

Appendix 5 – DCC Objections

To: Chief Planning Officer
South Hams District Council
Follaton House
Plymouth Road
Totnes
TQ9 5NE

From: **Development Management (South)**
Area South Highway Management
Ryefields
Avery Hill
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TQ12 3QG

Our Ref: SH/4116/2024

Case Officer: **Richard Jackson**
Telephone: **0176**

PLANNING APPLICATION – HIGHWAY CONSULTATION REPLY

APPLICATION NUMBER: 4116/24/OPA

APPLICANT: Bloor Homes (Exeter) Ltd

DETAILS OF APPLICATION: Outline planning application for up to 75 dwellings & all other associated development, with all matters reserved apart from access

LOCATION: Land At Sx 656 522 Barrack Road Modbury

Observations:

The Highway Authority notes the site is unallocated and would effectively become Phase 3 of the already completed Land West of Palm Cross and Barrack Road allocated development sites.

Transport Assessment Comments

It can be seen in the Transport Assessment that the figures utilised to estimate the likely junction impact at Lanveoc Way/A379 appear to be underestimated when considering TRICS evidence for the demographic circumstances of this site. Around 4 vehicle trips per dwelling per day on average has been utilised in the report but the Highway Authority would argue around 6 is more appropriate. Whilst this should be adjusted in the TA and documented, it is not expected that this change will have a significant change in circumstances on whether the junction of Lanveoc Way/A379 can cope with the additional traffic. It certainly would not induce a concern from the Highway Authority that the proposals would generate a severe impact on the road network worthy of refusal. The NPPF recommends that development should only be refused on traffic capacity grounds if the cumulative impact on the road network is severe. It should be noted an emergency vehicle access exists from the Phase 1 development out to Barrack Road.

The Highway Authority would like some clarification from SLR Consulting why the Origin Destination Data on Pg. 99 of the TA in the appendices differs in terms of percentages from the narrative in the report under Sections 6.6 and 6.7?

- 6.6 The arrival and departure distribution for the peak AM and PM hours at Lanveoc Way junction including the daily average can be seen in Table 6.3.

Table 6.3 – Distribution of Traffic at Lanveoc Way

	AM	PM	Daily
A379 West	65%	58%	62%
A379 East	35%	42%	38%

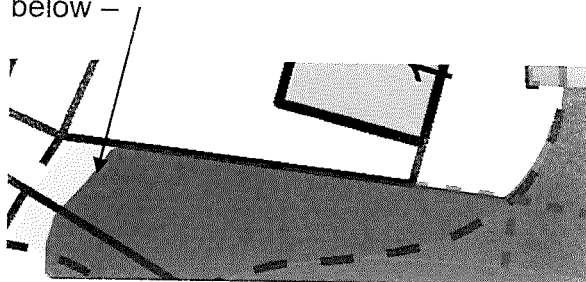
- 6.7 As shown at Table 6.3, it can be seen that, 62% of residents will route west along the A379, whilst 38% will route east along the A379 from the site across the day.

Origin-Destination Data

Demand (Veh/hr)		To			
		A - A379 Church Street (W)	B - Site Access	C - A379 Church Street (E)	
From	A - A379 Church Street (W)	0	41	250	
	B - Site Access	13	0	15	
	C - A379 Church Street (E)	237	33	0	

Site Accessibility

Currently the Highway Authority is objecting to the proposals as the applicant has not offered to create public access in the form of a footway on the eastern side of 1 Lanveoc Way despite retaining a strip of land for this purpose and a request to do so being made during pre-application discussions. It can be seen on Land Registry that Bloor Homes have retained a strip of land in their ownership around the western junction radius of the A379/Lanveoc Way. A seamless footway link around this radius would allow a safe and suitable pedestrian link towards the Drovers Way. Providing a seamless footway is critical to ensuring site TTV24 Land at Penn Park and the New Mills Industrial Estate can be delivered in the future. The Planning Authority will be aware of the recent Public Inquiry for the Penn Park site (planning application 0384/23/OPA) where the inspector concluded that the site would likely introduce pedestrians on the A379 carriageway around the s-shaped bend carriageway located west of Palm Cross, due to an attractive pedestrian desire line. The inspector agreed and concluded road conditions in the location of the s bend were wholly unsafe for pedestrians. This also applies in the opposite direction and therefore, it is critical that the Drovers Way is converted to a public footpath in the future to offer a more attractive choice for pedestrians to the industrial estate and on the allocated site TTV24 Penn Park. It is therefore recommended a S278/S38 scheme is produced with this application and the scheme includes public access in front of 1 Lanveoc Way ideally offered for adoption under a S38 legal agreement so that an informal pedestrian crossing can be created across the bottom of Lanveoc Way in a safe and suitable location. This must include tactile paving. A footway is also required to run to the western extent of the highway maintainable at public expense extents as shown in brown below –



