentially be discussed at a Development Management Committee meeting at SHDC.

4a. 1221/21/FUL - Demolition of existing garage block and erection of a block of 6 No. garages. Garages to the rear of 37 Fore Street, Totnes, TQ9 5HN.
Support.

4b. 1297/21/VAR - Variation of condition 2 of planning approval 56/1032/07/F to allow use of garage as ancillary accommodation. 1 Riverside, Totnes, TQ9 5JB.
Support.

4c. 1514/21/LBC – Listed Building Consent for repairs and alterations (Retrospective). 6 Plymouth Road, Tones, TQ9 5PH.
Support.

4d. 1309/21/HHO & 1310/21/LBC – Householder and listed building consent application for conservatory. Silver Birch, Bowden House, Totnes, TQ9 7PW.
Support.

4e. 1327/21/HHO - Householder application for removal of conservatory, amendments to fenestration and existing balcony, and internal alterations. 26 Bridgetown, Totnes, TQ9 5AD.
Support.

4f. 1016/21/VAR - Application for variation of condition 4 (samples and colour of materials, including fencing, surfacing and gates) of planning consent 3824/19/FUL. 1 Steamer Quay Wharf, Steamer Quay Road, Totnes, TQ9 5AL.

Support.

4g. 1150/21/LBC - Listed Building consent for routing of new internal soil pipe connecting to existing first floor bathroom and connection to vent tack fixed to South East elevation.

Seymour Cottage, Seymour Road, Totnes, TQ9 5BT.

Support.

5. TRAFFIC AND TRANSPORT FORUM

To note the record of the Traffic and Transport Forum Green Travel Steering Group held on Wednesday 28th April 2021.

Noted. It was confirmed that actions coming to the Planning Committee for consideration (in this case items 5 and 6) need to be supported by additional material and/or the draft wording of the proposal for the Committee to consider to make its recommendation to Full Council.

Cllr Hodgson will speak to South Hams District Council about progressing the active travel route by the Lamb as this would be used by children on their way to The Grove School.

6. EVENTS ON SOUTH HAMS DISTRICT COUNCIL LAND

To note the following event requests received by South Hams District Council:

6a. Totnes Elizabethan Craft and Charity Market, Tuesdays from 6th July until 28th September from 0800-1400hrs in the Market Square.

Noted.

6b. Totnes Rotary Club Raft Race on Sunday 10th October 2021 from 0600-1800hrs in Longmarsh Car Park.

Noted.

7. HIGHWAYS NEWSLETTER

To note the Devon County Council Highways 'Roadmap' newsletter.

Noted. Cllr Hodgson is liaising with Devon Highways about the installation of a pedestrian crossing on the lower side of the Plymouth Road traffic lights whilst the overnight road closures are ongoing.

8. DATE OF NEXT MEETING

To note the date of the next meeting of the Planning Committee – Monday 21st June 2021 at 6.30pm.

Noted. It is hoped that the meeting will be held in the Guildhall but this will be dependent on the latest social distancing restrictions.

Sara Halliday
Governance and Projects Manager

ITEM 4 – DELEGATED DECISIONS

1510/21/TPO - T1: Cyprus - Fell as tree is declining. 23 The Manor House, Coronation Road, Totnes, TQ9 5DF - Support.

1879/21/TCA - T1: Magnolia - crown height reduction by 2 meters due to tree growing too large and touching building. Little Priory Court, Fore Street, Totnes, TQ9 5NJ - Support.

2422/21/TCA - T1: Yew - Deadwood removal (exempt), crown raise to 4m above ground level on southwest side, lateral reduction by 1.5m on southeast side, reduce limb situated approximately 5m from ground level on southeast side by 2m, reduce limb situated approximately 3m from ground level on south side by 1.5m. Strathmore, Pomeroy Villas, Bridgetown, Totnes, TQ9 5BE - Support. Councillors would suggest pollarding the yew as there are concerns that it stands on built up ground.

1783/21/HHO - Householder application for erection of first floor side extension (resubmission of 4284/20/HHO). 1 Gills Nursery, South Street, Totnes, TQ9 5DG - Support. Councillors would support the environmental report suggestion of the inclusion of bird nesting boxes on the extension.

1848/21/HHO - Householder application for new side and rear extension. 5 Lower Collapark, Totnes, TQ9 5LP - Support.

1439/21/HHO – Householder application for ground floor, single storey kitchen extension. 5 Somerset Place, Tones, TQ9 5AX - Support.

1396/21/HHO – Householder application for conversion and extension of garage to dry store and office space. 23 Follaton, Plymouth Road, Totnes, TQ9 5NB. Support.

1716/21/HHO - Householder application for replacement of garden shed and bin area with garden cabin to be used as a home office (resubmission of 1342/20/HHO). 3 Baring Cottages, Weston Lane, Totnes, TQ9 5AP - Support.

1780/21/HHO - Householder application for alterations and extension (retrospective) and provision of solar panels. Laurel Cottage, Harpers Hill, Totnes, TQ9 5GG - Support.

1792/21/HHO - Householder application for replacement conservatory onto existing base. Moor View, Kingsbridge Hill, Totnes, TQ9 5SZ - Support.

1614/21/HHO - Householder application for proposed minor amendments to previously approved application 2688/19/HHO. Rosern, Hillbrook Rise, Totnes, TQ9 5AU - Support.

1107/21/HHO - Householder application to replace single glazed timber windows and door with double glazed timber windows and door. Flat 3 Dart Villas, Totnes, TQ9 5ET - Support.

1973/21/ARC - Application for approval of details reserved by condition 3 (drainage) of planning consent 0931/21/LBC. 3 Fore Street, Totnes, TQ9 5DA - Support.

2451/21/TPO – T1: Beech - Crown height reduction by 3m, lateral reduction by 0.5m on East side, 1m on South side and 1m on West side to encourage better form. T2: Beech - Dismantle due to major defects. T3: Beech - Dismantle due to major defects. T4: Beech - Dismantle due to suppressed form and asymmetry. Lower Cottage Farm, Plymouth Road, Totnes, TQ9 5LH – Support.

