

PLANNING APPLICATION REPORT

Case Officer: Lucy Hall

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

Application No: 1291/18/FUL

Agent:

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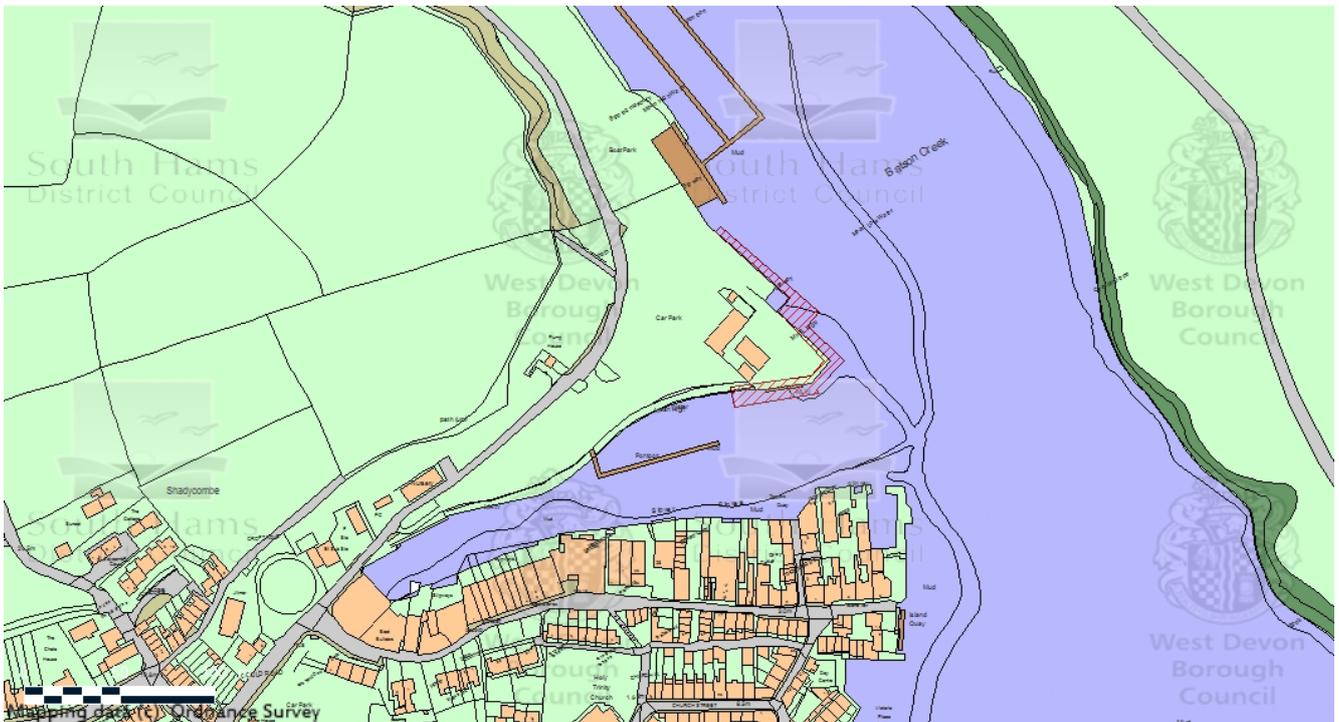
Applicant:

South Hams District Council - Mr D Parkes
Follaton House
Plymouth Road
Totnes
TQ9 5NE

Site Address: Salcombe Fish Quay, Gould Road, Salcombe, TQ8 8DU

Development: Proposed installation of replacement fenders and pontoon with new pontoon access footbridge

Reason item is being put before Committee: South Hams District Council is the applicant



Recommendation: that authority be delegated to the COP Lead (Development Management), in consultation with the Chairman of Development Management, to approve the application, subject to the resolution of the comments received from Natural England.

Conditions:

Standard time limit

Accord with plans

Pontoon lighting details – prior to installation

Any conditions requested or relating to issues raised by Natural England/Environment Agency

Key issues for consideration:

Landscape/environmental impact- AONB, SSSI, Coastal Preservation Area

Site Description:

The site is located to the north of Salcombe adjacent to Batson Creek. It currently consists of an operational quayside, fishing related commercial buildings, public car parking and a boat maintenance area. Salcombe Fish Quay lies within the Salcombe to Kingsbridge SSSI.

