

## PLANNING APPLICATION REPORT

**Case Officer:** Jeffrey Penfold  
Thurlestone

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

**Application No:** 1505/19/FUL

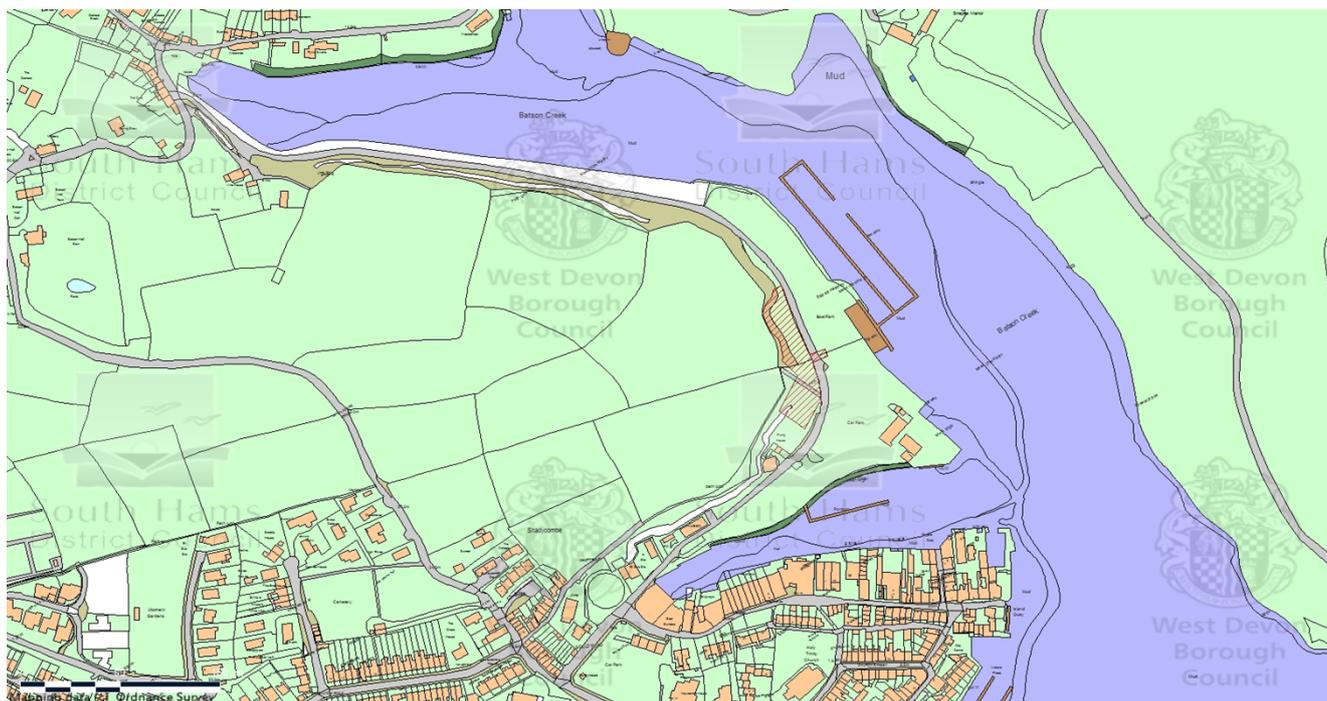
**Agent/Applicant:**  
Mr Ray Tyner  
Inspire Architects Ltd  
Glove Factory Studios  
Brook Lane  
Holt  
BA14 6RL

**Applicant:**  
Mr Dan Field - South Hams District Council  
Follaton House  
Plymouth Road  
Totnes  
TQ9 5NE

**Site Address:** Development Site at SX740394, Gould Road, Salcombe, TQ88DU

**Development:** Erection of new industrial units and associated parking

**Reason item is being put before Committee:** This application is submitted on behalf of South Hams District Council and constitutes a revised application following the granting of full planning permission under Reference: 0784/16/FUL for the construction of seven industrial units for B1 (b) Light industrial use only.



**Recommendation:** Conditional Approval.

**Conditions:**

1. Time
2. Accords with plans
3. Hard / Soft Landscaping
4. Materials to be agreed
5. Parking to be provided prior to occupation and retained
6. Unexpected Land Contamination
7. Vegetation Removal
8. B1 (b) light industrial use, B2 General Industrial and B8 Storage or Distribution uses only
9. Oil Interceptor
10. Drainage to be implemented and maintained
11. Permeable Pavement
12. Construction Management Plan
13. Chemical Storage
14. LEMP
15. Approved Drainage Details
16. Foul Drainage
17. Car Parking & Vehicular Access
18. Construction Management Plan (Highways)
19. Tree Protection Plan.

**Key issues for consideration:**

Principle / Sustainable Development  
Design, Visual Impacts and the South Devon AONB  
The Historic Environment  
Neighbouring Amenity  
Highways / Access  
Ecology / Trees.

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**Site Description:**

The site is a linear, flat piece of land currently used as a boat store and coach park (2 bays) located on the west side of Gould Road on the edge of Salcombe. The site also contains recycling skips and an oil disposal point at present.

This is a long, narrow site, with an earth bank supporting rising land on the western boundary. Mature trees are present on the south western boundary. Access is taken from Gould Road, a narrow two way road with restricted parking (double yellow lines).

The rising land to the west is open fields. To the east, across the road, is Batson Creek Boat Park, beyond which is the waters of Batson Creek. On the opposite side of the estuary the land is mostly undeveloped green fields.

The character of the area is low-key commercial / maritime, with the commercial development of Island Street visible to the south. The site is untidy providing ad-hoc boat storage.

The boat park opposite, presents a mass of tarmac, palisade fencing and commercial lighting which is unattractive but does reflect the commercial maritime character of this end of Salcombe.

The site is within the South Devon Area of Outstanding Natural Beauty (AONB), is adjacent to a SSSI and has a public right of way running along its western boundary (connecting Salcombe with Batson Creek). The site is also within Flood Zones 2 & 3 and is within the setting of the Salcombe Conservation Area.

