

SOUTH HAMS DISTRICT COUNCIL

Notes to accompany Decision Notices

Building Regulations - This decision is not a decision under the Building Regulations and the applicant should ensure that all necessary approvals for the same proposal and same plans are obtained before commencing any work on the site. See www.devonbuildingcontrol.gov.uk for further information.

Discharge of Conditions - If your application has been approved with conditions then any pre-commencement conditions must be discharged before work starts. The fee to discharge conditions is per request, not per condition, and it is therefore more cost effective to discharge all conditions at once. Listed Building Consents are exempt from fees.

Amending your permission (only applies to planning permissions) - If you want to change some details of your planning permission and it is a very small change you can apply for a Non Material Amendment. Larger changes may need a Variation of Condition application to amend the plans condition or a new Planning Application.

Adherence to approved plans/conditions - Failure to adhere to the details of the approved plans or to comply with the conditions contravenes the Town and Country Planning Act 1990 and enforcement action may be taken.

Right of Appeal - further information about appealing can be found at:

http://www.planningportal.gov.uk/uploads/pins/procedural_guide_planning_appeals.pdf

If you are aggrieved by a decision to refuse permission or to grant it subject to conditions you can appeal to the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/planning/appeals/ Appeals must be made on the correct form relating to the type of application you submitted. Information provided as part of the appeal process will be published online. In some circumstances the Planning Inspectorate may refuse to consider an appeal.

Planning Appeals (Section 78 of the Town and Country Planning Act 1990).

- Householder appeals must be made within **12 weeks** of the date of this notice.
- Minor Commercial Appeals must be made within **12 weeks** of the date of this notice.
- Other planning appeals must be made within **6 months** of the date of this notice.
- Certificate of Lawfulness Appeals (Section 195 of the Town and Country Planning Act 1990) - There is no time limit for submission of an appeal.
- Listed Building Consent or Conservation Area Consent Appeals (Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990). Appeals must be made within **6 months** of the date of this notice.

Advertisement Consent Appeals (Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007).

- Appeals must be made within 8 weeks of the date of this notice.

High Court Challenge/Judicial Review

As there is no third party right of appeal the only route available for an objector to challenge a decision is through the courts. Legal advice should be sought before considering this option.

Purchase Notices

If the Local Planning Authority or the Planning Inspectorate refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council requiring them to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Disabled Persons

Where any planning permission granted relates to buildings or premises to which the public are to be admitted (whether on payment or otherwise) or to premises in which persons are employed to work, your attention is drawn to Sections 4, 7 and 8a of the Chronically Sick and Disabled Persons Act, 1970 and to the British Standards Institutions Code of Practice for Access for the Disabled to Buildings.

Site Notices

If any site notices are still on or near the site relating to this application, it would be appreciated if you could now remove them please

Dated this 29 January 2025
Application ref. 3995/23/FUL

Patrick Whymer
*Head of Development Management
for and on behalf of the Council*



In any correspondence please quote application number:
3995/23/FUL

Full Planning Application REFUSED

Town and Country Planning Act, 1990
Town and Country Planning (Development Management
Procedure) (England) Order, 2015

Application: 3995/23/FUL

Received: 5 December 2023

Proposal: Full planning application for the phased delivery of a mixed-use development comprising marine workshops (Use Class B2) and boat storage, offices (Use Class E), care home (Use Class C2), houses and apartments (Use Class C3), mixed commercial uses (Use Class E) and associated infrastructure.

