

PLANNING APPLICATION REPORT

Case Officer: Jeffrey Penfold
Thurlestone

Parish: Salcombe **Ward:** Salcombe and

Application No: 1523/19/FUL

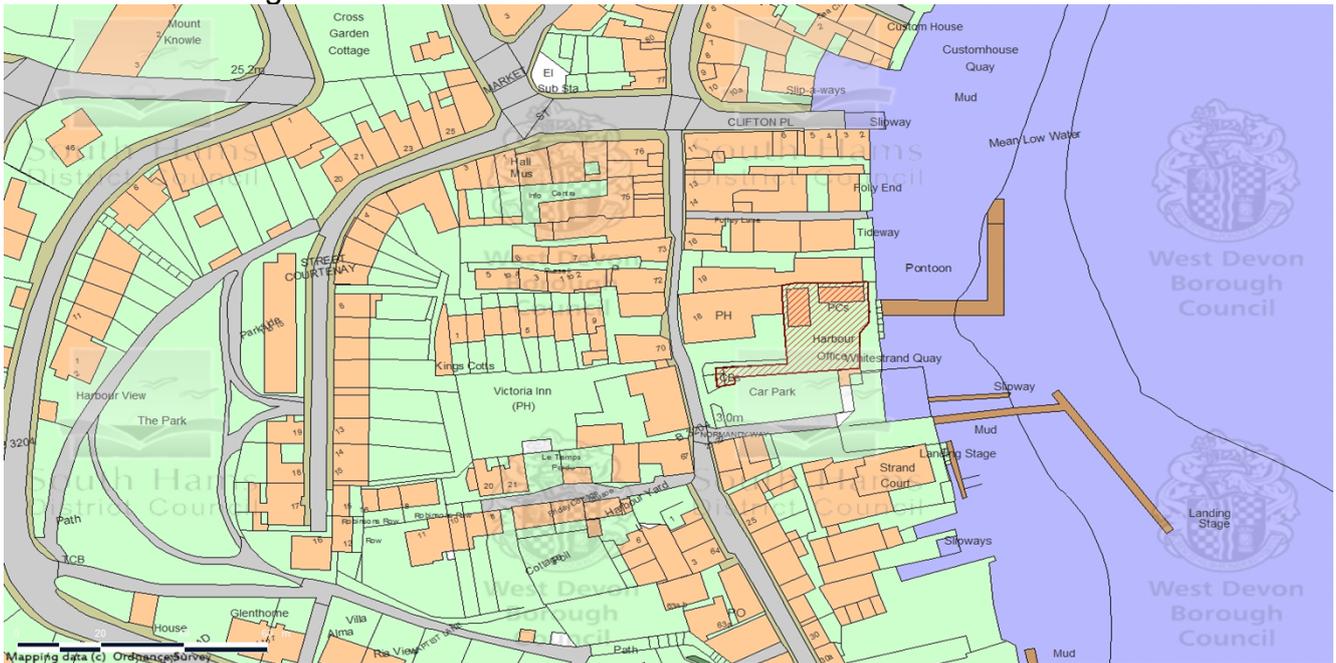
Agent/Applicant:
Mr Ray Tyner
Inspire Architects Ltd
Glove Factory Studios
Brook Lane
Holt
BA14 6RL

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

Site Address: Salcombe Harbour, Dock And Harbour Undertaking, Fore Street, Salcombe, TQ8 8BU

Development: Replacement of the existing Harbour Master facilities and extension to the existing Public Conveniences, including the provision of welfare facilities for marine users

Reason item is being put before Committee: SHDC application requires consideration by the SHDC Planning Committee.



Recommendation: Conditional Approval.

Conditions:
Time Limit
Approved Plans
Materials to be Approved
Obscure Glazing
Drainage
CEMP

Ecology Report
Construction Management Plan
Contaminated Land
Flood Mitigation Measures (EA)
Pollution Prevention Strategy
Lighting Strategy
Surface Water Drainage Strategy.

Key issues for consideration:

Principle / Sustainable Development
Design, Visual Impacts and the South Devon AONB
Historic Environment
Neighbouring Amenity
Highways / Parking / Access
Ecology / Biodiversity
Drainage / Flooding.