The site has been advertised as affecting the setting of a Listed Building: Snapes Manor - a Grade II\* Listed Building which lies approx. 230m from the site on the opposite side of the estuary.

### **The Proposal:**

South Hams District Council was granted planning permission in February 2017 (Ref: 0784/16/FUL) for the construction of seven new industrial units for B1 (b) Light Industrial use only. The description of said approval includes:

'It is proposed to re-develop the site to provide a row of 7 terraced industrial units, these will be relatively small units with a roller shutter frontage serving each unit; the units will sit parallel to the road. Five of the units contain a half depth mezzanine floor, the remaining two have a full first floor. 19 parking spaces are proposed within the site, of these 14 will be tandem parking spaces. A turning area is provided within the northern part of the site.

The drawings show the building to be clad in box-profile metal. The proposal includes a detailed drainage strategy designed to prevent pollution of the SSSI within the nearby estuary'.

South Hams District Council are seeking a new planning permission for this development site with the key amendments comprising:

- A reduction in the number of units from seven to five, both to reduce the scale of development and ensure that the original function of the site is retained to help assist with the continuity of the services offered by the Harbour Authority.

- Usage Class amended to include B1 (b) light industrial, B2 General Industrial and B8 Storage or Distribution to ensure that the new units can accommodate the anticipated local, maritime business needs.
- Stabilisation works to the rear cliff to enable the building to be positioned such that it does not break the skyline and nestles into the existing bank.
- Units positioned closer to the stabilised cliff face resulting in sufficient space to facilitate parking in front of each unit.
- End units reoriented to provide better flexibility for future tenants.
- Area currently occupied by coach bays and recycling retained for use as trailer park by the Harbour Authority. Alternative location to be identified for recycling facilities to address original concerns and improve proposal.
- Removal of the redundant attendant's building, located at the entrance to the car park, to improve access into adjacent car park.
- Repositioning of the new electricity transformer to take it out of the flood zone.

The premise of this planning application is to address comments made within the original planning officer's report to provide betterment to planning permission Ref: 0784/16/FUL.

The proposed buildings will measure 42m in length and be divided into five 60sqm units. The proposal will provide for 300sqm GIA of floor space with two dedicated parking spaces provided per unit. The mezzanine provision has been removed as part of this revised proposal which in turn has reduced the number of units from 7no. to 5no. units. This alteration represents a reduction of 400sqm of floor area with the overall building length also reducing by 5m.

### **Consultations / Representations:**

#### **Representations from Residents:**

Four letters of objection have been received in response to the public consultation, raising The following concerns:

- Potential to encroach as a form of ribbon development on the segregation of Batson and Salcombe
- Height / scale of the proposal
- Proposed level of commercial / articulated vehicles / lorries visiting the site
- Potential for additional vehicles parked around Batson Green during site construction and operation
- Turning of lorries
- Impact upon character and appearance of the conservation area
- Impacts upon Snapes Manor Grade II\* Listed Building
- Pedestrian safety
- Resiting of the coach park has health and safety risks
- Proposed use classes does not accord with Neighbourhood Plan policies EM1 – General use B1 and User class B2 restricted to Marine uses only concerns expressed in point 3 would preclude User Class B8 (storage and distribution)

- Proposed resiting of the recycling containers lies outside of the development boundary.
- Removal of trees
- Number of parking bays provided is inadequate
- Vehicles missing the units.
- View / photomontage from Snapes Manor
- Noise from the units
- Fly Tipping
- Precedent for further development
- Coach parking in close proximity to the nursery.

The occupiers of Snape Manor have raised concerns over the following matters:

- Objection to the photograph (taken at sea level and not elevated) taken from Snapes Manor and potential impact upon the listed building
- Noise pollution resulting from operations
- Aluminium roller shutters out of keeping with the historic area.

### **Representations from Internal Consultees:**

County Highways Authority – no objections in principle, subject to conditions.

### **Trees: Appraisal**

1. The submitted information has been reviewed in accordance with the relevant Policies of the Plymouth and South West Devon Joint Local Plan (2014-2034) and relevant industry British Standards/ Acts as appropriate.
2. Low level scrub proliferates across the sloping area of the proposed site with the exception of a prominent group of Elm trees towards the Southern end of the red line. No adverse impact upon these trees is envisaged given the continued use of the trailer park to the East and proposed fencing.
3. A tree protection plan in accordance with BS7837:2012 is required for review to define RPA's for the group of Elm trees to ensure protection during the construction process if consent follows. This may be by way of condition.

**Recommendation:** No objection on arboricultural merit.

Police AOL – detailed comment, no objection.

Environmental Health / Emergency Planner: The flooding in this area is tidal in nature, and as such there is plenty of warning available due to being able to predict tide times, and weather patterns sufficiently in advance that evacuation of the units before a flood event can occur. Therefore I am satisfied that there is negligible risk to life from these proposals.

### **Representations from Statutory Consultees:**

**Environment Agency:** We object to the proposed development on the grounds that the development poses a significant hazard to life and an unacceptable risk to property. The reason for this position and advice is provided below.

Your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with current Government guidance within the National Planning Policy Framework

(NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

**Reason** – The site is located wholly within flood zone 3, identified by Environment Agency flood maps as having a high probability of flooding. We objected to the original planning application 0784/16/FUL due to an inadequate Flood Risk Assessment (FRA) that was not in line with National Planning Policy Framework (NPPF)/National Planning Policy Guidance (NPPG).

The current FRA has calculated the Tidal 200yr level at the end of the design lifetime (60yr) as 4.54mAOD. The proposed FFL of 3.78mAOD, gives an internal flood depth of 0.76m of moving water (by the wave action). This represents a Significant Hazard - "Danger to Most" (including all the general public), technical note - FD2320. Recent work has identified that, by the year 2050, it is highly likely that this site will be flooded once or twice a year by the Spring/Autumn 'spring high tides'. They could be flooded twice a day over a 1 to 3 days period. This will cause a lot of damage and disruption to the operation of the businesses in the proposed units.