The area lies within the Countryside, outside any settlement development boundary, and is within the South Devon Area of Outstanding Natural Beauty and Coastal Preservation Area.

The Proposal:

The application consists of two key elements, the replacement of the existing pontoon and addition of an access bridge, and the replacement of existing fenders:

Pontoon:

The proposal seeks to install a new footbridge from the fish quay to the pontoon, to provide safe, permanent access to the pontoon, which is currently accessed by a ladder from the quayside. The bridge would be supported on a single pile and accessed from the corner of the suspended concrete deck. Due to additional loading on the pontoon from the proposed bridge, the pontoon itself would also be replaced, providing non-slip surfacing, lighting, and improvements to drainage.

Fenders:

It is also proposed to install hardwood timber fenders along any areas of the quay where vessels can moor along the existing sheet piling walls, to replace the existing tyres which are fitted to timbers, and float adjacent to the sheet piling. They currently require frequent replacement or repair and risk damage to vessels using them to moor.

Consultations:

- County Highways Authority- no objection
- Natural England: *Further information required to determine impacts on a designated site- detailed method statement which includes measures that avoid or mitigate impacts to sensitive features-We can confirm the application is within Salcombe to Kingsbridge Estuary SSSI. This estuary possess a rich and diverse intertidal and sub tidal flora and fauna, with certain communities being outstanding examples of their type in the North-east Atlantic. These notified features include eel grass (Zostera marina) which colonises the sediment along Salcombe Harbour and is vulnerable to smothering and increased turbidity from released sediments during works and intertidal sediments that are vulnerable to impaction by mechanical vehicles and reduction in extent during coastal development.*

No details are provided within the application explaining how measures to avoid or mitigate impacts to the sensitive features of the SSSI will be taken, therefore Natural England recommend the planning authority request the submission of a Construction Environmental Management Plan (CEMP) which gives details of how impacts to the environment including vulnerable SSSI interest features will be reduced during the construction process. Natural England request to be consulted upon this document

- Environment Agency: *No objections in principle, but before the application is determined the applicant should submit further information on the working methods and proposed mitigation measures to demonstrate that any impact on sensitive environmental features are avoided or reduced.*
- Marine Management Organisation: *'Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Line'*
- South Devon AONB Unit: *Overall – the developments are appropriate within the setting*
 - *New pile support for the gangway platform – there will be a small loss of foreshore beneath the footprint of the pile but in this instance we would accept that the surface of the pile will effectively compensate for this – the pile surface finish should be inert to wildlife settlement, which should then be left undisturbed*
 - *Fenders – these will remove the need for the use of car tyres, minimise the amount of rubbing against the quay wall piles and improve the site environmentally*
 - *A Construction Environmental Management Plan should be prepared before any works take place to identify all potential environmental impacts of the developments and how these will be avoided or minimised*
 - *Any site lighting should be designed and maintained to ensure that only the working structures are lit and light spill onto the bed of the estuary is minimised*
 - *A Marine Management Organisation 'Marine License' will also be required for these works*
- Town Council: no objection

Representations:

None

Relevant Planning History

- 41/0583/81/3- Additional filling to reclaim land creation of quay facilities for unloading fishing boats including access road slipway and cold storage building- conditional approval
- 41/0048/87/3- Dredging of channel from Whitestrand to Fishermens Spur (Regulation 4 LPA own development)- conditional approval
- 41/2761/11/DC- Improvements to fish quay to include improvements to quay wall replacement of Southern slipway provision of hard standings installation of containerised freezers renovations to existing timber buildings relocation of fuel tank relocation of water pip (LPA own development)- conditional approval

ANALYSIS

The site is part of a well-established fish quay, with the existing pontoon serving approximately 20 small dinghies. The principle of replacing and improving existing infrastructure relating to this use is therefore considered to be acceptable.