Site Description:

The application site comprises the existing Whitestrand Public Conveniences and Harbour Master Facility, located within the Whitestrand Car Park in Salcombe. The application site is accessed directly off Fore Street to Whitestrand Carpark entrance. The site is also directly accessed from the Whitestrand pontoon to the east which serves both marine users and local ferry services. A large operational slip-way is also located to the immediate south of the application site which appears to be in use and used often for the launching and landing of small boats.

The character of the area is that of commercial use and the wider site area includes coffee shops, bars / pubs, take-aways and small gift shops. The topography of the site is relatively flat yet the access to the slipway does require some slight level change. The proposal is not considered to be in close proximity to the slipway however. The proposal would also require the loss of 1no. standard car parking space within the car park.

The application site is located within the South Devon AONB, the Salcombe Conservation Area and within Flood Risk Zone 3. The application site is located next to the Grade II listed King's Arms Hotel and in close proximity to the Victoria Inn – located further to the west.

The Proposal:

The application proposes the replacement of the existing satellite Harbour Master Facility and public conveniences at Whitestrand which are considered to be in need of replacement to improve the operational capability of the Harbour Master Authority and provide improved public conveniences.

Whitestrand pontoon represents a key arrival point into Salcombe and the intention is to promote / improve the appearance of the town with an appropriate gateway to the area.

The existing Harbour Master Facility at Whitestrand is a satellite office that works in connection with the main harbour master facility currently located in Island Street. The Whitestrand facility currently provides a base to address the extra demand for harbour master services and general

visitor assistance during the peak period of April to September. The new proposal will provide much improved public welfare facilities and seeks to address the lack of marine user facilities at Whitestrand, providing visiting yachtsmen and women with welfare and laundry facilities.

The current harbour master facilities at Island Street are no longer considered suitable for vessel maintenance and operational duties and therefore, the proposal is to relocate the Island Street facilities to Batson Creek – an application for this proposal has been submitted to and is being considered by the council under ref: 1522/196/FUL.

The application proposes the erection of a single storey building which will utilise and extend upon the existing public conveniences. The southern-most part of the proposal will be used as the main entrance to the building and will feature a metal-clad profiled canopy. The building will also include large metal signage and horizontal timber cladding on its southern elevation. Also proposed to the west of the application site are a number of external lockers and cycle space.

Consultations / Representations:

Representations from Residents

No comments have been received.

Representations from Internal Consultees:

Environmental Health: No objection, subject to compliance with a condition concerning contaminated land.

Trees: No objection on arboricultural merit.

Highways: No objection, subject to the following condition:

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 3 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;

DCC Flooding – no response.

Landscape / 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.

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 small scale and context.

Landscape comments

The site is located within the busy quayside of central Salcombe. Officers are satisfied it will have no detrimental or harmful impacts on the special qualities of the South Devon AONB or wider landscape character, which is conserved.

No objection.

Heritage:

In considering this application and assessing potential impacts of the development proposal against surrounding heritage assets the following policies, principles, guidance and recent case law have been considered:

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, Section 16 of the NPPF including paragraphs; 189, 190, 193, 195, 196 & 197 The National Planning Practice Guidance (NPPG) particularly the Section: Conserving and Enhancing the Historic Environment. The Historic England guidance: *The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning: 3.*

Preamble

The Applicant sought the advice and guidance of Officers at an early pre-application stage. An on-site meeting was held and an assessment of the development proposals offered. The initial scheme offered a bold architectural response, a scheme that perhaps was too ambitious in both scale and architectural composition. Officers felt that such an approach sat ill-at-ease in the context of the site and the immediate environs especially when assessed in terms of potential impact on the surrounding identified heritage assets, namely the adopted Conservation Area and the adjacent 18th century grade II listed Kings Arms Hotel. Officers encouraged the Applicant to engage further with Architects to consider the special

architectural and historic qualities of the immediate environment and to use this consideration to inform a design approach that complimented those special qualities and sat comfortably amongst them.

Assessment of impact of the development proposal on surrounding identified heritage assets.