We appreciate that the raising of floor and site levels is difficult and could not match the design flood level. However, every effort must be made to raise the units Finished Floor Levels (FFL) (not the entire site levels) as high as technically possible. The ground slopes and access gradients should be to the maximum allowed under health & safety and building regulations. This will help reduce the frequent flooding predicted by 2050 perhaps to an acceptable level, and lower the flood hazard in the design event to perhaps only a moderate level (Danger to Some).

Flood Resilience measures must be included to above the design flood level height (4.54mAOD), e.g. raising electrical fittings above this height. Although the Flood Warning and Evacuation Plan can reduce the risk to life, it does not reduce the flood damage to property and disruption to businesses.

**Advice to the LPA** – If you are minded to approve this application, please contact us again in order to discuss the risks to the proposal. If you are able to confirm that you fully understand the flood risks, the consequences of flooding to people, business and the buildings, with the future frequent flooding and agree that FFL cannot possibly be raised any higher than currently proposed, we would want to recommend conditions to attempt to reduce the risks where possible.

**Revised EA response (dated 4 July 2019):** Further to the additional flood risk summary document (3 July 2019), we are able to change our stance on this application. Although this statement does not fully address are flood risk concerns, it does permit you to make a sound decision as you have all the necessary flood risk information.

We have stated the flood risks and hazards to people and property, and advised suitable safe mitigation measures. It appears that for planning and technical reasons the designs cannot be changed, and it appears that you are likely to approve this application against any sustained objection. Therefore as long as the LPA accepts these risks and consequence of increasing frequency of flooding events, then in this instance we will not sustain our current objection to the proposal.

**South West Water - Asset Protection:**

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

**Clean Potable Water:**

South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

**Foul Sewerage Services:**

South West Water advises a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

**Surface Water Services:**

The statutory Water and Sewerage Undertaker supports the Planning Policy Guidance for Flood Risk & Coastal Change statement. To accompany its planning application, the applicant must demonstrate how its proposed development will have separate foul and surface water drainage systems and not be detrimental to existing infrastructure, the public and environment (and that any provisions for protecting infrastructure have been agreed with SWWL as service-provider).

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable, Provide written evidence as to why Infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drains do not meet the design standards as specified in either H3 Building Regulation standards for areas less than 100m<sup>2</sup>. Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.
2. Discharge to a surface waterbody; or where not reasonably practicable, Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc)
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership)
4. Discharge to a combined sewer.( Subject to Sewerage Undertaker carrying out capacity evaluation) South West Water will carry out a hydraulic capacity review of the

combined sewerage network before permission will be granted to discharge to the combined sewer.

**Natural England:** No objection – subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which Salcombe to Kingsbridge Estuary Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Construction and Environmental Management Plan (CEMP)
- Landscape and Ecological Management Plan (LEMP)
- Mitigation measures provided in the Ecological Impact Assessment (greenwood ecology, August 2016).

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

**Further advice on mitigation:**

- The mitigation measures outlined in the Construction and Environmental Management Plan (CEMP, 5 April 2019) will need to be secured with an appropriately worded planning condition.
- The mitigation measures outlined in the Landscape and Ecological Management Plan (LEMP, first ecology, May 2019) will need to be secured with an appropriately worded planning condition.
- In addition and to address pollution run-off from the site, mitigation measures outlined in the Ecological Impact Assessment (EclA, greenwood ecology, August 2016) will need to be secured with an appropriately worded planning condition.

**Landscape – Advise consultation with AONB Unit:**

The proposed development is for a site within proximity to a nationally designated landscape namely **South Devon Area of Outstanding Natural Beauty (AONB)**. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal and that you consult the relevant AONB Partnership or Conservation Board.

The AONB Unit have produced some guidance to assist with planning matters "Planning for the South Devon AONB: Planning Guidance (Version 1, South Devon AONB Partnership, 2017). The policy and statutory framework to guide your decision and the role of local advice are explained below in Annex A of this letter.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken

account of Natural England's advice. **You must also allow a further period of 21 days before the permission can be granted.** Please refer to Annex A at the end of this letter, for our standard advice.

**Historic England:** raised concerns regarding the application on heritage grounds, which could be addressed with further design modifications. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

**Salcombe Parish Council:** Objection – due to concern over stability of the slope and therefore security of the footpath. The turning area was close to a blind bend and the suggested area for recycling required removal of the bank and trees further destabilising the footpath. It had no parking area and was opposite the exit for the boat park with no provision for coach parking. The Design and Access statement only referred to coach drop-off.

**Internal AONB:** In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

- Section 85 of the Countryside and Rights of Way (CRoW) Act;
- Sections 12 and 15 of the NPPF in particular paragraphs; 127, and 170, 172 & 173;
- The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and
- The South Devon AONB Management Plan and its Annexes
- JLP Policies DEV23, DEV24 and DEV 25

In respect of the principle policy tests in the NPPF, this application is not considered to constitute “major development” in the context of paragraph 172, due to its siting, and limited scale and form. The current application has been considered with reference to the previously consented units and conditions (0784/16/FUL).

#### **Landscape Character and Visual Impact:**

The site forms part of the settled, quay area on the edge of Batson Creek, and within Salcombe; this settled area has a marine/small scale commercial character including a mix of public parking, marine facilities and a functioning fishing quay.

It is within the South Devon AONB where the adjacent landscape character is estuarine and strongly rural, with a number of the identified special qualities present beyond the settled elements.

The proposal would sit firmly within the developed area, and is conducive to the current uses. This proposal is reduced in overall size to the consented units, with the materials having now been set out in the application. Given its form, scale, and location it similarly does not result in significant adverse harm to the wider landscape character and visual amenity, which is conserved, and clearly seen within the context of the active quays and parking areas. It replaces a site with little merit, currently used for storage and recycling facilities.

The submitted Landscape and Ecological Management Plan (LEMP) is noted and agreed. Officers are therefore satisfied it accords with current landscape policies and guidance.