2005/21/HHO – Householder application for extension. Woodley, Weirfields, Totnes, TQ9 5JS – Support.

2466/21/TCA - T1: Bay - Removal of tree to ground level due to excessive shading to garden, damp and blocking gutters and soffit boards. 3 Bridgetown Court, Totnes, TQ9 5BU - Support.

2684/21/TCA - T4: Beech - Fell due to extensive decay in base of tree and structural roots. Totnes Castle, Castle Street, Totnes, TQ9 5NU. Support. Cllrs AGREED to contact English Heritage separately to request that a replacement tree is planted.

2782/21/TCA – T1: Walnut- Fell due to over powering garden and proximity to wall. 6 Plymouth Road, Totnes, TQ9 5PH - Support.

2560/21/FUL - 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). Former Brutus Centre, Fore Street, Totnes, TQ9 5RW. Cllrs AGREED to request a site visit with South Hams District Council planning officers to discuss this application.

2467/21/VAR – Application for variation of condition 2 (approved plans) of planning consent 0332/19/FUL. Garages 7, 9 and 11 Christina Park, Totnes - Support.

2707/21/HHO & 2708/21/LBC – Householder application and listed building consent for alteration and extension to provide improved access to roof terrace and replacement of roof material (resubmission of 1924/20/HHO)). Star House, Pleases Passage, High Street, Totnes, TQ9 5QN - Support.

2110/21/HHO – Householder application for refurbishment of existing house with an additional storey and demolition and rebuilding of garage (resubmission of consent 4281/20/HHO). Robinswood, Jubilee Road, Totnes, TQ9 5BW – Support.

2444/21/LBC – Listed building consent for additional works to be completed alongside 2947/20/LBC. 43 Bogan House, High Street, Totnes, TQ9 5NP – Support.

2771/21/HHO - Householder application for addition of single storey glass canopy to North West elevation. 6 Follaton Rise, Totnes, TQ9 5FX – No objection.

1982/21/HHO - Householder application for replacement of porch with new ground floor extension. 5A The Grove, Totnes, TQ9 5ED – No objection.

2977/21/TPO - T1: Ash - Fell to ground level due to Chalara Ash Dieback. 4 Southcote Orchard, Totnes, TQ9 5PA – No objection but request the planting of a replacement tree.

3048/21/FUL - Provision of single dwelling house (resubmission of 1668/20/FUL). Montgo, Maudlin Road, Totnes, TQ9 5TG - No objection, although some concern about unsustainability of building materials.

2964/21/HHO – Householder application for new side and rear extension (Resubmission of 1848/21/HHO). 5 Lower Collapark, Totnes, TQ9 5LP - No objection.

2515/21/HHO - Householder application for two storey rear extension. 50 Smithfields, Totnes, TQ9 5LR – No objection.

1392/21/FUL & 1393/21/VAR - Erection of 8 dwellings, in addition to the approved 27 (under 2927/15/FUL and 3945/18/VAR), to include 1 affordable dwelling Development Site At Sx 794 614, Ashburton Road, Dartington - Councillors supported the TTT initiative as an alternative to the standard high density development, however had questions on the points below they wanted to debate and seek clarification on before commenting formally:

a) does not fit in with NP regarding air quality and congestion on Ashburton Road - lack of electric charging points or shared electric vehicles.

b) only 1 out of 8 houses will be affordable.

2734/21/LBC – Listed building consent for new front door and repairs to back door. 29 Bridgetown, Totnes, TQ9 5AD - No objection.

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS
2012**

**South Hams District Council
No: 1053 Tree Preservation Order 2021
Site: Former Magistrates Court, Totnes, Centres on SX798609**

South Hams District Council, in exercise of the powers conferred on them by section 198, of the Town and Country Planning Act 1990 hereby make the following Order

Citation

1. This Order may be cited as South Hams District Council No:1053 Tree Preservation Order 2021

Interpretation

2. (1) In this Order "the authority" means South Hams District Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation Orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall -

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order, except with the consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Dated this 27th day of August 2021

