

# PLANNING APPLICATION REPORT

**Case Officer:** Jacqueline Houslander  
Thurlestone

**Parish:** Salcombe **Ward:** Salcombe and

**Application No:** 2748/17/FUL

**Agent/Applicant:**  
Mr David Farrell  
35a Barleycroft Road  
Welwyn Garden City  
AL8 6JX

**Applicant:**  
Mr A Smith  
C/O Agent

**Site Address:** Brewery Quay, Island Street, Salcombe, TQ8 8DP

**Development:** The demolition of all existing buildings on site while retaining the southern stone boundary wall and concrete quay, erection of a 60sq m commercial unit at ground floor and a 6 bedroom dwelling with guest suite complete with existing access and the creation of five associated parking spaces

## Reason item is being put before Committee

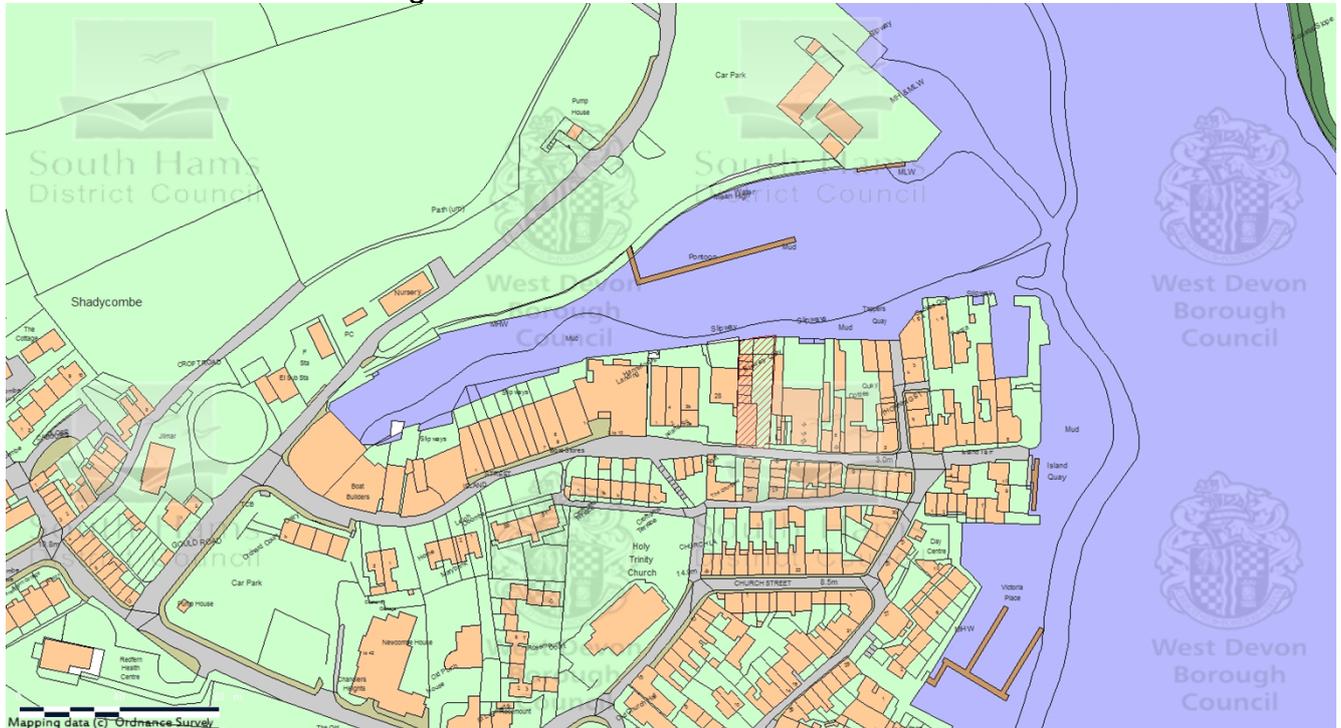
The Local Ward Members have requested that it be seen by the Development Management Committee because they have serious concerns over:

Introduction of residential into this part of Island Street

The loss of commercial space

The flood risks on the site and the suitability of the uses on the ground floor

Scale and bulk of the building.



**Recommendation:** Conditional Approval

**Conditions** (list not in full)

1. Time limit
2. Accord with plans
3. Highway construction management plan
4. No mud on roads
5. Archeological investigation
6. flood evacuation plan prior to occupation
7. samples of the stonework
8. samples of the roof slate
9. details of the joinery windows and doors
10. restriction of use on the commercial elements of the building
11. details of privacy panel.

**Key issues for consideration:**

Whether the complete demolition is acceptable in relation to the Conservation area.

Whether the proposed replacement is acceptable in design and conservation terms

Whether the introduction of residential development in this locality is acceptable

Whether the proposal is acceptable in a Flood Zone 2 and 3 and whether it can meet the sequential and exceptions test.

**Financial Implications (Potential New Homes Bonus for major applications):**

It is estimated that this development has the potential to attract New Homes Bonus of £1,180 per annum, payable for a period of 5 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

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**Site Description:**

The site is located at the eastern end of Island Street in Salcombe. The site currently comprises commercial space across the whole of the site, which stretches from Island Street back to Shadycombe Creek, which forms part of Batson Creek. The site is long and narrow. Buildings occupy one side (western) of the site and there is vehicular access and parking on the eastern half running for most of the length of the site. A further building is located at the very end of the site, with its rear face onto the river. The site proportions are similar to many others along Island Street.

The front southern part of the site is a more traditional building over 3 stories (the 2<sup>nd</sup> floor being in the hipped roof) constructed of stonework and timber boarding at 2<sup>nd</sup> floor level. It fronts on to Island Street. A rendered concrete block constructed 2 storey building is attached to the rear of the traditional part of the building (constructed post 1995). Laid out as offices on the first floor and garages underneath.

At the northern end of the site is a two storey concrete and rendered building. It is understood that it has been used for storage and more recently as retail use.

The ground floor of the Island Street elevation is currently occupied by the retail use that was previously located in the building to the rear.