**Recommendation** - No objection.

**Officers Response:**

**Stability of the existing slope and security of the public footpath:**

With regard to the stability of the existing slope and therefore the security of the public footpath, the alignment of the footpath is already at risk of failure due to its proximity to the cliff edge in a number of locations. The upper part of the slope is bound by vegetation and tree roots and the lower part of the slope consists of scree from weathering of the slope above. The slope, which will be situated behind the proposed Commercial Units, was the subject of a geotechnical investigation in May 2016. The 2016 investigation recommends that a retaining wall is constructed at the rear of the proposed new development and used to form a reduced slope with enhanced stability.

This concept has been adopted as part of this submission which will help to protect the existing slope and minimise any further weathering and erosion.

**The turning area is close to a blind bend:**

The introduction of a turning area formed part of the original consent following discussions with the Highway's Officer. All highway safety issues have been reviewed by Highways and they have not raised any concerns or objections to the proposals.

**The proposed recycling area required the removal of the bank and trees:**

The current planning approval (Ref 0784/16/FUL) makes no provision for the re-siting of the existing recycle bins. As part of this revised application an alternative location has been suggested which is in close proximity to the existing site and falls within the council's land ownership.

This proposed location has been discussed with the external waste procurement provider who has confirmed their acceptance in principle. The work itself would be undertaken under Permitted Development rights and has therefore been excluded from this application's red line boundary.

The council would be happy to continue working with all parties to find alternative options however the acceptance is that bins will not be retained in the current location should planning be granted.

**Coach Drop-off point:**

The current planning approval (Ref 0784/16/FUL) makes no provision for the re-siting of the coach drop off bays. As part of this revised application, and as suggested in the Design and Access statement South Hams District Council has tried to investigate possible alternative coach drop off points within Batson car park. The suggested drop off point adjacent to the nursery has now been discounted due to the way the car park operates during the winter season. The council would be happy to continue working with all parties to find alternative options however the acceptance is that coach parking will not be retained in the current location should planning be granted.

**Number of parking bays in inadequate:**

The proposed scheme had improved the parking provision on the site, when compared to the original scheme and the council's Highways Officer has reviewed the proposed plans and considers them to be acceptable.

**Vehicles missing the units:**

The approach to the units is unobstructed and therefore the probability of this happening is limited. However, should a vehicle miss their stopping point, the turning area that has been provided at the end of the units will allow them to turn safely.

**View / photomontage from Snapes Manor:**

This view was produced to enable Historic England to comment upon the direct line of sight between the Manor and Holy Trinity Church. The proposal does not impede this direct line of sight.

**Noise from the units:**

Any noise generated from the units will be of similar nature to that of the previously approved scheme. The reduction in the number of units should be considered an improvement when compared to the consent already granted.

**Use Class:**

The application is for B1 Light Industrial, B2 General Industrial and B8 Storage and distribution. These use classes give the units some flexibility and will help ensure that they do not remain vacant for any considerable period of time therefore improving the scheme's overall viability.

**Precedent for further development:**

Each planning application has to be considered on its individual merits and the provision of these units does not automatically assist further development.

**Relevant Planning History:**

Ref: 0784/16/FUL – Erection of new industrial units and associated access and parking.  
Conditional Approval: 22/02/2017.

**ANALYSIS****Principle / Sustainable Development:**

The site is located within the development boundary of Salcombe where the principle of development is acceptable subject to all other material planning considerations.

**Design, Visual Impacts and the South Devon AONB:**

The scheme proposes a terrace of 5no. relatively small, pitched roofed industrial units and the plans show the upper parts of the buildings clad in larch timber cladding installed vertically and architectural block work along their lower parts.

The building will measure 5.5m at the eaves level and 6.1m at ridge level height. The proposal will measure a combined length of 43m. The building fronts onto the road and will be visible from the road, car park and estuary. Longer views will be possible from the Island Street end of Salcombe which is a Conservation Area. The site is within the South Devon AONB and affects the setting of a Grade II\* listed building: Snapes Manor – located across the estuary which is deemed a sensitive location.

Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

The proposed design is functional and typical of many modern industrial developments. Concern has been raised by residents and Historic England about the quality of design and materials. Historic England has suggested that the design should be more bespoke and suggested alternative materials.

The site is set in a relatively prominent location close to the scenic Salcombe Estuary, within the AONB and adjacent to a public right of way. At present the site has an unkempt commercial appearance, the boundary with the road is defined by an old close boarded timber fence, two unattractive recycling skips are located near the site entrance and stored boats and rigging are visible.

On the opposite side of the road, between the site and the estuary is Baston Creek Boat Park. This is a large expanse of tarmac, including chain link fencing and modern lighting pillars. Boats are stored in an ad-hoc manner within the car park.

Neither the application site nor the boat park adjacent make a positive contribution to the AONB, however they are a reflection of the maritime uses that have historically taken place in Salcombe and which are an important part of the social and economic make-up of the area.

The proposed development will be set at road level, with a steep bank to the rear and further rising land beyond. The application also proposes reinforcement / regrading works to the banks to the rear of the application site which is anticipated to improve support and mitigate visual impacts.

The immediate / wider setting that surrounds the application site will likely reduce the visual prominence of the buildings. The proposed timber cladding is considered acceptable in design terms, reducing its visual prominence and responding well to the character of the immediate area.

Officers note representations raise concerns over the proposed design of the buildings. It is acknowledged that the proposal would introduce a relatively large amount of built form into a vacant area, however, the design of the building is in response to the industrial setting / context of the immediate area. The scale of the buildings is considered modest at 6.1m height whilst remaining of a sufficient scale to serve its purpose.

The buildings contribute small scale industrial units for which it is considered there is local demand and which will contribute to the local economy, offering diversification from the tourist industry upon which Salcombe has become reliant upon. To be delivered, the buildings must be economically viable and this limits their design potential. Officers also consider that it would be inappropriate for the design not to reflect the building's function by, for example mimicking agricultural barns or similar.

The proposal will also require a number of doors and windows to the main front elevation yet this is considered to coincide with the normal operation of light industrial units and the proposed layout is not considered an excessive amount of glazing nor will unnecessary features be erected on the main elevation. A limited number of windows will also be proposed on each gable end (1no.) along with 3no. windows to the rear elevation which are in all instances considered necessary for the supply of sunlight / daylight.