SIGNED for and on behalf of SOUTH HAMS
DISTRICT COUNCIL by an authorised officer

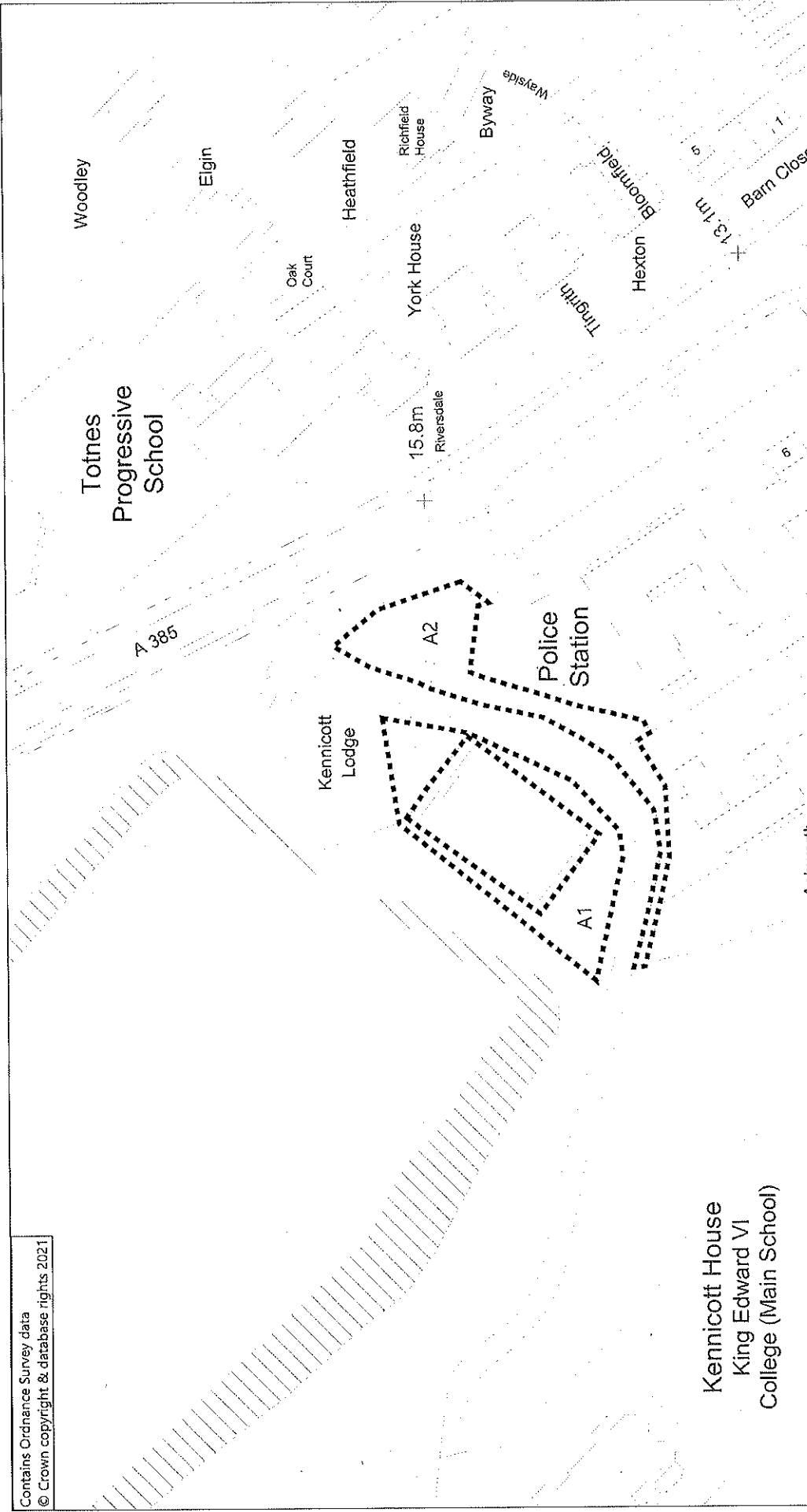
.....
Alexandra Reece

SCHEDULE 1
SPECIFICATION OF TREES

Trees specified by reference to an area
(within a dotted black line on the map)



Reference on map	Description	Situation
A1 & A2	All evergreen, deciduous and coniferous tree species within A1 & A2, Ref Plan: TPO 1053	See Plan Ref: TPO 1053

Contains Ordnance Survey data
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Kennicott House
King Edward VI
College (Main School)

Alexandra Reece

 West Devon Borough Council	 South Hams District Council	Town and Country Planning Act 1990 Tree Preservation Order Former Magistrates Court, Totnes, SX 798609	This is a new Tree Preservation Order	Date: 27th August 2021 Parish: Totnes TPO Ref: 1053 Scale: 1:1250
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**TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS
2012**

**South Hams District Council
No: 1033 Tree Preservation Order 2021
Site: Rainbow View, Parkers Way, Totnes, TQ9 5UF**

South Hams District Council, in exercise of the powers conferred on them by section 198, of the Town and Country Planning Act 1990 hereby make the following Order

Citation

1. This Order may be cited as South Hams District Council No:1033 Tree Preservation Order 2021

Interpretation

2. (1) In this Order "the authority" means South Hams District Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation Orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall -

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order, except with the consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Dated this 3rd day of March 2021

SIGNED for and on behalf of SOUTH HAMS
DISTRICT COUNCIL by an authorised officer

.....

Tree Preservation Order Number 1033

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

CONFIRMATION OF ORDER

This Order was confirmed by the South Hams District Council, subject to modifications, (as detailed on the Schedule) on the 2nd day of September 2021 pursuant to Minute Number C.134/01

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a long horizontal stroke that loops back to the left.

.....
Authorised by the Council to sign in that behalf

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified by reference to an area (within a dotted black line on the map)

Reference on map	Description	Situation
A1	All trees of whatever species within A1 marked on plan ref: TPO 1033	See plan ref: TPO 1033

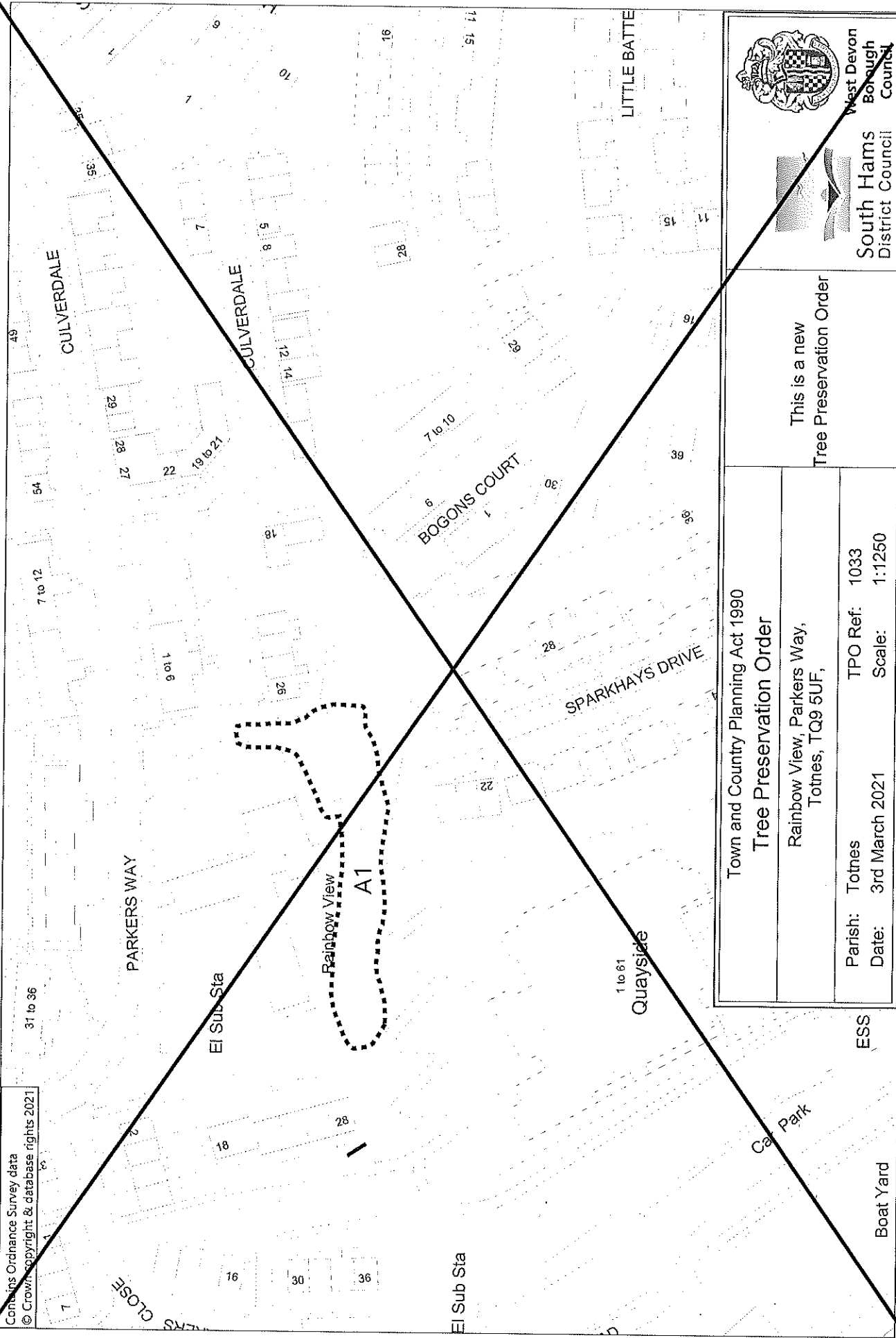
Trees specified individually (encircled in black on the map)