The historic statement indicates that the southern part of the building is:

*“Painted at ground floor level and comprises mostly sub rectangular blocks of what appear to be randomly coursed local stone, with rough quoining. A large part of the elevation appears to have been rebuilt and a doorway has been inserted at ground level. Brick infill is visible around the edges of the doorway and there appears to be some replacement blockwork and patches of the stone havd been rendered with a stucco effect.*

*At first floor level two windows have been inserted. Brick infill is visible around the edges of the windows which both have concrete lintels and sills. The first floor has been pointed in the recent past with cement, probably following the rebuilding of this part of the façade. At second floor level,, the gable of the southern elevation has external weatherboarding with a single inserted window.”*

The west elevation faces a blocked courtyard associated with the adjacent site. This is a randomly coursed stone elevation. A number of horizontal red handmade bricks are sparsely incorporated across the elevation. An oval shaped anchor plate is visible as well as a number of bent iron rods. Part of the first floor on this elevation has been replaced with concrete blocks.

The eastern elevation of the southern building is mainly concrete block work with timber windows. There is some stonework in the northern elevation of the building, below the timber boarding as well as concrete blockwork. A doorway is visible at ground floor in the northern elevation, under the new metal staircase which provides access to the concrete building at the rear

The eastern boundary wall of the site is again randomly coursed local stone.

The building at the end of the courtyards (northern end of the site), is concrete construction with iron corrugated sheets on the roof. This building extends further into the creek than many of the other buildings that front the Creekside.

Salcombe and the site lies within the South Devon Area of Outstanding Natural Beauty.

The site lies within the Salcombe Conservation Area

The site lies within Flood Zone 2 and 3

The site lies within the development boundary for Salcombe

The site is adjacent to the Salcombe to Kingsbridge Estuary SSSI

It has also been identified as affecting the setting of a listed building.

### **The Proposal:**

The proposal as originally submitted was to demolish all of the buildings on the site and replace them with a residential property at ground, first and second floor level with replacement commercial floor space on the ground floor at the front of the site onto Island Street.

After some considerable negotiations with regard to Policy DP14, the scheme has been revised such that the replacement building includes 265.4m<sup>2</sup> of commercial space and two floors of residential above which forms one dwelling.

The revised proposal indicates 265.4m<sup>2</sup> of commercial space across the ground floor (excluding the space where 4 parking spaces are proposed in the middle of the site), which is equivalent to the existing employment floor space on the site. It is located at the rear of the site and in the front facing Island Street,

The residential element is located on the first and second floors, indicating a large family home with guest suite (2 bedrooms). The accommodation comprises kitchen/family room; a living/dining room; a study; a further sitting room and a guest suite (comprising 1 bedrooms with dressing room, ensuite and a covered seating area) on the first floor and 4 ensuite bedrooms and dressing rooms; a further store/bedroom; a bathroom and a further guest bedroom and ensuite on the second floor.

The replacement buildings are proposed on a similar footprint to the existing buildings, but with an additional element at the northern end of the site which would connect the two buildings.

The exterior of the new buildings will be constructed from re used local stone from a nearby demolition and timber boarding. For flood defence reasons the floor level of the new buildings will be raised by 300 mm.

The reconstructed south elevation will have a gable facing Island Street and a pitched roof as existing and the northern building will also have a pitched roof. The gable end facing Island Street is proposed to use local stone on the ground and first floor with windows and timber doors to enclose the windows so as to reflect the original marine nature of the building.

### **Consultations:**

County Highways Authority: The Highway Authority notes the proposals will overall reduce traffic using the site and whilst the proposals reduce the available parking on the site the level proposed is commensurate with the location and proposed level of development. The Highway Authority is therefore recommending conditions.

Recommendation: accept subject to conditions as follows:

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works; and
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
  - (k) details of wheel washing facilities and obligations
  - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
  - (m) Details of the amount and location of construction worker parking.
  - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Reason - In the interests of highway safety.

2. No mud stones, water or debris shall be deposited on the public highway at any time.

Reason - In the interests of highway safety.

**Environmental Health Section:** The contamination report submitted *overcomes my objection on the grounds of inadequate information, and I would suggest that the unsuspected contamination condition is applied to any permission.*

*I still have concerns over the acceptability of the proposed use and the potential conflict with existing uses and whether this is appropriate when considering para 123 of the NPPF.*

Emergency Planner: With regard to escape routes for the building, Having reviewed the submitted flood risk assessment my view is that due to the nature of the type of flooding being tidal it is possible to safely evacuate the site well in advance of a significant flood event as we should get ample warning. There is also an evacuation plan for Salcombe that can be instigated in such an event.

On this basis I would be happy that the flood risk can be overcome but I would suggest that a flood evacuation plan prior to occupation be produced and that this document is made available for all future occupants of the site.

**Town/Parish Council:** Objection. This is situated in an employment area by being on this side of the street and there remains a demand for employment units as recently shown by the emerging Neighbourhood Plan survey. Concerns for the need to retain employment and the impact on the sewage system with the proposed en-suite proposals were raised. Island Street sits within a Conservation Area and removal of this wall would have a significant impact on this street scene.

No further comments were received from the Parish Council after the re-advertisement and amended scheme was submitted.

**Archaeology:** I refer to the above application. The proposed development will involve the demolition of a historic quayside building associated with Dartmouth's maritime history. The construction of new buildings on this site that may expose archaeological and artefactual deposits associated with the quay.

For this reason and in accordance with guidance in paragraph 3.69 for South Hams Development Policy DP6 and paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of historic building recording and archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

'To ensure, in accordance with guidance in paragraph 3.69 for South Hams Development Policy DP6 and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of the historic building fabric to be lost and any archaeological evidence that may be affected by the development.'

Please note that this is a variation on the usually recommended archaeological condition.

I would envisage a suitable programme of work as taking the form of:

i) A photographic and written record of the extant building and

ii) The archaeological monitoring and recording of all groundworks associated with the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits.

The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

**Conservation:** The building as it stands makes a positive contribution to the surrounding Conservation Area through its architectural composition, its palette of materials (albeit compromised to a degree through later 20th century intervention) and its historical relevance as a large-scale maritime building associated with maritime activities synonymous with Island Street. Any proposal which sought to demolish the structure in its entirety would be failing to meet the 'preserve or enhance' test and as such would be to the detriment of the character and appearance of the Conservation Area.