In addition, the council's landscape officer makes the following observations:

**Internal AONB:** In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

- Section 85 of the Countryside and Rights of Way (CRoW) Act;
- Sections 12 and 15 of the NPPF in particular paragraphs; 127, and 170, 172 & 173;
- The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and
- The South Devon AONB Management Plan and its Annexes
- JLP Policies DEV23, DEV24 and DEV 25

In respect of the principle policy tests in the NPPF, this application is not considered to constitute “major development” in the context of paragraph 172, due to its siting, and limited scale and form. The current application has been considered with reference to the previously consented units and conditions (0784/16/FUL).

#### **Landscape Character and Visual Impact:**

The site forms part of the settled, quay area on the edge of Batson Creek, and within Salcombe; this settled area has a marine/small scale commercial character including a mix of public parking, marine facilities and a functioning fishing quay.

It is within the South Devon AONB where the adjacent landscape character is estuarine and strongly rural, with a number of the identified special qualities present beyond the settled elements.

The proposal would sit firmly within the developed area, and is conducive to the current uses. This proposal is reduced in overall size to the consented units, with the materials having now been set out in the application. Given its form, scale, and location it similarly does not result in significant adverse harm to the wider landscape character and visual amenity, which is conserved, and clearly seen within the context of the active quays and parking areas. It replaces a site with little merit, currently used for storage and recycling facilities.

The submitted Landscape and Ecological Management Plan (LEMP) is noted and agreed. Officers are therefore satisfied it accords with current landscape policies and guidance.

**Recommendation** - No objection.

On balance, it is considered that, having regard to the existing appearance of the site, the proposed development, subject to appropriate materials would likely conserve and enhance this part of the AONB and any adverse impact likely to arise would likely be outweighed by the social and economic benefits of the scheme.

As such, the proposal accords with JLP Policies DEV20, DEV23 and DEV25.

#### **The Historic Environment:**

The site lies within the setting of Snapes Manor, an important Grade II\* listed building which lies across the estuary. Snapes Manor has been designed to front the Estuary and to take in the views which include the application site.

As such, the application is subject to s. 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and gives local planning authorities the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area respectively. The proposed development would need to use materials and colours that respect the character of the surroundings and have due regard to the setting of any listed building.

Historic England has not objected to the principal of developing this site but has raised concerns about the quality of design and materials, The Council's Heritage Specialist has commented that the proposed development will result in less than substantial harm to the setting of the listed building.

Whilst the development will likely be visible within the setting of Snape Manor, it is set within an area which already has a commercial character, some 230m from the listed building; developed with appropriate materials and set as it will be into a hillside, the impact will likely be minimal.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 195 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The site is within the setting of the Salcombe Conservation Area, however due to its siting and scale and having regard to the existing quality of the immediate environment the proposed development will have no likely adverse impact upon the conservation area.

On balance, the benefits of the proposed development outweigh the impact on heritage assets and as such, weigh in favour of the development.

Special attention has been paid to the statutory test of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and the statutory test of preserving or enhancing the character and appearance of the conservation area under sections 16 and 72 respectively of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the listed building and the character and appearance of the Conservation Area, and so the proposal accords with section 16 of the Act and JLP Policy DEV21.

### **Neighbouring Amenity:**

There are no dwellings adjacent or near to the site. The occupiers of Snape Manor have raised concerns over potential increases in noise disturbances resulting from the operation of the proposal. It is considered that there exists a suitable distance between the application site and Snapes Manor (approx. 230m) so as to mitigate any noise disturbances to a satisfactory level. Should any noise disturbances as a result of the proposal's operation give rise to any significant, detrimental amenity impacts upon the living conditions of residents, then powers exists within Environmental Health legislation to effectively control this.

Noise can be deemed to impact on the setting of a Listed Building, however no objection has been raised in this regard from the Heritage Specialists.

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

As such, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with JLP Policies DEV1 and DEV2.

### **Highways/Access:**

The highways authority maintains no objection to the principle of this development, commenting that the site is a brownfield site currently used for B8 purposes (storage and distribution) and as such could be used more intensively generating increased traffic movements.

The highway authority has also requested two conditions be attached to any planning permission granted and these concern the submission of a Construction Management Plan and the completion of car parking and vehicular access facilities proposed.

As such, subject to compliance with the proposed conditions, the council's highways authority maintains no concerns over the proposed car parking facility and / or the proposed access arrangements.

Officers maintain their views that there exists a reasonable level of on-site parking provision and additional parking is available in the public car park if required, albeit that the users will have to pay. The site is in walking distance of the town centre where public transport options are available, the town is also within walking distance of residential areas. Additional car parking for visitors / staff is available in the adjacent public car park, which for the majority of the year has adequate capacity.

Delivery vans will still be able to pull onto the forecourt in front of the units. A designated area to the north of the site provides for safe turning of vehicles so as to avoid travelling further into Salcombe. In any event, even if this turning area was to be missed, the adjacent car park is already used by large vehicles to deliver goods to the business within this area. There are no restrictions imposed on allowing such vehicles to use this area and this will be maintained.

A Public Right of Way runs along the western site boundary, outside of the site. No alteration to this route is proposed. It is considered that the access, parking and turning arrangements are satisfactory and no likely significant adverse impacts on the safety and convenience of users of the highway are likely to be experienced.

No concerns have been raised in respect of highway safety. The approach to the units is unobstructed and therefore the probability of this happening is limited. However, should a vehicle miss their stopping point, the turning area that has been provided at the end of the units will allow them to turn safely.

### **Flood Risk / Drainage:**

The EA has commented on the proposal, stating:

“We object to the proposed development on the grounds that the development poses a significant hazard to life and an unacceptable risk to property. The reason for this position and advice is provided below:

Your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with current Government guidance within the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

**Reason** – The site is located wholly within flood zone 3, identified by Environment Agency flood maps as having a high probability of flooding. We objected to the original planning application 0784/16/FUL due to an inadequate Flood Risk Assessment (FRA) that was not in line with National Planning Policy Framework (NPPF)/National Planning Policy Guidance (NPPG).