The current buildings that facilitate the Harbour Master's Office and the Public Conveniences are not buildings that offer a positive contribution to the special character and appearance of the surrounding Conservation Area. At best they might be described as single storey functional buildings at the end of Whitestrand Car Park. In fact this area has been identified in the adopted 'Conservation Area Character Appraisal' as an area with '*scope for improvement*' a point further highlighted within the associated 'Conservation Area Management Plan'. The potential to redevelop the current rather non-descript buildings should therefore been seen as an opportunity to enhance the area through a sympathetic well-informed design approach which will not only offer betterment over and above the existing built form but will enhance the wider area as well.

Officers note that the proffered design-approach has been informed by gaining an understanding of the special interest of the adjacent listed Kings Arms Hotel and an appreciation of the potential impacts of a building in such close proximity.

Overall, this latest scheme offers a set of proposals that if built should assist in enhancing this part of the Conservation Area, an enhancement delivered through an appropriate architectural response embracing an acceptable palette of materials.

It is recommended that the quality of the materials to be used in the development (if allowed) should be secured through the appropriate use of planning conditions. NO OBJECTION.

Representations from Statutory Consultees

Environment Agency:

We have no objection to the proposed development, subject to the inclusion of a condition on any permission granted relating to flood risk mitigation measures. The reason for this position and advice is provided below.

Reason – The development is located within flood zone 3, identified by Environment Agency flood maps as having a high probability of flooding. We consider that a flood risk betterment is proposed with the replacement and extension of existing facilities.

The site is at risk of flooding, and with wave action has a chance of flooding between 10-20% each year. This frequency will increase with the effects of sea level rise. The flood resilience measures described within the Flood Risk Assessment (FRA) need to be applied to the 4.5mAOD level (i.e. 1.3m above the proposed Finished Floor Level (FFL) of 3.2mAOD). This should including placing all electrical fuse boxes, switches and permanent equipment above the risk level. Flood boards should be not more than 0.6m high, unless the building is structural designed to take the weight of water above this height.

Condition – Implementation of Flood Mitigation Measures

The development shall be carried out in accordance with the submitted flood risk assessment (ref: 6831, dated May 2019) and the following mitigation measures it details:

- Finished Floor Level of 3.20mAOD outlined in paragraph 3.11

- Flood resistant and resilient construction measures as outlined in paragraph 3.13 to a level of 4.5mAOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason – To decrease the severity of impacts of flooding to the proposed development.

Natural England – No objection, subject to compliance with a condition concerning the proposed mitigation measures within the CEMP.

Historic England – No objection.

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 Springs mark.

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing

Activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in England and parts of Wales. The MMO is also the authority responsible for processing and determining harbour orders in England, and for some ports in Wales, and for granting consent under various local Acts and orders regarding harbours. A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

Marine Planning

As the marine planning authority for England the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark. Marine plans will inform and guide decision makers on development in marine and coastal areas. On 2 April 2014 the East Inshore and Offshore marine plans were published, becoming a material consideration for public authorities with decision making functions. The East Inshore and East Offshore Marine Plans cover the coast and seas from Flamborough Head to Felixstowe. For further information on how to apply the East Inshore and Offshore Plans please visit our Marine Information System. The MMO is currently in the

process of developing marine plans for the South Inshore and Offshore Plan Areas and has a requirement to develop plans for the remaining 7 marine plan areas by 2021.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. For marine and coastal areas where a marine plan is not currently in place, we advise local authorities to refer to the Marine Policy Statement for guidance on any planning activity that includes a section of coastline or tidal river. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist.

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below:

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply. The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you require further guidance on the Marine Licencing process please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

Salcombe Town Council:

Objection as the siting of the harbour master office would create a serious pinch point for foot traffic to access Whitestrand pontoon and the view would be obscured. The removal of railings would also create a major hazard where there was a dangerous step and there was a loss of three parking spaces. The proposed entrance to the toilet block would be through a dark corridor with the potential of push bikes hampering access when attached to the bike racks.

One of the main reasons given by District for the expensive bench seats being installed in Whitestrand was that they could be rotated so that they could be turned for people to watch events being held on Whitestrand. With this proposal they would now look at a building.