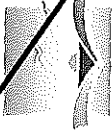
Reference on map	Description	Situation
T1	Common Oak, <i>Quercus robur</i>	See plan ref: TPO 1033
T2	Ash, <i>Fraxinus robur</i>	See plan ref: TPO 1033
T3	Common Oak, <i>Quercus robur</i>	See plan ref: TPO 1033
T4	Black Pine, <i>Pinus nigra</i>	See plan ref: TPO 1033

Groups of trees (within a broken black line on the map)

G1	Common Oak x 3, <i>Quercus robur</i> Field Maple x 1, <i>Acer campestre</i>	See plan ref: TPO 1033
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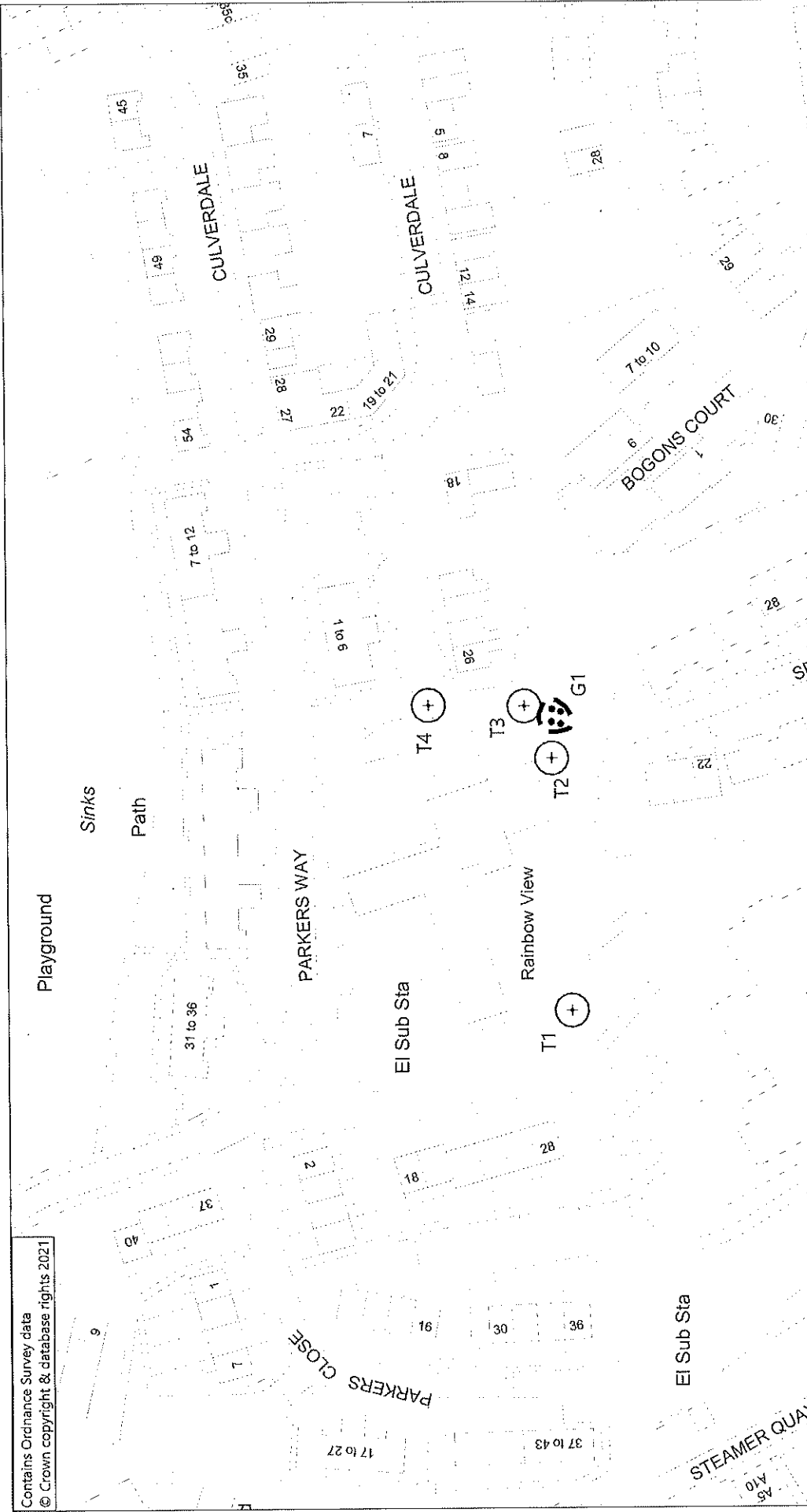
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 West Devon Borough Council	 South Hams District Council	This is a new Tree Preservation Order
Parish: Totnes	TPO Ref: 1033	
Date: 3rd March 2021	Scale: 1:1250	