The current FRA has calculated the Tidal 200yr level at the end of the design lifetime (60yr) as 4.54mAOD. The proposed FFL of 3.78mAOD, gives an internal flood depth of 0.76m of moving water (by the wave action). This represents a Significant Hazard - “Danger to Most” (including all the general public), technical note - FD2320. Recent work has identified that, by the year 2050, it is highly likely that this site will be flooded once or twice a year by the Spring/Autumn ‘spring high tides’. They could be flooded twice a day over a 1 to 3 days period. This will cause a lot of damage and disruption to the operation of the businesses in the proposed units.

We appreciate that the raising of floor and site levels is difficult and could not match the design flood level. However, every effort must be made to raise the units Finished Floor Levels (FFL) (not the entire site levels) as high as technically possible. The ground slopes and access gradients should be to the maximum allowed under health & safety and building regulations. This will help reduce the frequent flooding predicted by 2050 perhaps to an acceptable level, and lower the flood hazard in the design event to perhaps only a moderate level (Danger to Some).

Flood Resilience measures must be included to above the design flood level height (4.54mAOD), e.g. raising electrical fittings above this height. Although the Flood Warning and Evacuation Plan can reduce the risk to life, it does not reduce the flood damage to property and disruption to businesses.

**Advice to the LPA** – If you are minded to approve this application, please contact us again in order to discuss the risks to the proposal. If you are able to confirm that you fully understand the flood risks, the consequences of flooding to people, business and the buildings, with the future frequent flooding and agree that FFL cannot possibly be raised any higher than currently proposed, we would want to recommend conditions to attempt to reduce the risks where possible.

**Revised EA response (dated 4 July 2019):** Further to the additional flood risk summary document (3 July 2019), we are able to change our stance on this application. Although this statement does not fully address are flood risk concerns, it does permit you to make a sound decision as you have all the necessary flood risk information.

We have stated the flood risks and hazards to people and property, and advised suitable safe

mitigation measures. It appears that for planning and technical reasons the designs cannot be changed, and it appears that you are likely to approve this application against any sustained objection. Therefore as long as the LPA accepts these risks and consequence of increasing frequency of flooding events, then in this instance we will not sustain our current objection to the proposal.

In response to the EA's representations, paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exemption Test, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

This matter has previously been considered by the Council's Emergency Planner who is satisfied that safe access and egress for the units can be achieved. The flooding in this area is tidal in nature, and as such there is plenty of warning available due to being able to predict tide times, and weather patterns sufficiently in advance that evacuation of the units before a flood event can occur. Therefore there is negligible risk to life from this proposal.

In terms of the Sequential Test, this application seeks to develop a brownfield site which is fixed in its location; in addition there are no allocated employment sites within Salcombe that are outside of the Flood Zone. The maritime nature of many industrial uses in Salcombe require sites in close proximity to the water which tends to be within the Flood Zones.

With regard to the Exception Test, it is considered that the wider benefits of providing employment uses on a brownfield site outweigh the flood risk. In addition, the new units will be designed for B1(b) light industrial, B2 General Industrial and B8 Storage and Warehouse purposes and leased to local businesses. This form of development satisfies the "less vulnerable" development category, as permitted within Flood Zone 3, in accordance with Table 2 of the National Planning Policy Framework. As a result an Exception Test is not required.

Safe access and escape routes are available and any residual risk can be safely managed through the existing Flood Evacuation Plan for the area.

The application satisfies the sequential and exception tests as set out in the NPPF and the benefits if the development outweigh any potential risk; as such the proposal is considered to be acceptable in terms of Flood Risk.

The proposals for commercial units are an appropriate use within a flood zone as it is reasonable to assume that the risks associated with a Flood Zone 3 flooding event can be suitably managed in a non-residential property. A key aspect here is the predictability of the event and the early warning systems that are proposed.

The fabric of the building has been designed to be resilient in the event of a flood event. Services within the building will be positioned well above the potential flood level. The nature of the building and the flood resilient measures taken, allow timely re-occupation of the units after a flood event.

The agent for the application has also provided a supplementary document, the purpose of which is to supplement the Flood Risk Assessment submitted as part of this application. It provides additional information to outline the design methodology behind the proposed floor levels and address the following objection which has been raised by the Environment Agency. The document is provided for below:

Environment Agency Position:

“We object to the proposed development on the grounds that the development poses a significant hazard to life and an unacceptable risk to property.”

Development Summary:

South Hams District Council were granted planning permission in February 2017 (0784/16/FUL) for the construction of seven new Industrial Units for B1(b) Light industrial use only as defined by the Town and Country Planning Use Classes Order 1997.

A similar objection was raised by the Environment Agency concerning unacceptable flood risk. The planning authority considered the application to be acceptable in terms of Flood Risk as it satisfied the sequential and exception tests, as set out in the NPPF, and the benefits of the development outweigh any potential risk.

Revised Development:

South Hams District Council are seeking a new planning permission for this development site with the key changes, from a flooding perspective, being:

- Reduction in the number of units from seven to five to both reduce the scale of development and ensure that the original function of the site is retained to help assist with the continuity of the services offered by the Harbour Authority.
- Repositioning of the new electricity transformer to take it out of the flood zone.

Flood Zone Information:

As documented within the Flood Risk Assessment the site is located within Flood Zone 3. As the predominant flooding mechanism for this site is tidal the land should be assessed against the 1 in 200 extreme tidal event.

As part of consented application 0784/16/FUL the Environment Agency provided the following parameters:

- The 200yr tidal still water level (2008) for Salcombe which equates to 3.41mAOD.
- Accounting for climate change over a 60yr commercial lifespan gives a 0.530m increase in tidal levels. This equates to a level of 3.94mAOD.
- Wave action could be prevalent in Batson Creek and so it is preferable for a standard freeboard of 600mm to also be applied.
- This equates to a target design water level of 4.54mAOD.

Floor Levels Design Methodology:

The proposed floor levels have not been altered from the current approved scheme (0784/16/FUL). As documented within the Design and Access Statement the site is constrained to the east by Gould Road and a steep bank to the west. Ground levels across the site range between 3.2 and 3.5m AOD.