As a result of the concerns raised, the applicant's architect has discussed the scheme at length with the conservation Officer. The historical study submitted with the application and the structural situation with the Island Street building has convinced the Conservation Officer that there is justification in the demolition of the building, however the nature of the replacement needs to be sympathetic to the Conservation Area status of the area and reflect the existing elevation. The architect has therefore submitted revised details for the Island Street element of the building. The Conservation Officer has stated that: *"I now believe that the principal front elevation facing onto Island Street offers an aesthetic that will preserve the character and appearance of the area"*

**Environment Agency:** We object to the proposal on grounds that over the lifetime of the development the proposed habitable space on the ground floor of the development would be at risk of significant depths of floodwater, which would not be safe for occupants. The proposal should not be determined until further information has been submitted to demonstrate that the site will be developed in such a way which means it will be safe from flooding over its lifetime without increasing flood risk elsewhere.

Before determining the application your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test or either part of the Exception Test is sufficient justification to refuse a planning application.

The reasons for this position are set out below.

#### Reasons – Flood Risk

The application site lies within Flood Zones 3 and 2. It is at risk of tidal flooding in the 0.5% AEP (1 in 200 annual chance) and 0.1% AEP (1 in 1000 annual chance) events.

The proposed development would increase the vulnerability of the site from the existing 'less vulnerable' classification to 'more vulnerable', and would include residential habitable space (including kitchen, living room and dining room) on the ground floor (as shown on drawing IND-1115-PO2).

As the submitted Flood Risk Assessment (FRA) makes clear, over the 100 year lifetime of the proposed development, the design tidal flood level would be approximately 4.49mAOD, giving a potential depth of floodwater on site of 1.74m (paragraphs 5.12 and 5.13 of the FRA).

The current private flood defences provide approximately a 1 in 5 year standard of protection (paragraph 5.14), having an effective crest level of approximately 1.96mAOD, and therefore they would be overtopped in the design flood event.

The proposed minimum ground floor level would be set at 3.35m AOD (paragraph 6.7 of the FRA) and therefore in the design tidal event over the lifetime of the development, the proposed new residential development (as well as the commercial aspect) could flood internally to a depth of approximately 1.14m. It does not therefore meet the Exception Test, which requires development to be safe over its lifetime.

#### Overcoming the objection

The Planning Practice Guidance (PPG) is clear that the most vulnerable development should be located in areas of lowest risk within a site, that buildings should be designed to avoid flooding by raising floor levels, and that 'resistance and resilience measures are unlikely to be suitable as the only mitigation measure to manage flood risk' (paragraphs 053, 054 and 060 of the PPG). The development could be redesigned so that while a commercial use is retained at ground floor level (as existing), all habitable residential development is located above the design flood level.

If the applicant is unable to demonstrate that the proposed development will be safe from flooding over its lifetime we are likely to maintain our objection to the application. Production of a revised scheme will not in itself result in the removal of an objection.

#### Advice to the LPA – Access and Egress

We note that the FRA states that during the design flood event, 'it is not possible to provide a safe route of escape' (paragraph 6.12 of the FRA). Given that the proposed development could increase the number of people in need of rescue during a flood event, we strongly recommend you refer this application to your Emergency Planner for comment.

#### Advice to the LPA

We will maintain our objection until the applicant has supplied information to demonstrate that the flood risks posed by the development can be satisfactorily addressed. We would like to be re-consulted on any information submitted to address our concerns and we will provide you with bespoke comments within 21 days of receiving formal re-consultation.

If you are minded to approve the application at this stage contrary to this advice, we request that you contact us to allow further discussion and/or representations from u

The Environment Agency were re-consulted on the amended proposals and their latest comments are provided here:

We welcome the alteration to the plans so that the ground floor of the proposed development would be restricted to 'less vulnerable' uses and not include any residential accommodation, or any accommodation ancillary to the residential dwelling on the first and second floors.

However, we recommend that you do not determine the application until the applicant has confirmed that it is not possible to raise the finished floor level of the commercial unit by more than the 300mm proposed in the Flood Risk Assessment (FRA). Furthermore, before the application is determined your Authority will need to confirm that the Sequential Test has been satisfied and consult with your Emergency Planner on the proposed access and egress arrangements.

If it is not possible to raise the commercial unit more than that currently proposed and your Authority is minded to grant the application on the basis that you are content that the flood risk Sequential and Exception tests have been satisfied, we would advise that the proposal is only acceptable if conditions are included to secure the Flood Warning and Evacuation Plan and to ensure that appropriate Flood Resilience measures are incorporated into the development.

Further advice is provided below.

#### Advice – Flood Risk

While we welcome the amendments to the plans, this on its own does not address all the concerns raised in our previous response. The FRA states that the developer has offered to raise the ground floor 300mm above existing, but it is not clear how this has been derived, and it would still result in ground floor level being considerably below the design flood level. The proposed development is for a replacement building, and therefore the opportunity to raise the entire development above the design flood level must be investigated (in accordance with paragraph 036 of the Planning Practice Guidance). This is particularly important given that there is no safe escape route and no safe refuge for occupiers of the ground floor commercial element of the proposal. In the event that other constraints mean it is not possible to raise the ground floor above flood level, justification should be provided in the FRA and the maximum achievable degree of betterment should be demonstrated (in accordance with paragraphs 001 and 038 of the PPG).

We reiterate that the FRA states that during the design flood event, 'it is not possible to provide a safe route of escape' (paragraph 6.12 of the FRA). Given that the proposed development could increase the number of people in need of rescue during a flood event, we strongly recommend you refer this application to your Emergency Planner for comment. Access and Egress is an important consideration in whether proposed development can pass the Exception Test.

#### Advice to the LPA

If you are minded to approve the application, we request that you contact us to allow further discussion and/or representations from us.

#### **Representations:**

A number of letters of representation have been received, a summary of their comments follows:

The application would increase unaffordable housing which the town does not need and remove employment opportunities

Development on this road is cumulatively beginning to affect the character of the street.

The property should remain as a commercial property

The proposal is contrary to the existing Local Development Framework Plan of 2006.

The area is designated specifically for employment use which is already in scarce supply

The site is over 650sq.metres being reduced to 60sq metres. The Harbour Master has a list of names of people wanting marine business space with access to the water specifically in this area of Island Street.

It is critical that Salcombe can offer local employment to the local residents and in particular younger people.

Salcombe is coming to the end of its process for completing the Neighbourhood Plan. In the consultations that took place it was clear that residents want to preserve Island Street and Gould road as employment areas.

The site is in the Salcombe Conservation area.