Boat Yard
ESS

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 <p>West Devon Borough Council</p>	
 <p>South Hams District Council</p>	
<p>Plan modified at Confirmation. This plan supersedes the original plan dated 3rd March 2021</p>	
<p>Town and Country Planning Act 1990 Tree Preservation Order Rainbow View, Parkers Way, Totnes, TQ9 5UF</p>	
<p>Parish: Totnes Date: 25th August 2021</p>	<p>TPO Ref: 1033 Scale: 1:1250</p>

Doc: 25/08/2021

ITEM 8 - PLANNING MEMORANDUM OF UNDERSTANDING

Dear All,

Following a report into the District Council's handling of planning applications last year, it was agreed that it would be helpful for there to be a memorandum of understanding ("MoU") with each Town/Parish Council. It was agreed that the MoU would set framework for a more collaborative working relationship; one in which there is a recognition that each party can do things to help the other.

I have now drafted and agreed the attached draft MoU with the Council Leader, Portfolio Holder and Chair of the Development Management Committee. The MoU sets out:

- ☐ a description of the respective roles of the Council and the town and parish councils;
- ☐ the circumstances in which the Council will have pre-application discussions with the town and parish councils or seek their views about draft proposals;
- ☐ details of what information to be provided to town and parish councils by the Council when application is registered and how the information will be provided;
- ☐ guidance as to what should be included in consultation responses so that they are relevant to the application;
- ☐ timescale for town and parish councils to respond and the circumstances in which these may be varied;
- ☐ how town and parish councils will be consulted about amended plans; and
- ☐ speaking at Development Management Committee.

The MoU will not be legally binding, although I accept that it looks rather "legal" at the moment (I am exploring with colleagues whether it can be turned into something a bit less formal-looking).

I would be grateful if your Council could consider the draft MoU and indicate whether it would agree to enter into the MoU with the District Council. You will appreciate that given the number of councils it may not be possible to tailor the MoU to each Council's own requirements.

Kind regards
Head of Legal Services and Monitoring Officer

Dated _____ 2021

SOUTH HAMS DISTRICT COUNCIL

and

* TOWN/PARISH COUNCIL

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING is dated

- (1) **SOUTH HAMS DISTRICT COUNCIL** of Follaton House, Plymouth Road, Totnes, Devon, ("the District Council").
- (2) * **TOWN/PARISH COUNCIL** of * ("Town/Parish Council").

1. **Background**

- 1.1 The District Council is a local planning authority for the purposes of the Town and Country Planning Act 1990 and has responsibility for determining planning applications for the development of land within the Town/Parish Council's area. When determining planning applications the District Council seeks the views of various persons and bodies and must consider them, but is not required to agree them.
- 1.2 The Town/Parish Council is a statutory consultee on any such applications and has responsibilities under the Town and Country Planning (Development Management Procedure) (England) Order 2015 in respect of making timely representations. While the Town/Parish Council gives its views on applications to the District Council, it has no power to grant or refuse planning permission.
- 1.3 The District Council and Town/Parish Council have agreed that it is in the interests of the residents of the Town/Parish Council's area and applicants for planning permission, that applications for outline or full planning permission to develop land in the Town/Parish Council's area ("Planning Application") should be determined efficiently.
- 1.4 The District Council and Town/Parish Council wish to record the basis on which they will work together to ensure where possible Planning Applications are determined efficiently. This Memorandum of Understanding (MoU) sets out the respective responsibilities of the District Council and Town/Parish Council in respect of those applications.

2. **Principles of collaboration**

- 2.1 The District Council and Town/Parish Council agree when dealing with Planning Applications to adopt the following principles ("Principles"):
 - (a) Work collaboratively and co-operate with each other to ensure that actions are taken as required;
 - (b) Be accountable;
 - (c) Be open. Communicate openly about issues or concerns relating to the determination of Planning Applications;
 - (d) Share information, experience, materials and skills;
 - (e) Adopt a positive approach. Behave in a positive, proactive manner;

- (f) Adhere to statutory requirements and best practice. Comply with applicable laws and standards including data protection and freedom of information legislation.
- (g) Act in a timely manner. Recognise the statutory timescales for the determination of planning applications and respond accordingly to requests for support; and
- (h) Act in good faith to support compliance with these Principles.

3. **Responsibilities – the District Council**

3.1 The District Council will:

- (a) actively encourage applicants for larger developments to consult with the Town/Parish Council prior to making a Planning Application.
- (b) upload to its website details of any Planning Application, any representations received and any amended plans promptly and in any event within 14 days of receipt of the Planning Application as the case may be.
- (c) notify the Town/Parish Council that a Planning Application has been registered within 24 hours of the application being registered.
- (d) re-consult the Town/Parish Council where amendments to Planning Applications seek to address objections or reservations raised at an early stage by the Town/Parish Council, or where in the District Council's view, amendments would have a significant impact compared to the original submission.
- (e) allow the Town/Parish Council 28 days (including public holidays) from the notification of registration of a Planning Application and 21 days from the notification of amendments to a Planning Application to make representations.
- (f) where a Planning Application is to be determined by the District Council's Development Management Committee offer an opportunity for an authorised representative of the Town/Parish Council to speak in accordance with the scheme for public speaking.
- (g) determine Planning Applications in accordance with the Development Plan unless other material considerations suggest otherwise.
- (h) notify the Town/Parish Council of its decisions on Planning Applications within 8 working days of the Planning Application being determined.