The proposed floor levels have therefore been aligned with the existing site topography. Any further increase has been discounted as this constraints would prevent vehicles from being able to safely access and egress the units from the adjacent Gould Road which has a level of 3.4m AOD. As part of this application the units have already been moved further away from Gould road to improve access.

Any internal step or slope within the units would not work operationally and so further increases in floor level would increase the overall ridge height. This is likely to be deemed as having a detrimental effect on heritage grounds

Standard of Protection:

Whilst we are clearly unable to satisfy a level of 3.94m AOD, which corresponds to the 1 in 200yr level in year 2079, the scheme does still provide the following protection standards:

- 1 in 200yr = Between 2029 and 2041 (to account for level variation across site)
- 1 in 50yr = Between 2046 and 2056 (to account for level variation across site)

South Hams District Council, who would remain the owners of the new building, understand and accept this risk and will ensure that they have adequate processes in place to manage them.

Danger to life:

The supporting information provided by the Environment Agency suggests that by the year 2050 the site will be flooded once or twice a year by the Spring/Autumn 'spring high tides'.

Given that the units will remain in the ownership of South Hams District Council and that it is highly likely future tenants will be related to the marine industry this level of disruption is not deemed too significant.

As documented within the Flood Risk Assessment the units will be for B1(b) light industrial, B2 General Industrial and B8 Storage and Warehouse purposes and leased to local businesses. This form of development satisfy the "less vulnerable" development category, as permitted within Flood Zone 3, in accordance with Table 2 of the National Planning Policy Guidance and as per the existing permission has been deemed to pass both the sequential and exception tests.

With the development being deemed appropriate it is therefore reasonable to assume that the risks associated with a Flood Zone 3 flooding event can be suitably managed in a non-residential property.

As documented within the Flood Risk Assessment South Hams District Council would ensure that any future tenants are aware that people would not be allowed on site when flood warnings are in place for the area. From a safety perspective we feel this is better approach than effectively having people stranded on an island, which would be the case if ground levels could feasible be raised and the predicted design water level realised.

The emergency flood plan is included within the Flood Risk Assessment and has been supported by the Emergency Planning officer. The objective of this plan is to set out a strategy for ensuring the safe evacuation of visitors, staff and vehicles from the site during a flood event and to protect identified buildings.

Property Damage:

The fabric of the building has been designed to be resilient to flood events with the lower 2.4m constructed from blockwork walls and a concrete floor. Furthermore all services and storage will be located above the target design water level of 4.54mAOD in accordance with the Environment Agencies recommendation.

The scope of works have subsequently been increased to ensure that the building design includes for the provision of the necessary elements to enable additional flood protection measures to be installed. This information will form part of the Operation and Maintenance Manual at handover.

#### Conclusion:

The principles adopted within the current approval (0784/16/FUL) are deemed to remain current and in terms of flood risk the reduction in unit numbers can only be seen to represent an Commercial Units – Batson Quay (Planning Application Ref: 1505/19/FUL)

Supplementary Information improvement. The local and national planning policy which supported the current approved scheme are still relevant and the social and economic benefits of the scheme will continue to outweigh any perceived adverse impact.

The Environment Agency has since revised its comments which now include:

“Further to the additional flood risk summary document (3 July 2019), we are able to change our stance on this application. Although this statement does not fully address are flood risk concerns, it does permit you to make a sound decision as you have all the necessary flood risk information.

We have stated the flood risks and hazards to people and property, and advised suitable safe mitigation measures. It appears that for planning and technical reasons the designs cannot be changed, and it appears that you are likely to approve this application against any sustained objection. Therefore as long as the LPA accepts these risks and consequence of increasing frequency of flooding events, then in this instance we will not sustain our current objection to the proposal”.

In response to comments from the MMO / SWW – officer’s are satisfied that the proposal lies outside the Mean High Water Springs Mark.

#### **Ecology / Trees:**

The council’s trees officer has confirmed the following:

1. Low level scrub proliferates across the sloping area of the proposed site with the exception of a prominent group of Elm trees towards the Southern end of the red line. No adverse impact upon these trees is envisaged given the continued use of the trailer park to the East and proposed fencing.
2. A tree protection plan in accordance with BS7837:2012 is required for review to define RPA’s for the group of Elm trees to ensure protection during the construction process if consent follows. This may be by way of condition.

The application site is located in an environmentally sensitive location, being less than 20m from the boundary of a SSSI of national ecological significance. Section 5.0 of the ecological

report and the CEMP detail a range of mitigation measures that should be implemented. These include:

- The preparation of a method statement covering pollution prevention; and
- an emergency plan agreed with team, detailing procedures in the event of a pollution incident.

Provided that the mitigation measures contained within the ecology report and the CEMP are adhered to and implemented in full, it is considered that the development can proceed without causing any significant ecological impacts on the SSSI / LNR or any other ecological receptor.

Natural England has confirmed that it maintains no objection to the proposal, subject to appropriate mitigation being secured.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Construction and Environmental Management Plan (CEMP)
- Landscape and Ecological Management Plan (LEMP)
- Mitigation measures provided in the Ecological Impact Assessment (greenwood ecology, August 2016).

As such, subject to conditions, the proposal would accord with JLP Policy DEV26.

#### **Other Matters:**

The scheme will result in the loss of 2no. coach parking spaces. These are deemed to be unnecessary, during 2015 only 8 coach parking tickets were sold.

The displaced trailer / boat parking from this site can be relocated within the operational area of the fish quay and within the existing boat park opposite.

#### **The Planning Balance:**

It is considered that the social and economic benefits of the proposed development outweigh any adverse impacts and as such it is recommended that planning permission be granted subject to the conditions as listed in this report.

**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. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other

than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport

### **Neighbourhood Plan:**

The Salcombe Neighbourhood Plan is 'Made' by the LPA The Council must make the NP if it considers that it is compatible with EU obligations and does not breach the European Convention on Human Rights and has no powers to amend the content. The NP forms part of the Development Plan.