Location: Baltic Wharf Boatyard
St Peters Quay
Totnes
TQ9 5EW

Applicant: Baltic Wharf Developments
Ltd and TQ9 Partnerships
c/o Agent

Agent: Miss Nicola Lovell - Avison
Young
Avison Young
St Catherines Court
Berkeley Place
Clifton
Bristol
BS81BQ

The South Hams District Council hereby **REFUSE** permission to carry out the development described above **for the following reasons:**

1. The application does not accord with allocation policy TTV21 and does not satisfy the requirements of that policy read as a whole. This is a fundamental failing recognising the importance of planning decisions being plan-led.
2. The proposed development, by virtue of scale, massing, layout and design, would not integrate into the existing area and would be injurious to the distinctive townscape character, scenic qualities and landscape setting of Totnes. The proposals include the removal of significant lengths of hedgerow, and would likely harm important existing landscape features, without adequate justification or mitigation. As a result, the application is not considered to accord with the allocation policy TTV21 and also conflicts with policies DEV20, DEV23, DEV25, DEV28 of the adopted Plymouth and South West Devon Joint

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Local Plan and policies V1, En2, En3, EN4, and En5 of the made Totnes Neighbourhood Plan.

3. Insufficient information has been submitted to demonstrate that the proposed development is acceptable in terms of providing safe and suitable access for all users including the boatyard. Where it has not been demonstrated to the satisfaction of the local planning authority that conflicts between pedestrians and vehicles can be safely managed, the risk to safety is considered to be unacceptable and the application therefore does not accord with policies TTV21 and DEV29 of the Plymouth and South West Devon Joint Local Plan and the provisions within the National Planning Policy Framework.

4. Insufficient information has been submitted in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered and have been adequately designed to ensure that they suitably manage surface water runoff and drainage from the site, contrary to policy DEV35 of the adopted Plymouth and South West Devon Joint Local Plan and the provisions within the National Planning Policy Framework.

5. In the absence of a signed s106 Agreement or similar undertaking to provide for appropriate contributions there would be an unacceptable impact on local infrastructure and under-provision of affordable homes. The application would be contrary to policies DEV8 and DEV30, of the adopted Plymouth and South West Devon Joint Local Plan and the provisions within the National Planning Policy Framework.

INFORMATIVES

1. This decision relates to drawing numbers:

153884-STL- P-001 The location plan received on 5 December 2023
153884-STL-P-010 site plan ground floor received on 5 December 2023
153884-STL-P-011 site plan first floor received on 5 December 2023
153884-STL-P-012 site plan second floor received on 5 December 2023
153884-STL-P-013 site plan third floor received on 5 December 2023
153884-STL-P-014 site plan fourth floor received on 5 December 2023
153884-STL-P-015 site plan fifth floor received on 5 December 2023
153884-STL-P-016 Roof Plan - Proposed received on 5 December 2023
153884-STL- P-024 buildings b plans 02 received on 5 December 2023
153884-STL-P-025 building b elevations received on 5 December 2023
153884-STL- P-026 building b sections received on 5 December 2023
153884-STL- P-027 building c plans 01 received on 5 December 2023
153884-STL- P-028 building c plans 02 received on 5 December 2023
153884-STL-P-029 building c elevations received on 5 December 2023
153884-STL- P-030 building c sections received on 5 December 2023
153884-STL- P-031 building d plans 01 received on 5 December 2023
153884-STL- P-032 building d plans 02 received on 5 December 2023
153884-STL-P-033 building d elevations received on 5 December 2023
153884-STL- P-034 building d sections received on 5 December 2023
153884-STL- P-035 building e plans 01 received on 5 December 2023
153884-STL- P-036 building e plans 02 received on 5 December 2023
153884-STL-P-037 building e elevations received on 5 December 2023