A wooden kicking rail could be installed on the southern side of the footway near to the property Coppers Corner with signage to guide pedestrians from walking in the driveway area of Coppers Corner, which is a legitimate concern of the owner. Or the old gate pier could be removed if permissible to dedicate through the line of the gate pier to ensure pedestrian access is separated from the driveway of Coppers Corner. A stage 1 safety audit will be necessary as there are changes to the existing highway.

There is a need to create a public footpath to legal confirmation stage between the above highway extents and the Penn Park site boundary passing the rear of the New Mills industrial estate. The District Council have agreed to progress the legal order for a nominal fee of £2500.00 A S106 contribution is therefore requested for this purpose to be paid prior to commencement of development.

If these works are offered and undertaken by Bloor Homes, the Highway Authority would be able to recommend that proportionally the legal tests of S106 have been met. It would then be for the developer at Penn Park to upgrade and seal the PROW creation order for Drovers Way. South Hams District Council and local residents have advised that several residents work in New Mills Industrial Estate that live in Phase 1 and 2 of Land West of Palm Cross and Barracks Road. South Hams District Council have agreed that they would progress a S25/26 application to form a public footpath to the industrial estate for a nominal fee of £2500.00 to cover the administrative costs of progressing the public right of way creation order.

At the northern end of the proposed development site the Highway Authority would agree that to have a through road onto Dark Lane is undesirable noting the prevailing road conditions leading towards Ermington on Dark Lane are substandard in width and alignment.

In order to ensure access is available for all users to the recreation ground it is recommended the footpath to Dark Lane is converted to a 3m shared use cycle way with staggered barriers spaced at 2m to prevent vehicle access and vulnerable road users egressing at speed out into the carriageway. A detailed design of this must be provided with this application for the first 20m from the existing highway including a longitudinal section showing proposed gradients, lighting proposals, drainage details and material details. The maximum gradient of the cycleway should be 1:20.

The Parish Council have requested that a lighting improvement scheme and 30mph speed limit relocation is required between the cycle egress point and the Barrack Road/Dark Lane junction. The Highway Authority view is that the internal cycle route and proposed estate roads will offer a safe and suitable choice for pedestrians and cyclists to utilise as an alternative route to Dark Lane carriageway. It is therefore not considered necessary to introduce further street lighting. There would also be a practicality issue in relocating the 30mph speed limit due to the lack of space to install any relocated terminal signs.

Vehicle access points from Higher Green Park

The Highway Authority would question why the eastern junction has a priority given to the existing estate road that serves four houses when the new estate road will likely attract the most traffic?

A S278/38 legal agreement would be required to make adjustments to Higher Green Park prior to commencement of works. The previously requested stage 1 safety audit should

include an assessment of these two amendments to the existing highway. Beforehand a longitudinal section should be requested for both junction interceptions to ensure the proposed junction gradients are adequate. The Highway Authority would recommend a 10.2m refuse lorry movements are tracked for these two junctions. This information is currently not provided.

Drainage

The proposed drainage strategy includes an attenuation pond (Basin 1) on the west side of the site to serve Phase 3, Parcels 1 & 2. Flows will initially discharge to Basin 1 and then discharge to the existing swale outfall that was constructed as part of the Phase 2 drainage works. The applicant has stated infiltration is not likely to be feasible due to unfavourable test results on the adjacent phases. Any attenuation that serves the highway will need to remain private with at least 50% of the water entering the attenuation sourced from the private properties.

Public Transport

Recent Parish Council surveys have revealed that key villages and towns serviced by the Service 3 Stagecoach Bus, which runs from Plymouth City to Kingsbridge and back (through Modbury) have expressed a desire for the service to be extended later in the day on Monday to Saturdays. This is because some residents were struggling to return from work at the end of the day and also for other sustainability reasons. In order to achieve this the County Council would request a S106 contribution is made to enable an initial trial period to be funded. The cost of this is £75,000 per year. The Highway Authority would request an initial period of 3 years is funded.