4. **Responsibilities – the Town/Parish Council**

4.1 The Town/Parish Council will:

- (a) provide the District Council with and keep up-to-date, an e-mail address that may be used to notify the Town/Parish Council of the registration of a Planning Application, amendments or decisions.

- (b) ensure that any representations are clear, concise and based on material planning considerations and disregard irrelevant considerations. Examples of material planning considerations are set out in Part 1 of Appendix A. Examples of irrelevant considerations and therefore carrying no weight in the decision-making process are set out in Part 2 of Appendix A.
- (c) make any representations in a timely manner and in any event within 28 days of being notified of the registration of the Planning Application,
- (d) seek to make use of delegated arrangements to ensure representations are made in time.
- (e) ensure that those speaking on its behalf at the District Council's Development Management Committee are appropriately authorised to do so.
- (f) encourage its members to undertake a suitable course of development management training

5. **Neighbourhood Planning**

- 5.1 The District Council and the Town/Parish Council recognise the importance of neighbourhood plans in making planning determinations and as plans produced by local people, how they can benefit the local area and community.
- 5.2 Where the Town/Parish Council apply for the designation of its area as a Neighbourhood Area for the purposes of the Neighbourhood Planning (General) Regulations 2012 the District Council will positively support the Town/Parish Council to progress the making of a neighbourhood plan in a timely manner.

6. **Status**

- 6.1 This MoU is not intended to be legally binding, and no legal obligations or legal rights shall arise between the parties from this MoU. The District Council and the Town/Parish Council enter into the MoU intending to honour all their obligations.

Appendix A

Part 1 - Material planning considerations

- The Development Plan including any Neighbourhood Plan
- Adopted supplementary guidance - for example, village design statements, conservation area appraisals, car parking standards.
- Central government policy and guidance – the National Planning Policy Framework, National Planning Guidance etc.
- Replies from statutory and non-statutory agencies (e.g. Environment Agency, Highways Authority).

- Representations from others - neighbours, amenity groups and other interested parties so long as they relate to land use matters.
- Effects on an area - this includes the character of an area, availability of infrastructure, density, over-development, layout, position, design and external appearance of buildings and landscaping
- The need to safeguard valuable resources such as good farmland or mineral reserves.
- Highway safety issues - such as traffic generation, road capacity, means of access, visibility, car parking and effects on pedestrians and cyclists.
- Public services - such as drainage and water supply
- Public proposals for using the same land
- Effects on individual buildings - such as overlooking, loss of light, overshadowing, visual intrusion, noise, disturbance and smell.
- Effects on a specially designated area or building - such as green belt, conservation areas, listed buildings, ancient monuments and areas of special scientific interest.
- Effects on existing tree cover and hedgerows.
- Nature conservation interests - such as protection of badgers, great crested newts etc.
- Public rights of way
- Flooding or pollution.
- Planning history of the site - including existing permissions and appeal decisions.
- A desire to retain or promote certain uses - such as playing fields, village shops and pubs.
- Need for the development - such as affordable housing.
- Prevention of crime and disorder.
- Presence of a hazardous substance directly associated with a development
- Precedent - but only where it can be shown there would be a real danger that a proposal would inevitably lead to other inappropriate development (for example, isolated housing in the countryside)

Part 2 – Irrelevant considerations

- Speculation over future use.
- The fact that the application is retrospective
- The identity of the applicant or occupant
- Unfair competition
- Boundary disputes
- Breach of covenants and personal property rights, including personal (not Public) rights of way
- Loss of a private view
- Devaluation of property
- Other financial matters
- Matters controlled by other legislation - such as Building Control, Environmental Heath or fire prevention
- Religious or moral issues - such as betting shops and amusement arcades
- The fact that the applicant does not own the land to which the application relates
- The fact that an objector is a tenant of land where the development is proposed
- The developer's motives, record or reputation

Signed for and on behalf of SOUTH
HAMS DISTRICT COUNCIL

Signature:
Name:
Position:
Date:

Signed for and on behalf of *
TOWN/PARISH COUNCIL

Signature:
Name:
Position:
Date:

ITEM 9 - POSTAL PROVISION AT NEW DEVELOPMENTS

Cllr Collinson has raised the following – see below an email chain from a resident at Quayside, re. the lack of a post box at or near Quayside. I think the accessibility of post boxes is an important issue, particularly for elderly residents.

I believe it ought to be a condition of new developments that adequate provision is made for accessible postal facilities

Dear Sarah

In your position on the town council, I wonder if you could make a request for a small mail box to be installed in foyer of Quayside under complete control of our post person, usually [REDACTED] who is very helpful and kind to us. He, or a colleague delivery to each apartment 6 days a week for which we are really grateful.

But if there was a Post Box to which he was the only key holder, and he did one collection, when he had completed his round here, we would be very grateful as the nearest post box is St. John's hill outside the butchers, or on The Plains or Spar shop.

Please do you think this is possible.

Notes from Totnes & District Traffic and Transport Forum

26 May 2021

Via zoom - 18:30 - 20:00

Present:

John Scanlon – Chair

Chris Watson

Sylvia Dell (notes)