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153884-STL- P-038 building e sections received on 5 December 2023
153884-STL-P-039 building f plans received on 5 December 2023
153884-STL-P-040 building f elevations received on 5 December 2023
153884-STL-P-041 building f sections received on 5 December 2023
153884-STL-P-042 building m plans 01 received on 5 December 2023
153884-STL-P-043 building m plans 02 received on 5 December 2023
153884-STL-P-044 building m elevations received on 5 December 2023
153884-STL-P-045 building m sections received on 5 December 2023
153884-STL- P-046 building n plans 01 received on 5 December 2023
153884-STL- P-047 building n plans 02 received on 5 December 2023
153884-STL-P-048 building n elevations received on 5 December 2023
153884-STL- P-049 building n sections received on 5 December 2023
153884-STL- P-050 building p2 plans 01 received on 5 December 2023
153884-STL- P-051 building p2 plans 02 received on 5 December 2023
153884-STL-P-052 building p2 elevations received on 5 December 2023
153884-STL- P-053 Building P2 sections received on 5 December 2023
153884-STL- P-055 P1 carehome 01 received on 5 December 2023
153884-STL- P-056 P1 carehome 02 received on 5 December 2023
153884-STL-P-057 carhome elevations received on 5 December 2023
153884-STL- P-058 P1 carehome received on 5 December 2023
153884-STL-P-060 T01 received on 5 December 2023
153884-STL-P-061 T03 received on 5 December 2023
153884-STL-P-062 T04 received on 5 December 2023
153884-STL-P-063 T05 received on 5 December 2023
153884-STL-P-064 house type T06 received on 5 December 2023
153884-STL- P-070 boatyard plans received on 5 December 2023
153884-STL- P-071 boatyard elevations received on 5 December 2023
153884-STL-P-072 refuse strategy received on 5 December 2023
153884-STL- P-074 parking strategy and EV charging received on 5 December 2023
153884-STL- P-075 boundary strategy received on 5 December 2023
153884-STL- P-076 accessibility part m strategy received on 5 December 2023
153884-STL-P-077 materials schedule received on 5 December 2023
153884-STL-P-080 street elevation received on 5 December 2023
153884-STL-P-081 street elevation received on 5 December 2023
153884-STL-P-082 street elevation received on 5 December 2023
153884-STL-P-9001 hardworks received on 5 December 2023
153884-STL-P-9002 hardworks housing received on 5 December 2023
153884-STL-P-9003 hardworks received on 5 December 2023
153884-STL-P-9006 illustrative landscape materplan received on 5 December 2023
153884-STL-P-9008 hard and softworks received on 5 December 2023
153884-STL-P-9009 hardworks and softworks received on 5 December 2023
153884-STL-P-9010 hardworks and softworks received on 5 December 2023
153884-STL-P-9101 landscaping received on 5 December 2023
153884-STL-P-9102 landscaping received on 5 December 2023
153884-STL-P-9103 landscaping received on 5 December 2023
153884-STL- P-9401 planting details received on 5 December 2023

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2002 Rev P02 pedestrian access plan received on 5 December 2023
153884-STL- P-008 Block plan of the site received on 5 December 2023
Horizontal Illuminance (lux) lighting plans received on 5 December 2023
Horizontal Illuminance (lux) lighting plans received on 5 December 2023
05901 TRPP 24.11.23 (1of3) aspect trees received on 5 December 2023
horizontal illuminance (lux) lighting received on 5 December 2023
153884-STL-P-060 House Type T01 - FOG Plans Elevations Sections[26] received on 20 December 2023
153884-STL-P-060 Plans Elevations Sections[26] received on 2 January 2024
153884-STL-P-008 153884-STL-P-008-Key Masterplan received on 5 January 2024
153884-STL-P-007 153884-STL-P-007-illustrative Masterplan received on 5 January 2024
2003 Rev:P02 Vehicle Swept Path Analysis - Boatyard & Bus[93][64] received on 25 June 2024
2401 Rev:P03 External Level Strategy - Lower Level received on 25 June 2024
2402 Rev:P03 External Level Strategy - Upper Level received on 25 June 2024
039 2401P03 External Level Strategy - Lower Level received on 5 September 2024
153884-STL-P-022- building A Sections received on 5 September 2024
039 2402P03 External Level Strategy - Upper Level received on 5 September 2024
153884-STL-P-020 A Rev:A Building A plans received on 9 October 2024
153884-STL-P-021 A Rev:A Building A elevations received on 9 October 2024
153884-STL-P--022-A Rev:a Building A Sections received on 9 October 2024
Traffic management at Baltic Wharf, Totnes, received 25.06.24
Undercroft parking lighting plan, received 05/12/23

2. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

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