S106

£20,000 towards a Traffic Regulation Order (TRO) to implement a 20mph zone on Barrack Road. To be paid prior to first occupation.

£225,000 towards enhancing the evening Plymouth to Kingsbridge Service. To be paid on occupation of the 30th dwelling.

£2500.00 towards the legal order to convert Drovers Way to a public footpath. To be paid prior to commencement of development.

£300.00 per dwelling towards sustainable travel vouchers. To be provided to the first tenure of each property on occupation.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

1. The lack of provision/offer of footway public access to the highway verge on the western radius of the junction of Lanveoc Way/A379 from the adopted footway on the

eastern boundary of number 1 Lanveoc Way, would prejudice the comprehensive development of Local Plan allocated site Penn Park (TTV24) in terms of safe and suitable pedestrian access, contrary to paragraph 115 and 116 of the National Planning Policy Framework and Policy DEV29 of the SWDJLP. Also, the lack of public access provision would prevent long term safe and suitable access for pedestrians to the rear of New Mills Industrial Estate.

2. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of pedestrian access towards the rear of the New Mills Industrial Estate via the Drivers Way contrary to paragraph 115 and 116 of the National Planning Policy Framework and Policy DEV29 of the SWDJLP.
3. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of cycle access to Dark Lane, swept path tracking for the junctions on Higher Green Park, longitudinal sections for the junctions off Higher Green Park and the cycleway off Dark Lane and accurate details of the shared cycle path off Dark Lane contrary to paragraph 115 and 116 of the National Planning Policy Framework and Policy DEV29 of the SWDJLP.

Officer authorised to
sign on behalf of the County Council

2 April 2025

General Data Protection Regulations Notice:-

<https://new.devon.gov.uk/privacy/privacy-notices/privacy-notice-for-highways-development-management/>

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DETAILS OF APPLICATION: READVERTISEMENT (amended & additional details)
Outline planning application for up to 75 dwellings & all other associated development, with all matters reserved apart from access

LOCATION: Land At Sx 656 522 Barrack Road Modbury

Observations:

Since the original Highway Authority comments, the applicant has met in a meeting with the Planning Authority and Highway Authority to discuss the previous comments raised by the Highway Authority.

Transport Assessment Comments

The applicant's chosen transport consultant has now clarified the appendices in the Transport Assessment and it can be seen there would be no predicted capacity issues for all peak hour traffic movements on the main site entrance where Lanveoc Way meets the A379.

S106 Contributions

£20,000 towards a Traffic Regulation Order (TRO) to implement a 20mph zone on Barrack Road. To be paid prior to first occupation.

£300.00 per dwelling towards sustainable travel vouchers. To be provided to the first tenure of each property on occupation.

Drainage

The proposed drainage strategy includes an attenuation pond (Basin 1) on the west side of the site to serve Phase 3, Parcels 1 & 2. Flows will initially discharge to Basin 1 and then discharge to the existing swale outfall that was constructed as part of the Phase 2 drainage works. The applicant has stated infiltration is not likely to be feasible due to unfavourable test results on the adjacent phases. Any attenuation that serves the highway will need to remain private with at least 50% of the water entering the attenuation sourced from the private properties.

Safe and Suitable Access for All Users

In order to ensure access is available for all users to the recreation ground it was recommended the footpath to Dark Lane is converted to a 3m shared use cycle way with staggered barriers spaced at 2m to prevent vehicle access and vulnerable road users egressing at speed out into the carriageway. A design of this has now been provided with this application showing the first 20m from the existing highway including a longitudinal section showing proposed gradients sloping away from the existing highway. This is shown on drawing 06244-SLR-XX-XX-DR-CH-0010-PO2. If minded to approve a planning condition should be imposed ensuring this cycle link is safely and suitably delivered and connected to the internal residential estate roads by occupation of the 50th dwelling.