The property will become another holiday home  
Salcombe will become a millionaire's playground at the direct expense of local people.  
The site is bordered by employment uses.  
The design is over dominant – it increases the ridge heights on both north and south elevations and the northern ridge is higher than both neighbouring buildings, increasing the area of visible roof form higher vantage points.  
The scale of the building to Island Street would be overbearing  
The balconies will lead to overlooking the gardens of the cottages opposite.  
Salcombe needs employment and affordable housing  
A reduction in Island Streets designated commercial area will have a negative impact on the Salcombe community's services, employment and economic sustainability.  
It will set a precedent for further applications of this nature  
The scale and proportions are out of character with Island Street and impact on light and views.

Objection from the South Hams Society:

The proposal is not in compliance with prevailing planning policies. The loss of commercial properties would be damaging to the local Salcombe economy. It would create an unwelcome change of use precedent

The property lies within an area which remains subject to the saved 1996 Local Plan policy KP7 providing that normally only employment uses will be permitted, retail and residential uses only permitted if forming a minor part of the overall development

In accordance with DP14, justification for the loss of employment use would be required. The running down of a property into disrepair making it hard to let are not sufficient justification for a change of use.

The March 2017 pre submission Plymouth and South West Devon Joint Local Plan at para. 5.141 emphasises the need for employment premises in Salcombe.

The neighbourhood plan business survey also supports the need for more B1 and B2 employment space.

### **Relevant Planning History**

41/0540/85/3: FUL - Covered slipway and boat maintenance workshop with storage area over – (28-30 Island Street). Conditional approval: 14 May 85

41/2004/97/1: OPA - Outline application for the erection of replacement boat store and workshops. Conditional approval: 26 Jan 98.

41/0247/90/3: FUL - Renewal of permission 9/41/0540/85/3 slipway and boat maintenance workshop. Conditional approval: 12 Mar 90

41/0178/90/5: ADV - One wooden signboard. Conditional approval: 06 Mar 90

41/1683/01/F - New development and revitalisation of site to include workshop restaurant hotel and retail activities. Withdrawn: 20 Nov 01

## ANALYSIS

Principle of Development/Sustainability:

The principle of this development must be considered against the relevant planning policies for this area. The site lies within the development boundary for Salcombe and as such by virtue of policy CS1 the principle of development is accepted. The site is in an area long established for employment uses and so the proposal also needs to be considered against the Development Policies DPD policy DP14.

Policy DP14 is a protectionist policy whereby development is only permitted if appropriate justification can be put forward: The policy states:

*Development proposals that result in the loss of employment land, including Use Classes B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) and other employment generating uses, such as the marine economy, will only be permitted where it can be demonstrated that:*

- a. the employment use of the site is no longer viable, and has no prospect to becoming so; or*
- b. there is a sufficient supply and variety of alternative available employment uses to provide a range of employment opportunities in the local area; or*
- c. the use is no longer appropriate in its context and there is a suitable replacement site available in the same locality; or*
- d. the nature of the employment provided at the site is not of strategic importance to the wider economy nor has locational requirements that could not be met elsewhere.*

*2. Where the change of use of an employment site is considered acceptable, mixed use development will be sought. Where necessary, the proposal will only be permitted if the scheme contains an element of employment which, as a minimum, provides for the same number of jobs.*

The supporting text of the policy indicates that justification should be provided:

*“Proposals will have to provide evidence that employment use of the site is no longer viable through relevant marketing information, and feasibility or viability studies. This will include a viability assessment, copies of accounts for the last 5 years, and evidence that the site has been marketed for an agreed length of time for an appropriate market value/rent. Where there is evidence that a business has been allowed to run-down, an independent viability assessment may be required.”*

### **Viability**

However the Design and Access Statement does make reference to the previous owner of Pheonix Charters having tried to sell the business for a period of two years prior to selling the building to the current owner.

The applicant has submitted two viability assessments to justify that there is no demand for employment use. The first report assessed the demand for commercial uses in Salcombe and produced a report indicating commercial property and lettings within Salcombe over the last 3 years, (with data sourced from the Estates Gazette). The application site was on the list in 2016. So this viability assessment some marketing information.

The first report by Mill Green Estates Ltd Property Consultants concludes:  
*The property currently comprises a range of buildings in mixed retail & storage use, which have historically also included offices within use class A2 as opposed to B1, and workshops/stores. There is no recent evidence of occupation of any part of the property for marine related uses other than the fishing charger business that operated an A1 retail use only. The current occupiers comprise a retail unit employing 1 full time and two part-time members of staff, with the stores not employing anyone directly as they are mainly quasi-domestic users, as opposed to commercial storage within use class B8.*

*The property is within an area of high flood risk and the buildings are in a poor state of repair, with works required to improve the EPC "F" rating to render them lettable or saleable as commercial premises under the requirements of the Energy Act. The specification of the buildings is also poor from a commercial occupier's perspective, with some areas unusable due to access restrictions.*

*A comprehensive redevelopment of the site is therefore required to produce floor space which is fit for purpose, and also to improve reduce the potential flood risk. In order for redevelopment to take place the proposed scheme must be financially viable. We have analysed recent planning decisions in close proximity to the property which have included mixed non-marine related uses and mixed commercial/residential uses, and also evidenced viability issues to support these uses based on market demand.*

*With reference to Policy DP14 we have undertaken a financial viability exercise which has demonstrated that our clients' proposed commercial & residential scheme will meet this test, whereas alternative office or workshop/warehouse schemes which are purely commercial will not.*

*We have also analysed market evidence in terms of demand for commercial property, as well as availability. There is little evidence of demand for workshop/warehouse accommodation in particular, and it appears that property previously in this use class is increasingly being redeveloped or reoccupied for mainly retail related uses in line with market demand, with no evidence of any new marine related uses.*

*In terms of any potential loss of jobs it is our view that the commercial element of our client's proposal will be able to deliver the same amount as is currently associated with the property, with additional temporary jobs associated with the construction of the scheme. Overall it is our view that the mixed commercial and residential development of the property as proposed by our client, with an A1 retail or A2 professional services use for the commercial element of the scheme should be pursued, as opposed to any other use.*

The second report is by JLL and it comments:

*"The existing property comprises of an old two and a half storey building fronting Island Street which has historically been used for boat storage. However this particular use has long since been abandoned.....  
Island Street is very narrow around the subject property and is unsuitable for commercial delivery vehicles. The road is not wide enough to reverse vehicles into the property and in conjunction with the narrow access to the property safe manoeuvring of commercial vehicles would be very difficult.*