The relevant policies of the Salcombe Neighbourhood Plan include: Policy SALC Env1; Env5; Env6; B1; EM1 and T1.

In light of the above assessment, the application is considered to accord with the Salcombe Neighborhood Plan.

### **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 in full**

**1. Time Limit** - 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. Approved Plans** - The development hereby approved shall in all respects accord strictly with drawing numbers:

Ecological Statement - New Commercial Units, Batson Creek, Salcome. Dated: 08/05/2019.

Landscape and Ecological Management Plan - May 2019. First Ecology.

Outline Construction and Environmental Management Plan - Batson Creek, Salcombe - Commercial Units. April 2019.

Flood Risk Assessment: New Commercial Units, Batson Creek, Salcombe. Dated: 8 May 2019.

Site Location Plan - DN: 41/528/001 - Dated: April 2019. At Scale: 1:1250 @ A3.

Block Plan - Proposed Site Layout - Ref: 414/528/005 - At Scale:@ 1:500 @ A3. Dated: April 2019.

Roof Plan - Ref: 41/528/009. At Scale: 1:200 @ A3. Dated: May 2019.

Proposed Sections - Ref: 41/528/008 - At Scale: 1:200 @ A1. Dated: May 2019.

Proposed Elevations - Ref: 41/528/007 Rev: B. Dated: April 2019. At Scale: 1:100 @ A2.

Floor Plans - Ref: 41/528/006. At Scale: 1:100 @ A2. Dated: April 2019.

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. Hard / Soft Landscaping** - Prior to construction above slab level full details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interest of the amenity of the area.

**4. Materials to be agreed** - Notwithstanding any indications of materials shown on the approved drawings or within any other part of this application, the exterior walls of the building hereby approved shall be clad in larch timber in accordance with details and samples that shall have been approved in writing by the Local Planning Authority prior to their installation.

The development shall then be carried out in accordance with the approved details and the timber shall be retained as approved and shall not be painted or varnished in a way that will change its external appearance unless otherwise agreed in writing by the Local planning Authority.

Reason: In the interests of visual amenity and the character of the area.

**5. Parking to be provided prior to occupation and retained** - The parking and turning areas shall be laid out in accordance with the approved plans and details and shall be made available for use prior to the occupation of the units to which they relate. The parking and turning areas shall be retained and made available for use by users of this development and kept free of obstructions in perpetuity.

Reason: In the interests of the safety and convenience of users of the Highway

**6. Unexpected Land Contamination** - 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.

**7. Vegetation Removal - PRIOR TO COMMENCEMENT:**

Any vegetation removal shall be timed to commence outside of nesting season (generally considered to be March to August inclusive). If vegetation must be removed within nesting season, the area should be checked immediately prior to works to confirm that no birds are nesting/preparing nests within the vegetation to be removed. If birds are found (or suspected) to be nesting, works should be delayed, and a 5 metre buffer established until all young birds have fledged.

Reason: In the interests of biodiversity protection. Birds are protected under the Wildlife and Countryside Act, 1981, which includes damage and destruction of nests whilst in use or being built.

**8. B1 (b) light industrial use, B2 General Industrial and B8 Storage or Distribution uses only** - Notwithstanding the provisions of Schedule 2 of the General Permitted Development (England) Order 2015 the proposed building/premises shall be used for: B1 (b) light industrial use, B2 General Industrial and B8 Storage or Distribution uses only as defined by Town and Country Planning Use Classes Order, 1987 for no other purpose.

Reason: To safeguard the amenity of the area; this was the use applied for and only the impacts of this type of use have been considered and to ensure the provision of units that will have a positive impact on the local economy.

**9. Oil Interceptor** - Prior to the commencement of development details of the oil interceptor proposed in the drainage scheme to prevent pollutants from entering the estuary shall be submitted to and approved in writing by the Local Planning Authority. The approved oil interceptor shall be installed in accordance with the approved details prior to any part of the building being brought into use and shall be retained and maintained in perpetuity.

Reason: To protect the nearby estuary and Site of Special Scientific Interest from pollution

**10. Drainage to be implemented and maintained** - All internal drainage is to connect only to the foul sewer system in accordance with details to be agreed in writing with the Local Planning Authority prior to the commencement of development.

Reason: To protect the nearby estuary and SSSI from pollution

**11. Permeable Pavement** - Prior to the commencement of development a detailed specification of the permeable pavement with drainage/filter layer below, proposed as part of this application to be used as an initial phase of treatment for surface water run-off from the parking areas shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details and shall be maintained in perpetuity.

Reason: To protect the nearby estuary and SSSI from pollution

**12. Construction Management Plan** - Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and development shall take place in accordance with the approved plan. The plan shall include the following:

Method statements on how pollution will be managed during construction.

Adherence to good practice guidelines.

Emergency procedures to control pollution.

An inventory of substances that could cause pollution and how risk from these will be managed.

Reason: To protect the nearby estuary and SSSI from pollution

**13. Chemical Storage** - No chemicals shall be stored outside of any of the buildings hereby approved at any time.

Reason: To protect the nearby estuary and SSSI from pollution.

**14. LEMP** - Prior to the commencement of development the Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be strictly adhered to at all times. The LEMP shall set out proposals

for the delivery mechanism for the operational phase mitigation measures necessary to protect the nearby SSSI.

Reason: To ensure the long term protection of the nearby estuary and SSI from pollution as a consequence of this development.

**15. Approved Drainage Details** - Prior to the occupation of any part of the building the approved drainage details shall be fully implemented in accordance with the approved details.

Reason: In the interests of flood risk and protection of the nearby SSSI from pollution.

**16. Foul Drainage** - Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

**17. Car Parking & Vehicular Access** -The occupation of any building shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

The car parking and any other vehicular access facility required for the development by this permission have been completed;

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

**18. Construction Management Plan (Highways)** - 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 8am and 6pm Mondays to Fridays excluding school nursery drop off/pick up times 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;

**19. Tree Protection Plan** - A tree protection plan in accordance with BS7837:2012 is required for review to define RPA's for the group of Elm trees to ensure protection during the construction process if consent follows.

Reason: In order to protect trees of public amenity value.