Pedestrian Access towards New Mills Industrial Estate

Previously the Highway Authority objected to the proposals as the applicant has not offered to create public access in the form of a footway on the eastern side of 1 Lanveoc Way and a linking S278 footway to the south east end of the Drovers Way on highway verge. (It can be seen on Land Registry that Bloor Homes have retained a strip of land in their ownership around the western junction radius of the A379/Lanveoc Way). A seamless footway link around the inside of this kerb radius would allow a safe and suitable pedestrian link towards the Drovers Way, which currently is used as an unofficial walking route for pedestrians getting to and from New Mills Industrial Estate by several employees. It is unclear whether pedestrians currently walk from the previously constructed phase 1 and 2 development site, the existing built up area or indeed whether pedestrians would walk to and from a further 75 dwellings. However, regardless of whether they do or don't currently, they may well do in the future as employment and living arrangements evolve over time through demographics. The Penn Park allocated site will need to formalise the Drovers Way as a footpath if it is ever to be developed, noting the latest appeal decision for the site determined at Public Inquiry. South Hams District Council (the owners of New Mills Industrial Estate) have also agreed that pedestrian access could be investigated and allowed into New Mills Industrial Estate to enable safe and suitable access for current and future employees. Therefore, there is a prospect the Drovers Way will be upgraded and legally become a public footpath so that the allocated site at Penn Park can be delivered. Providing a seamless footway in the interim period for residents of this application site is deemed critical to ensuring pedestrians do not take a chance and walk in the A379 around the radius of Lanveoc Way junction to reach the shorter attractive desire line route, of the informally used Drovers Way. Further development of this scale will increase the likelihood of this occurring.

The Planning Authority will be aware of the recent Public Inquiry for the Penn Park site (planning application 0384/23/OPA) where the inspector concluded that the site would likely introduce pedestrians on the A379 carriageway around the s-shaped bend carriageway located west of Palm Cross, due to an attractive pedestrian desire line. The inspector agreed

and concluded road conditions in the location of the s bend were wholly unsafe for pedestrians. The Highway Authority contests this also applies in the opposite direction. A fairly proportionate improvement in the view of the highway Authority is to at least create safe and suitable access to the south east end of the Drovers Way to minimise the likelihood of pedestrians walking in the unsafe A379 carriageway near to the Lanveoc Way junction. The Highway Authority has witnessed pedestrians regularly using the Drovers Way to walk to the industrial estate. This is also evident from the worn track that is visible on the Drovers Way.

Following further discussions with the applicant for this application, they have agreed that the existing strip of land next to number 1 Lanveoc Way, that is currently retained in their ownership, can be dedicated as highway but only on confirmation that a public footpath is created on the Drovers Way. They have suggested this is secured in a S106 legal agreement. The Highway Authority welcomes this offer and it goes some way to ensure a seamless safe and suitable route could be possible in the future, however in the opinion of the Highway Authority this offer does not go far enough. There is still an increased risk that residents from this new development will in the interim, walk the shorter more desirable route to New Mills Industrial Estate from the new development. There is a risk the Penn Park allocated site will never be developed. In these circumstances pedestrians will be permanently forced to walk on the carriageway on the A379 on a bend in order to reach the Drovers Way. Currently the public highway verge area next to the A379 is totally overgrown and does not provide a metalled footway that is suitable for a multitude of users to use in the winter when it is muddy and wet. The recommendation remains therefore that a S278/38 scheme should be presented with this application that proposes a seamless footway in front of number 1 Lanveoc Way and west across the highway verge to the south east end of the Drovers Way. If the Planning Authority agrees this is required the designer may wish to consider a wooden kicking rail to be installed on the southern side of the footway near to the property Coppers Corner with signage to guide pedestrians from walking in the driveway area of Coppers Corner, which it is understood is a legitimate concern of the owner. It may be possible to investigate whether the old gate pier could be removed if permissible to dedicate through the line of the gate pier to ensure pedestrian access is separated from the driveway of Coppers Corner. A stage 1 independent safety audit will be necessary with the planning application as there are changes to the existing public highway. A stage 2 audit can then be conditioned.

Whilst the Highway Authority remit is to consider highway safety, the Planning Authority are reminded that they have a duty to maximise the sustainable travel options for new development and this is covered in a multitude of current National and Local Policies such as --

NPPF Paragraph 117.

Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy DEV29 South West Devon Joint Local Plan (SWDJLP)

In the Plymouth and Southwest Devon Joint Local Plan (PSWDJLP Policy DEV29 includes provisions relating to transport and it states the following (my emphasis):

*“Development will be required to contribute positively to the achievement of a **high quality, effective and safe transport** system in the Plan Area.*

Development proposals should therefore, where appropriate:

5. Provide for high quality, safe and convenient facilities for walking, cycling, public transport and zero emission vehicles.

8. Ensure that access and infrastructure delivered as part of the development meets the need for walking, cycling and public transport connectivity both within the development and in the wider area alongside supporting place-shaping objectives.

Policy SPT2 of the SWDJLP.

This reads as follows (my emphasis) –

“The LPAs will apply the following principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place in the Plan Area. Development should support the overall spatial strategy through the creation of neighbourhoods and communities which:

*1. Have reasonable access to a vibrant mixed-use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services and **community facilities**, and includes where appropriate dual uses of facilities in community hubs.*

6. Are well served by public transport, walking and cycling opportunities.”

Policy TTV2 of the SWDJLP

This reads as follows (my emphasis) –

“The LPAs will support development proposals in the Thriving Towns and Villages Policy Area which reinforce the sustainable settlement hierarchy and which deliver a prosperous and sustainable pattern of development. In addition to the provisions of Policies SPT1 and SPT2, specific objectives of rural sustainability to be supported

through development include:

1. The location of housing where it will enhance or maintain the vitality of rural communities.

7. The provision of sustainable transport accessibility appropriate to the specific context of the proposal.”

Neighbourhood Plan policy MNP6 reads (my emphasis)

1. Development proposals should include, where appropriate, good, safe pedestrian access and links with enhanced opportunities for walking, cycling, shared mobility and the use of public transport. Improved pedestrian links around the school and to recreational and green spaces are required, in particular at Palm Cross and to the recreation ground.

2. Development should not worsen traffic congestion or adversely affect highway safety, traffic flow and/or parking conditions, particularly or the congested parts of the network highlighted on the Proposals Map. Proposals that would ease traffic congestion or enhance highway safety, traffic flow and/or parking provision will be supported.

4. Good, safe pedestrian access to new housing development will be required.

The Devon Design Guide (1996), at section 2.1 sets out the main objectives of the guide and states in the list of overarching objectives the following –

“to provide safe, attractive and convenient routes for pedestrians and cyclists both within the local area and to local community facilities”

It goes on to state under section 2.2.4. that a design brief should consider –
“the main points of access to the development for vehicles, pedestrians and cyclists, and potential or existing routes to the various local facilities such as health centres, shops etc”

The Planning Authority should also note that in South Hams District Council own Local Cycling and Walking Infrastructure Plan (LCWIP) document it clearly states on Page 472 that there is a barrier on Church Street:

‘Western part of town on A379/Church Street is inaccessible on foot due to lack of footways. Unsafe environment for pedestrians.’

Note - The solution suggested is shuttle working, however this has already been discounted by the Highway Authority as a safe solution due to available forward visibility, the consequential need for signals as a result, however signal are not possible because of insufficient stacking space for the stop lines due to the proximity of side road junctions.

Conclusion

The practical and sensible solution for the community is in the view of the Highway Authority conversion of the Drovers Way to a suitable footpath when Penn Park Allocated Site is developed, however in the interim a safe and suitable footway should be provided to the end of the Drovers Way to ensure the risk of an accident occurring on the A379 on the bend in close proximity to a junction is minimised and that a proportional effort is made to the overall SWDJLP aspiration of delivering the allocated site Penn Park but also ensuring sustainable travel opportunities are optimised in the interim for this development site. If a scheme drawing can be designed, agreed and conditioned or secured via a legal agreement the Highway Authority feels it could retract its current objection.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to paragraph 115 of the National Planning Policy Framework, Policy DEV29 of the SWDJLP, Policy SPT2 (6) of the SWDJLP and Neighbourhood Plan policy MNP6 (1,2 and 4).
2. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of pedestrian access towards New Mills Industrial Estate contrary to paragraph 115 of the National Planning Policy Framework, Policy DEV29 of the SWDJLP.

Officer authorised to
sign on behalf of the County Council

22 October 2025

General Data Protection Regulations Notice:-

<https://new.devon.gov.uk/privacy/privacy-notices/privacy-notice-for-highways-development-management/>