*We note that the property is in an extremely poor state of repair.....leading to significant structural defects. It is evident that none of the existing structures would meet modern business standards and a significant amount of work would be required to bring any of the property in line with building code to enable the buildings to be let legally.....*

*The amount of office or industrial activity in the town continues to be very limited. Commercial space that does exist in the town is predominantly in retail or leisure use. This is a result of the town's nature, accessibility and scale. Its remoteness makes it very difficult for the distribution of product and importantly labour.*

*There are a small number of businesses involved in boat repair and these require external space and water access.*

*We are aware that there are plans for 2,000 sq m of employment development (within class B1) at Shadycombe within the town. It is envisaged that this site will pick up any latent demand for commercial use.*

*There are residential dwellings opposite the site and along Island Street. Whilst the road historically had an industrial character, the demand for industrial and commercial uses in this locality have declined, resulting in more sustainable and viable uses such as residential coming forwards.*

#### *Conclusion*

*The redevelopment of the subject property for commercial use is both unsuitable and unviable. Salcombe's focus is on retail and tourism and there are centres in the South Hams that are more suitable for modern businesses. This is why demand levels for the commercial and industrial property market have historically and will continue to be very low.*

*In order to be fully conversant with the viability of employment in Salcombe, the LPA commissioned an independent report on the studies undertaken. That report concluded:*

*Our view is that the site has limited commercial life remaining and extensive refurbishment or redevelopment is now required. The main building is particularly poorly designed for modern occupation and is of low quality and therefore, in our view, a complete redevelopment of the site such as that envisioned by the applicant is the most appropriate solution.*

*It is our view that any redevelopment of the site would not be able to viably include B2 industrial or B8 storage and distribution. This is primarily due to the specific constraints of the site, particularly the access, but equally that there is no evidence of sufficient demand for these uses within the town to justify their inclusion.*

*With regards to other commercial uses it is our opinion that there is strong demand for commercial space that caters for retail, leisure and professional and businesses services of a small scale, local function. These uses are of a sufficiently high value that, at the proposed scale, they would not impact on the viability of a mixed use development.*

*In line DPD 14 the redevelopment should provide for the same amount of employment as the existing site. We have calculated the employment provision on the existing site as 320sqm and have tested the viability of this much provision in a redeveloped site in conjunction with residential use.*

*We have found that this level of employment floorspace would be viable on the assumption it is for retail, leisure and other local professional and business services.*

As a result of this report, the applicant agreed to alter the scheme to include an equivalent amount of employment space as would be removed through the demolition of the existing building. The amount of commercial now proposed on the site is: 265.4 m<sup>2</sup>. Therefore in terms of DP14, the site still provides employment space in a mixed use scheme.

In terms of emerging policies, the relevant policies are: Policy DEV14 A flexible mix of employment sites

*A flexible supply of employment land and premises will be maintained to support investment and expansion of existing businesses as well as for the inward investment of high-value businesses, particularly but not exclusively those involved in the marine sector, advanced manufacturing and knowledge based industries. The following provisions will apply:*

*1. Change of use of existing employment sites (including vacant sites whose lawful use is for employment purposes) will only be allowed where the following applies:*

*i. The proposal is specifically provided for by the local plan to deliver wider strategic objectives, or*

*ii. There are overriding and demonstrable economic, regeneration and sustainable neighbourhood / communities benefits from doing so, or*

*iii. There is no reasonable prospect of a site being used for employment use in the future.*

*2. The following categories of site will be specifically protected:*

*i. Sites that have clear future potential to support the future expansion of existing businesses.*

*ii. Employment sites with access to wharves and/or deep water facilities, quays and pontoons, which will be protected for marine related uses appropriate to the site and location.*

*iii. Site allocated in this plan for employment uses.*

*3. Employment sites will be protected from inappropriate neighbouring development that will adversely affect the employment operations taking place on the site.*

The original proposal would also have been contrary to this emerging policy and would also have been caught on 2 (ii), which seeks the retention of marine related sites in particular.

The proposal now before us in its mixed form would meet the policy requirements in general and in theory the fact that the commercial use at ground floor at the rear of the site, could be used for a marine related use should demand allow.

### **Design/Landscape:**

The site is within the Salcombe Conservation Area and so the demolition of the building needs to be justified. The Conservation officer has stated: The building as it stands makes a positive contribution to the surrounding Conservation Area through its architectural composition, its palette of materials (albeit compromised to a degree through later 20th century intervention) and its historical relevance as a large-scale maritime building associated with maritime activities synonymous with Island Street. Any proposal which sought to demolish the structure in its entirety would be failing to meet the 'preserve or enhance' test and as such would be to the detriment of the character and appearance of the Conservation Area.

The Conservation Area Appraisal and Management Plan also identify the importance of Island Street. And its role in the evolution of Salcombe. The building at the front of the site (fronting Island Street is identified in the Conservation Area Appraisal as having townscape value.

In planning policy terms design is dealt with by policy CS7 in the Core Strategy and DP1 High Quality Design in the Development policies DPD. In the emerging JLP, policies DEV20 Place shaping and the quality of the built environment, design DEV21 Conserving the historic environment.

Policy DP1 seeks proposal which respect and respond to the South Hams character of its settlements. In this case Island Street has a very particular character, which is acknowledged through the Conservation Area Appraisal and Management plan.

*“The character and appearance of Island Street is very different from that of the rest of the conservation area. The land was reclaimed in the early 20th century and the oldest buildings date from this period. The most emblematic structures, however, are the 1940’s boat builders’ workshops built along the north side of the street. Here, the traditional boat building activities still thrive and these make a vital contribution to the sense of place of this principal pedestrian approach to the town centre.*

*The objective of including Island Street in the conservation area is to recognise its historic and architectural interest but it would be counterproductive if stricter controls were to stifle the activities that make it special. Any proposal to replace the single storey workshops on the north side of Island Street should respect the following characteristics:*

- A. The existing ridge height*
- B. The full width glazed timber doors opening on to the street.*
- C. Their long narrow form culminating in a slipway*
- D. The ridge running parallel with the street*
- E. Corrugated sheeting roof.”*

There were originally 3 options presented, one of which included a balcony. Which the applicant was asked to remove early on the design evolution. The ridge height of the existing building is respected; the long narrow form has been respected, but in this case the slipway is no longer in existence; The ridge line is maintained as existing at the Island Street end of the proposal. However in the mid- section and at the rear of the site the ridge line has increased slightly in height to accommodate a 2<sup>nd</sup> floor.