Lizzie Woodall – Totnes Bike Hub

Richard Percival – 20's Plenty

Cllr Paul Alford - link TTC

Simon Harrington - Community

transport

Cllr Georgina Allan - link TTC planning

Cllr Ben Piper

Sarah Collinson - Inclusive Totnes

Cllr Jacqi Hodgson - link DCC

Chris Alton - Harbourne Valley

1. Welcome (JS)

2. Speaker Lizzie Woodall – Totnes Bike Hub - totnesbikehub@gmail.com

- Registered as CIC community interest company
- 2 years planning and now has funding – Totnes Bike Hub will be a shop offering not just sales of bikes, but repairing bikes and social activities to encourage uptake of cycling and serve the community
- Currently arranging for premises and about to advertise for mechanic
 - Suggested contacting Channings Wood
 - Suggested contacting Chris Parsons info@landworks.org.uk
- Aiming to form a partnership with other local groups
- Ideas suggested – e-scooters, trikes, converting bikes to e-bikes
- What are biggest barriers to cycling in Totnes?
 - Hills
 - Lack of infrastructure – cycle lanes, cycle paths
 - Lack of numbers – there is some safety in numbers, and traffic needs to become more aware of cyclists
- Possible solutions to these barriers
 - Training – Bike Hub planning to offer confidence riding sessions, link up with DCC cycle training scheme
 - Cycle rides – Bike Hub planning to offer social rides and cycle mentoring
 - Reduced speed limits – 20's Plenty campaign
 - More cycle paths and dedicated cycle lanes
- Update on proposal for 20 mph across Totnes and Dartington
 - Map showing current 20 mph roads, and proposed 20 mph zone

<https://tinyurl.com/Totnes-20zone>

- DCC are currently working on a 20 mph pilot in Newton Abbot, and refuse to consider any new extensions to 20 mph zones until pilot study is complete
- 20's Plenty campaign – Richard Percival
 - UN campaign aimed at changing the default urban speed limit at national level – so instead of having 30 mph as the norm within towns, this is changed to 20 mph. Wales have already adopted this and currently implementing it, Spain currently in process of changing, London has adopted it.
 - Link to last weeks 20's plenty international webinar (UN and WHO and public health) <https://youtu.be/aggxhNJobSc> . This includes an orthopaedic surgeon speaking – very powerful message about air pollution
 - 20's Plenty have research – identifies that acceleration is major contributor to air pollution
- Traffic calming proposal for Fore Street / High Street
 - DCC have put forward design proposals for traffic calming in Totnes town centre – the designer has been invited to attend the Green Travel Steering Group in June to address some initial queries and then the designs will go out to public consultation
 - Suggestion from SC that we draw together a strategic plan incorporating 20 mph, air quality and town centre traffic calming, in preparation for the meeting in June
 - Report - Speed, emissions & health, The impact of vehicle speed on emissions & health: an evidence summary, June 2018
<http://content.tfl.gov.uk/speed-emissions-and-health.pdf>

3. Electric vehicle club and e-bike hire - survey now published

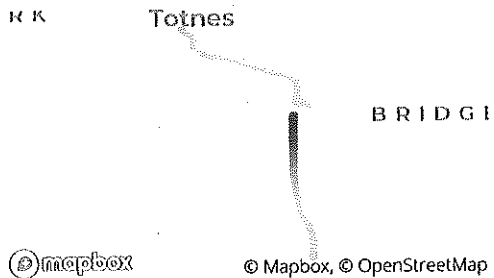
- <https://tinyurl.com/TotnesEV-survey> - please share link widely
- Being distributed via Totnes Directory
- Hardcopy available for sharing in shops, Bob the Bus, etc – email greentravel@totnestowncouncil.gov.uk and send an address and we will post a batch for you to circulate to your networks

4. Portable Air Quality Monitors - borrowing scheme

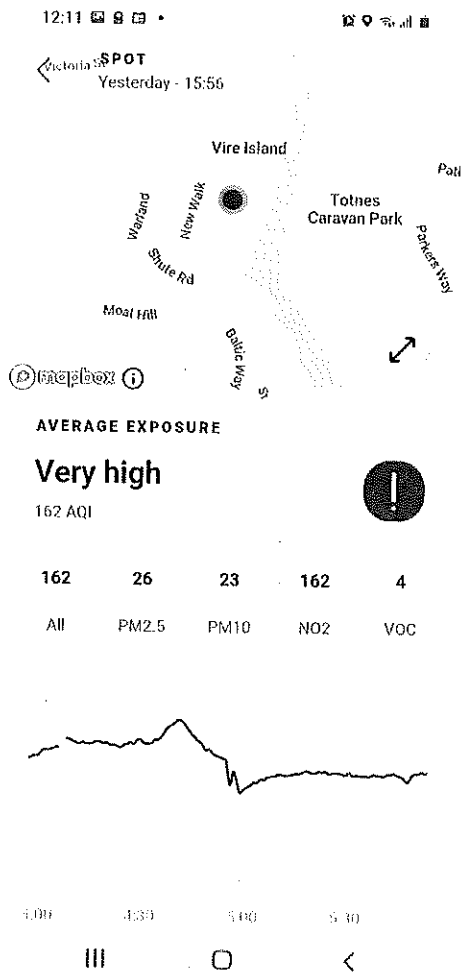
- Totnes Town Council have purchased 5 portable air quality monitors, which will be available for residents to borrow for free



- <https://plumelabs.com/en/flow/>
- Currently working on a process for borrowing and collecting data – email greentravel@totnestowncouncil.gov.uk for latest information
- The device collects data on various types of air pollution - particulates (PM2.5, PM10), NOx (nitrogen oxides from vehicles), VOC (volatile organic compounds)
- Data shown on phone app as colour coded maps – example showing journey from Guildhall, along Fore St, The Plains and New Walk at midday. Red indicates High level air pollution, moderate, green low



- Data also shown on app as Hot spots over time – example showing Vire Island between 4 – 5pm – ie peak traffic congestion after schools close. Purple indicates Very High air pollution – in this example mainly particulates and NOx



- Data can also be downloaded for further analysis – need to enlist further analyst help to create graphs

5. AOB

- Suggestion for future speaker GO-OP – <http://www.go-op.coop/train/> independent train operator