The replacement pontoon would not look significantly different to the existing structure, although the supporting piles would be repositioned slightly (by no more than 1 metre along the quay wall), and the pontoon itself would be a more substantial structure to support the additional loading from the proposed bridge. To improve the general safety of users of the pontoon, non-slip surfacing and

lighting would be added to the replacement pontoon. Although there is a clear public benefit to these renovations, no details have been provided as to the position, intensity or number of lights proposed. Given the prominent waterside position of the pontoon within a sensitive landscape setting (AONB, Coastal Preservation Area, countryside), the impact of any new lighting would need to be carefully assessed to ensure that it is appropriate for its setting. Officers therefore recommend a condition be imposed on any approval granted, requiring details of any lighting to be submitted for approval prior to its installation.

The bridge itself would be supported by an additional pile in the water, and would be 16 metres in length with a safety handrail. The design would be functional, and in keeping with the industrial waterfront character of the fish quay, and raises no concerns with regard to the overall appearance of the quay.

The proposed timber fenders would bring major benefits to the quay, as the existing floating tyres which are currently used require regular replacement and repair (once a month, on average), which not only has a financial impact on the quay, but also means that mooring space is lost whilst these repairs are carried out, and can damage vessels. The installation of hardwood timber fenders would prevent these problems from arising, whilst causing no harm to the appearance and character of the quay.

The site is in a sensitive location, and the prominent position within the AONB requires Officers to give 'great weight' to the conservation of this landscape (NPPF paragraph 115). The adopted AONB Management Plan is clear that maritime facilities and infrastructure will be retained and encouraged within existing developed areas (policies Est/P1 and Est/P2), whilst 'Harbour Authorities will be supported in maintaining effective arrangements for managing moorings' (policy Est/P6). Given the minimal visual impact of the proposed works, Officers are satisfied that AONB and coastal setting would be preserved, and that the proposal complies with paragraph 115 of the NPPF and the AONB Management Plan.

The quay also lies within the Salcombe to Kingsbridge SSSI. Natural England has raised a holding objection to the proposal, requiring further information to be submitted to allow them to assess the impacts on the SSSI:

'As submitted, the application could have potential significant effects on Salcombe to Kingsbridge Estuary SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.'

The Environment Agency raises no objection to the principle of the proposal, but has liaised with Natural England and agrees that additional information is required to assess the environmental impact of the works. The Marine Management Organisation has also been consulted and comments that the works may require a licence. However, this is something which must be obtained by the applicant and does not affect the decision making process.

Whilst additional information is therefore required to address the comments and requirements from both Natural England and the Environment Agency, Officers are confident that this can be resolved through the submission of the requested information, and that this is not a reason to refuse the application. Any conditions requested by these consultees following the submission of additional information, or documents submitted which need to be specifically referred to in the decision notice, would be added to any approval issued.

The nature of the proposal and its position within the existing fish quay sites means that the proposal does not raise any concerns with regard to residential amenity. No third-party representations have been received, and the Town Council raises no objection.

In summary, the proposed development is considered to be acceptable in terms of design and scale, in keeping with the landscape of the existing fish quay. The work would have clear safety benefits, the bridge significantly

improving the accessibility of the pontoon, and the timber fenders reducing the cost of repairing moorings and the risk of subsequent damage to vessels.

Whilst there is still work to be carried out by the applicant to demonstrate that any impact to the environment would be avoided, or could be mitigated, as required by the statutory consultees, Officers are satisfied that these issues can be resolved by the submission of additional information, and controlled by conditions. This is not considered to be a reason to refuse the application, and it is therefore recommended for conditional approval.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

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:

National Planning Policy Framework
AONB Management Plan 2014- 2019

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP15 Development in the Countryside

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)

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV24 Landscape character

DEV27 Nationally protected landscapes

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV38 Coastal Change Management Areas

Neighbourhood Plan

The site is within the area designated under the Salcombe Neighbourhood Plan. This plan is currently at Regulation 14 stage, and so only very limited weight can be given to aspects of the plan which demonstrate clear community support, as it has not yet been examined.

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.

2. The development hereby approved shall in all respects accord strictly with drawing numbers 0200.P1, 0201.P1, 0202.P1, and 0203.P1 received by the Local Planning Authority on 16th April 2018.

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. Prior to installation, a scheme for external lighting (if any) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the position, type, luminance and cowling of all external lights to the pontoon and any other areas. Upon the commencement of the use the external lighting shall accord strictly with the approved details.

Reason: To safeguard the character and appearance of the locality.

4. Any conditions required as a result of further comments from Natural England or the Environment Agency following submission of the requested information.