The Appraisal picks out particular design issues which can be problematic – one of which is balconies, which it states *“In many cases, balconies can distort the character of buildings and townscape and cannot be supported. In other cases, where they are properly integrated into the architecture, they can be acceptable though great care should always be taken to avoid disruption of a building’s proportions.”*

It is considered that the balconies onto Island Street would be out of character with the area and could also lead to a loss of privacy to the residential properties opposite the site.

The Conservation Area Management Plan also makes reference to new build in the Conservation Area and states that design and quality of construction should be of the very highest order.

Discussions have been ongoing with the Conservation Officer over the Island Street Façade, resulting in a set of amended plans which are now considered to be acceptable by the Conservation Officer.

The local Ward Members have expressed concerns over the scale and bulk of the proposal. The building at the rear has increased the height of the building by adding a 2<sup>nd</sup> floor, however it has not been increased by a whole floor height as it is located partly in the roof space. The building as proposed is no higher than the adjacent industrial building to the east. It is not considered that the increase is out of scale with some of the surrounding buildings.

### **Neighbour Amenity:**

A number of letters of representation have been received which are summarised above. There are many concerns relating to the loss of commercial use on the site, however the revised scheme provides the same amount of employment space and so as such overcomes this concern.

The other concerns expressed relate to the fact that the proposal does not conform to policy, however the revised scheme does meet the adopted planning policy.

The concern with regard to the scale of the proposed replacement buildings, is of relevance. Island Street does have a particular tight knit dense urban form, however the buildings on the north side of the street are larger in scale than those on the south side which are more domestic in scale. The proposed replacement does involve an increase in height at the rear of the site to incorporate the 2<sup>nd</sup> floor. On the Island Street there is a small increase in height, but only to be equivalent to the Distillery building adjacent. It is not considered that the scale of the proposal is excessive when considered against other warehouse style buildings in the area.

There are residential occupiers in close proximity to the site, in particular those on the other side of Island Street who could have their residential amenity impacted upon as a result of the proposal. It is therefore proposed as stated above that no balconies will be permitted on the elevation to Island Street to protect these properties from loss of privacy or overlooking. The revised scheme does indicate a covered and glassed in seating area, however a condition will be applied to insert a privacy panel on the lower part of the glazing to prevent direct overlooking onto the properties opposite.

### **Highways/Access:**

The Highway Authority have no objections to the proposal as there are likely to be less vehicular movement to and from the site than if it were all in use for commercial purposes. A condition must be attached to any consent for a traffic management plan to be submitted.

### **Flood Risk:**

The site lies within a Flood Zone 2 and 3.

The National Planning Policy Framework identifies in paras 100 - 104 the steps Local Planning Authorities should take when development comes forward in areas at risk of Flooding. It states:

*“The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.”*

A sequential test has been submitted latterly.

## Sequential Test

The sequential Test for flooding has to demonstrate that there are no other “reasonably available” sites in, firstly Flood Zone 1 and if none are available in Zone 1 in Flood Zone 2, which could accommodate the proposed development. The aim being to steer development towards areas where there is a low probability of flooding.

The developer carried out a Sequential Test and used as his area Salcombe. The regulations specify the default area to be the whole Local Planning Authority Area, however it is for the Local Planning Authority to identify an area. The local Planning Authority suggested the area of concern should be Kingsbride and Salcombe. However when the SQ came in other sites within Salcombe only were identified.

The Sequential Test does make an assumption which is incorrect in that it states that the application site lies within the TTV29 Shadycombe, allocation in the emerging Joint Local Plan, but in fact it lies outside of that area. The implication behind the allocation is that when an application is submitted there is no requirement to undertake a further sequential test because the test was carried out in allocating the site (through the Flood risk Sequential and exceptions Test Report 2017).

However the site is not within that allocation and is in effect a windfall site which is subject to the sequential Test.

The types of sites identified were: review of the most recently available SHLAA  
Granted mixed use residential/employment planning permissions  
Review of land available for sale at local estate agents.

A review was thus undertaken of the alternative sites. The report concludes that there are no reasonable available alternative sites which could accommodate this mixed use proposal. Of the sites examined, the Local Planning Authority concurs that within the small search area there are no alternatively reasonably available sites.

The sequential test is satisfied. However the further requirement of an exceptions test now needed to be passed for the development to be able to be located within Flood Zone 3.

When considering the exceptions test a development must demonstrate that it will be safe for the whole of its life. The exceptions test comprises two elements:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

Both elements of the test will have to be passed for development to be allocated or permitted.

The applicants have not submitted any evidence to support the exceptions test.

In this case, the potential wider sustainability benefits to the community are: bringing the commercial element of the site back into a reasonable and lettable status thereby enhancing the employment facilities on the site. The new build commercial space will also comply with more recent health and safety regulations (EPC) for commercial space.

Does this outweigh flood risk

In relation to the site specific flood risk assessment the strategies put forward are:  
To raise the ground floor level by 300mm, with the result that the ground floor will be at least 3.35m AOD.

Flood resistant measures are: Solid concrete floor with waterproof membrane;  
Waterproof screed used on floors;  
Closed cell foam in wall cavities;  
Waterproof ground floor internal render;  
External walls rendered resistant to flooding to first floor level;  
Exterior ventilation outlets, utility points and air bricks fitted with removable waterproof covers;  
Ground floor electrical main ring run from first floor level and on separately switched circuit from first floor;  
Electrical incorner and meter situated at first floor level or above;  
Boliers , control and water storage/immersion installed at 1<sup>st</sup> floor or above  
Gas metre at 1<sup>st</sup> floor or above  
Plumbing insulation of closed cell design; non return valves to all drain and sewer outlets; manhole covers secured;  
anti-syphon fitted to all toilets;

Safe escape:

The NPPF requires a safe escape route for all residents and uses to be provided from new residential development in Flood Zone 3. With a potential depth of flooding on the site of 1.74m (1:200 year event + climate change)it is not possible to provide a safe route of escape during such a flood event.

Safe escape is proposed to be provided through a flood warning and evacuation plan. It is proposed by the applicants that such a plan will be composed in consultation with the Council's emergency planners.