6. Date of next Traffic & Transport Forum

Aug 25, 2021 06:30 PM

ITEM 12

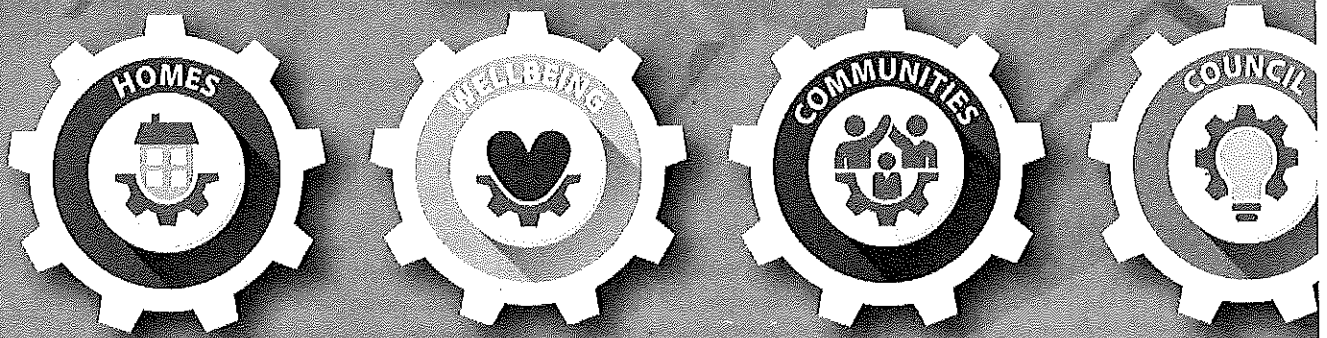
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PLYMOUTH & SOUTH WEST DEVON JOINT LOCAL PLAN



PLANNING TOGETHER ...

09 August 2021

Welcome to our 2nd Newsletter

Welcome to the second edition of the Plymouth and South West Devon Joint Local Plan (JLP) newsletter.

This has been a busy six months for the JLP team as we continue to focus on delivering our Joint Local Plan policies and site allocations. In this edition we explore some of the key appeal decisions we have received, highlight the recently announced First Homes policy, explain our involvement in the Government Pathfinder programme and set out our approach to assessing sustainability.

Appeals Digest (April - June 2021)

	Total Appeals	Appeals Dismissed	Appeals Allowed
Plymouth	6	3	3
South Hams	13	6	7
West Devon	4	2	2

The most common type of planning appeal is appeals against the refusal of planning permission. Appeals are determined by independent inspectors from the Planning Inspectorate (PINS), and offer a valuable indication of how other planning professionals understand and apply our adopted planning policies.

Of particular interest this quarter are the following appeals;

- Eden Farm, Harberton, Totnes, Devon TQ9 6DN

The inspector agreed with the Council about how policy DEV15 (Supporting the rural economy) should be used when considering the location of new business premises in rural areas.

- Whimbarn House, Road From Chipshop Inn To Millhill Quarry, Ottery, Tavistock PL19 8NS

The inspector agreed with the Council about which settlements should be considered as sustainable, and how this influences the location of new development.

- 70 & 72 Embankment Road, Plymouth PL4 9HY (photo below)

The inspector agreed with the Council that the applicant had not done a sufficient amount of marketing for their retail unit before asking to convert it into residential accommodation. The Inspector also refused to accept the short-term impacts of the pandemic, or recent changes to the use class order, as justification for change of use.



First Homes



The Government has introduced a new type of affordable housing product, known as First Homes.

From next year, councils should expect at least 25 per cent of affordable homes on eligible schemes to be First Homes. To count as a First Home the house must be sold for at least a 30 per cent discount and be sold to a first time buyer.

Other eligibility tests include an income cap for potential buyers, and the price of the homes will not be able to be higher than £260,000. Local councils can introduce other requirements when they adopt new planning policies, although these will need to be accepted by an independent inspector before they are adopted. The discounts and eligibility requirements will remain on the house for ever.

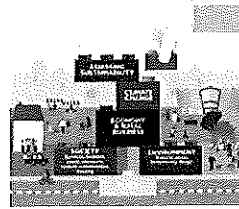
While developers may choose to provide them from 2022, we are unlikely to see any being permitted until later next year and they are unlikely to be built and available to live in before 2023. We will monitor interest in, and delivery of, this new product and continue to negotiate the most appropriate mix of housing types to meet local needs across the JLP area in line with our flexible policies and the adopted Supplementary Planning Document (SPD).

Assessing Sustainability

At the July meeting the JLP Partnership Board agreed that work should begin to further understand and assess 'sustainability' and 'sustainable development'

in our area.

This is to ensure that when we plan for development, such as houses or places where people work, we understand what the impacts are and if there are any ways we can make the development better.



We have already done lots of work on sustainability in the adopted JLP and our policies and proposals aim to help deliver better places. However since the adoption of the JLP some things have changed. For example COVID-19 has had a major impact on how people live and work, Government policy is changing and the effects of climate change are becoming increasingly known.

It is important that we fully understand the implications of these changes. We plan to develop a simple and consistent assessment process that will help us to understand any positive and negative impacts of development policies and proposals. This will ensure 'sustainability' and 'sustainable development' are considered in the very early stages of any future plan review or update.

We will be sharing further work on this with you in the future but if you have any thoughts about this please do let us know by emailing jo.perry@plymouth.gov.uk

Pathfinder Project

The JLP team, working with specialist monitoring, mapping and data scientists across South Hams, West Devon and Plymouth, is working with the Ministry of Housing Communities and Local Government Digital Land team.

We are testing how sites data can be translated into national standards and exploring how the 'Call for Sites' process can be simplified and standardised. For more details, see our [news article](#).

What will happen next?

Over the next six months we will be interpreting and then implementing any changes the Government brings forward to the planning system. We are focusing on monitoring and encouraging the delivery of our housing sites to ensure we continue to demonstrate a robust five year housing land supply. In addition, we want to understand the changes that the pandemic has had on the way we live, work and play. As a result, we will be starting to explore these key issues and what it means for our communities, our city, towns and local centres, our greenspaces, and pedestrian and cycle networks as well as our health and other community infrastructure.

To help us do this, we welcome Ed Mannings, our new South Hams/West Devon planning specialist, into the team.

Did you know we have an interactive JLP? Keep an eye on the "news" page for further updates on the JLP as they happen as well as a link to all past editions of this newsletter! <https://plymswdevonplan.co.uk/news>

If you want to get in touch with the JLP team please contact:

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