Because the residential is at first floor level and above safe refuge is available. An exit route east along Island Street is also provided which lies outside the 1:200 year flood event. The Emergency has indicated that the proposed measures for safe escape from the building are adequate, but a condition needs to be imposed on the planning consent to secure those measures.

The applicant submitted a Flood Risk Assessment in support of his application, which acknowledged that the site lies with Flood Zone 3 (High risk), that it is tidal flood risk originating from Batson Creek; there is allow risk of pluvial, groundwater and sewer surcharge flooding; there is a 1:5 year flood defence in place and that flooding has occurred on this site in 1989, 2004, 2005, 2008, 2012 and 4 times in 2014. The report concluded that flood events in exceedance of the 1:5 year event could flood the site. The modelling that was undertaken indicated that for a 1:200 year flood the potential depth of flooding on the site could be 1.74 metres. If that were to occur a safe route of escape could not be provided. Safe escape would need to be provided through flood warning and evacuation plan.

The Environment Agency have however indicated in their initial comments that the any revised plans need to demonstrate that the flood risks of the development have been addressed. The Environment Agency have been provided additional information in relation to the potential flood events. Their comments will be provided at planning Committee.

### Other nearby sites

The applicant has made reference in his application of other sites nearby which have gained consent.

Having reviewed these other applications, it is clear that the gas works site (41/1262/15/F) which was originally submitted for purely residential use and refused and subsequently dismissed at appeal. The application that was approved therefore was a resubmission which, included 300m<sup>2</sup> of commercial uses on the ground floor and residential above.

Reference is also made to the Gin Distillery site adjacent to the site. This site has recently been redeveloped and subject to a change of use application which ratified the A1/A2 use in the building and the alterations under planning consent 4/0757/15/F was for mixed B2 and A4 use. The applicant thus suggests that there are other buildings within the vicinity which are not marine related in terms of their use.

### **Neighbourhood Plan**

Salcombe's Neighbourhood Plan has currently reached regulation 14, which is the submission consultation draft stage of the Neighbourhood Plan process. At this stage it is not a made plan and so therefore cannot be accorded full weight in the decision making process, but a limited amount of weight should be given to it. In relation to employment and economy, Objective 3 is of relevance:

***The Plan will support developments, of a scale and use that are sensitive to their surroundings, which provide employment space for local people recognizing that priority should be given to businesses on which the local Salcombe economy primarily depends namely; fishing, tourism, marine and associated service industries. The plan supports any increase in all year round local employment opportunities within Salcombe through a combination of rehabilitation, re-use and redevelopment of sites principally focused on the Island Street, Gould Road and Shadycombe area. All employment uses must be sensitive to their location, particularly those sited within the Salcombe Conservation Area. Small scale workshops accommodating arts and crafts will also be supported. The plan supports the promotion of tourism and the tourism related businesses in the town. The delicate balance of uses in the town centre focusing on Fore Street comprising of small scale retail, restaurants, pubs and cafes should be retained. Further residential development in Fore Street and Island Street should be limited and only approved if directly ancillary to the employment uses.***

It is clear from this objective that Island street is seen as one of the areas that can and should continue to make an important contribution to the economy and employment uses in the town.

Policy SALC EM2 Retention of existing Employment Land in Salcombe states:

***Within the area of Island Street and Gould Road shown as employment policy area B on figure 17 only employment uses shall be permitted. Development shall include: a) Rehabilitation, re-use or redevelopment of existing premises; b) Marine related uses shall take priority in this area however small scale workshops, accommodating arts and crafts will be supported; c) Retail uses shall only be supported providing they are ancillary to a B1 employment use; d) Residential use will only be permitted if it forms a minor part of the overall development and it is ancillary and subsidiary to the manufacturing, craft and other service enterprise in the area.***

***Where the loss of an employment site is justified as no longer viable the applicant must demonstrate through an independent assessment that the vacant units have been actively marketed and offered at a reasonable rent (comparable with rents achieved elsewhere in the parish) for a minimum period of 1 year, a market review of the sites and details of the marketing. New employment proposed under this policy should conform to General User Class BI with ancillary retail as A1 only.***

Again the policy seeks to only allow employment uses in these areas and residential development will only be permitted if it is a minor and subsidiary element of a scheme. There is employment use being proposed for the site and the residential is a component of a mixed use scheme. In this case however the residential is not ancillary or subsidiary to the employment use. So there are elements of the proposal which are at odds with this policy.

Whilst the Neighbourhood Plan must be borne in mind, the weight to be given to this policy is limited at this stage in the Neighbourhood Planning Process.

The Neighbourhood Plan also seeks to ensure that developments in the Conservation Area should enhance the Conservation Area and have regard to the Salcombe Conservation Area Appraisal 2010. As a result of recent amendments the Conservation Officer is satisfied that the proposal does preserve and enhance the Conservation Area.

#### Planning balance

This case is a finely balanced one, with some elements that are compliant with current development plan policies and other elements that are slightly at odds.

The issues to be balanced in this case are whether the replacement of the employment use in combination with the residential use of the site of a larger scale than the employment use provides such community benefits to outweigh the policy concerns with regards to residential use in this area of Salcombe; whether the Flood risk issues with the site have been addressed; whether the proposed demolition and rebuild is of an appropriate quality to ensure there is no detrimental impact on the Conservation Area; and whether the inclusion of a residential use is appropriate in this location.

#### Employment use

The proposal now provides for an equivalent amount of employment space as is currently provided on the site, albeit the current space in some areas is not fit for purpose and is possibly unsafe. The replacement employment is across the whole of the ground floor of the building and will provide modern up to date employment facilities. The viability assessment the Council commissioned indicated that there was demand in Salcombe for: professional services/offices/leisure and retail.

In providing the equivalent amount of employment floor space as the existing site the proposal meets the requirements of policy DP14, albeit the employment types may not necessarily be marine related.

The residential proposed on the site is a large 6 bedroom dwelling with a 2 bedroom guest suite. It is a large dwelling. There are a number of issues to be considered with regard to putting residential in this location. Is the form of the residential proposed appropriate?; Is the introduction of residential compatible with the surrounding uses and is residential appropriate based on flood risk.

Is the 6 bedroomed dwelling contributing to wider sustainable benefits for the community? A single large dwelling as opposed to a number of affordable dwellings, which would provide for much needed smaller units of accommodation in a market where local people are priced out of the market by the size and cost of the larger dwellings and second homes in Salcombe. Is the fact that it is a 6 bedroom dwelling providing such wider benefits to the community? This should also be considered in light of the improved employment facilities on the site. It is clear that the viability of the commercial element of this redevelopment is supported by the residential element. Therefore the dwelling aspect of the redevelopment justifies the provision of the commercial

Environmental Health colleagues have raised a question over the appropriateness of introducing a new residential unit into an area where there are a predominance of employment uses, which would not be in compliance with the guidance in the NPPF, paragraph 123. The applicant submitted a use plan to indicate that there are a number of residential units in this locality. It indicates that the area is in fact mixed in nature. At the eastern end of the street where the application site is located, there is a lot of residential accommodation. In fact the cottages on the other side of the street are residential. There are also a few sites which are mixed residential and commercial such as 14 to 20 1,2, and 3a Island Square and some sites at the western end of the street.

Of the commercial uses in the area, a number of properties are for storage uses and industrial units and retail units are also indicated intermittently along the street. So whilst there is an argument that it may not be appropriate to introduce another residential use into the area, there are already a number of residential units and mixed residential schemes along the Street, in particular to the east and opposite the site. The area is thus currently mixed use in nature, rather than predominantly employment uses. The scheme is ensuring that the employment uses on the site are re provided and that reprovision would not be achievable without the residential also being present on the site. If the proposal were to be refused then it is likely that the existing site would remain vacant as in its current form it does not provide EPC acceptable accommodation. By allowing the residential the proposal is able to provide new, modern up to date employment space that could be used for a number of uses – retail, professional services offices and storage ( and potentially marine storage at the Creekside part of the site.

On the planning balance therefore it is accepted that introducing a residential use into this area of Island Street would not impact on the existing commercial/industrial uses in the area.

With regard to flood risk, the proposal is still subject to an objection by the Environment Agency. The sequential test has been met and it is accepted by the LPA that there are no reasonably available sites in lower risk flood zones that could accommodate the development, within Salcombe.

With regard to the exceptions test, we need to examine whether the wider sustainability benefits of the development would warrant allowing the development and outweighing the flood risks associated with the site, and whether the applicant has indicated that they will work with our emergency planners to provide an evacuation plan and also the more vulnerable use is on the first floor which ensures safe refuge should the 1:200 year flood event occur.

The local flood risk measures have been accepted by the emergency planner as being acceptable provided a condition is attached to the proposal. We are still awaiting further comment from the Environment Agency with regard to the finished floor levels of the proposal. This information will be available at Committee.

In this finely balanced judgement, it is acknowledged that the proposal does include a rather large residential unit, but it also provides new and very lettable commercial/employment space which would benefit the local economy. The Conservation Officer is satisfied that the proposal would not impact on the preservation and enhancement of the Conservation Area. Whilst the bulk of the building has increased at the rear of the site, it is not out of scale with some of the larger buildings along this street.

The Environmental Health Officer has accepted the flood risk measures, but remains concerned about the potential for an impact on existing uses by introducing the residential in this part of Island Street as it might impact other businesses already in existence in the area. It has been demonstrated that the area at the eastern end of Island Street has a number of residential and mixed use premises and the benefit of gaining up to date employment space is important in ensuring the continued focus on employment uses in Island Street.

Subject to the Environment Agency being satisfied in relation the flooding, on balance the recommendation is for approval.

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

## **Planning Policy**

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.

The relevant development plan policies are set out below:

### ***South Hams LDF Core Strategy***

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

### ***Development Policies DPD***

DP1 High Quality Design

DP3 Residential Amenity

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

### ***South Hams Local Plan***

SHDC 1 Development Boundaries

KP 7 Employment Development in Salcombe

## Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

### **PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)**

SPT1 Delivering sustainable development

DEV14 Maintaining a flexible mix of employment sites

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

### **Proposed conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. Time limit

2. The development hereby approved shall in all respects accord strictly with drawing number(s) .....received by the Local Planning Authority on .....

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re enacting this Order) no openings other than those authorised by this permission (if any) shall be at any time be inserted in the Island Street elevation of the development hereby permitted, without the prior permission, in writing of the Local Planning Authority.

Reason: To protect the amenity of neighbours

4. PRE COMMENCEMENT CONDITION

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

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

5. The parking areas identified on plan No: shall be retained and maintained as parking spaces unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure adequate parking is provided for both the residential and commercial uses on the site.

6. PRE COMMENCEMENT CONDITION

The roofs hereby approved shall be clad in natural slates, a sample of which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To perpetuate the use of vernacular materials so as to retain the character of the locality.

7. No work shall commence on site until full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross sections, profiles, reveal, surrounds, materials, finish and colour in respect of new windows, doors and other glazed or timber panels. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

8. Submission of specific details in relation to rainwater goods; joinery; glazing; flues; detailing on balustrating; timber doors onto Island Street for the purposes of conservation and enhancement.
9. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
- (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Reason - In the interests of highway safety.

10. No mud stones, water or debris shall be deposited on the public highway at any time.  
Reason - In the interests of highway safety.

11. No development shall take place until the applicant has secured the implementation of a programme of historic building recording and archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

To ensure, in accordance with guidance in paragraph 3.69 for South Hams Development Policy DP6 and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of the historic building fabric to be lost and any archaeological evidence that may be affected by the development.'

12. Prior to the commencement of development a Flood warning and Evacuation Plan shall be agreed with the Local Councils Emergency Planner and then submitted to and approved by the Local Planning Authority. The plan shall then be implemented in accordance with that approval prior to the occupation of the residential accommodation.

Reason: In order to ensure there is an appropriate warning system in place for the safety of the occupiers in the event of a flood event.

13. Prior to the commencement of the development, a plan indicating flood resilience measures shall be submitted to and approved by the Local Planning Authority. The building will be constructed in accordance with those agreed plans.

Reason: in order to maximise the flood resilience of the building hereby approved.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

15. Prior to the commencement of development the details of the glazing to be used on the first and second floor of the Island Street elevation shall be submitted to and approved by the Local Planning Authority. Any work shall subsequently be carried out in accordance with those agreed details

Reason: To ensure the neighbours privacy is respected.

16. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order, including the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity

### **Informatives:**

Archeology: Please note that this is a variation on the usually recommended archaeological condition.

I would envisage a suitable programme of work as taking the form of:

- i) A photographic and written record of the extant building and
- ii) The archaeological monitoring and recording of all groundworks associated with the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits.

The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