Whitestrand was a very emotive area for Salcombe residents, as District Council had discovered previously, and Town Council therefore requested that any proposed development should be the subject of a public consultation but this has been ignored.

The concerns with this proposal were explained to an officer at a meeting on 26 March but Town Council comments had been totally ignored and therefore it was requested that these plans be withdrawn, a variation produced, and public consultation held.

South West Water:

Proposal: Replacement of the existing Harbour Master facilities and extension to the existing Public Conveniences, including the provision of welfare facilities for marine users.

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain. We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

The applicant/agent is advised to contact the Developer Services Planning 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 100m². 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.

Officer's Response:

In response to South West Water's representation, the applicant / architect has confirmed that it will seek a build over agreement once planning permission is secured. The relevant sections of this report should be referred to for the responses made to the Town Council's comments.

Relevant Planning History:

None of relevance.

ANALYSIS

Principle / Sustainable Development:

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

The proposal would also fall to be considered under JLP Policy Dev14 'Maintaining a flexible mix of employment sites' which states:

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.

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

Sub paragraph 2 (ii) to JLP Policy DEV14 is considered relevant in this instance given the application site's location. The proposal, by virtue of its proposed use, will therefore be protected for a marine related use which is deemed appropriate to the site and location given the proposal's use by visiting yachtsmen and women. The need for the proposal also concerns the existing Harbour Master Facility and public conveniences at White Strand which are deemed to be in need of replacement in order to improve the operational capability of the Harbour Master Authority and provide improved public conveniences.

No concerns are raised in respect of the principle of the proposed uses given no changes are proposed. As such, the proposal accords with JLP Policy DEV14.

Design, Visual Impacts and the South Devon AONB:

The application proposes the retention of the existing single storey building which currently houses the public conveniences. Said structure measures 2.8m at eaves level, 3.9m at ridge level height with a footprint of 56sqm. This element of the proposal will retain its use as a convenience facility yet will be converted as part shower block and part public toilet. The shower block will be solely for the use by the visiting yachtsmen and women. Access to the shower block is achieved from the east with a separate access being provided to the public conveniences to the west.

The building extends to the west, with the original roof not being extended upon, instead, the building will be continued westwards with a flat roof to include a replacement for the now lost public conveniences.

To the south of this extended building, a single storey, flat roofed extension projects 9.2m at its maximum, yet by virtue of its irregular shape will taper to 7.1m. This element will serve as a replacement harbour master's office and feature a flat-roof with a maximum height of 3.3m.

Paragraph 172 of the NPPF states that great weight should be given to conserving 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 landscape and scenic beauty in relation to these issues.

When viewed from the south, the retention of the existing structure to the rear with its original pitched roof and stone walls will likely prove effective in mitigating the dominant, contemporary design of the new entrance structure to the south. Alone, the new structure would likely fail to respond well to the character and appearance of the area, yet when combined with the original, public convenience building to the rear, an element of the original

character and appearance of the vicinity is maintained whilst being used as an effective juxtaposition to introduce a new and contemporary design.

The alterations in roof types does introduce an inconsistent design. However, the dominant, original building to the rear ensures that with its ridge level height being maintained, the proposed new element will exist as a subordinate, yet associated development that allows for a clear distinction between the shower / toilet uses to the rear and the more modern office and official uses to the front of the building. No concerns are raised with regard to the main overall design of the proposal. It is also noted that when viewed from the south, the proposal would sit well with the design of the neighbouring Grade II listed building in ensuring the existing situation is somewhat maintained and roof types (in part) corresponding.

Concern is raised in respect of the proposal's impacts on views to the main street during events. It is possible for members of the public to sit in other locations to view and engage in events and in absence of a specific focal point or structure that may experience harm / obstruction as a result of the proposal's introduction / siting, it is difficult to apply any significant weight to this concern in this instance. In any case, the proposal is not considered to be of an excessive bulk or massing so as to significantly disturb views to the main street. It is also noted that the proposal would not extend beyond the existing building line and this is discussed further within the Highways / Access section of this report.

The proposed materials include the retention of the existing slate roof toilet block with stone ridge tiling also retained on this element. The front elevation will introduce PPC aluminium framed screen with integrated glazed double doors along with a metal-clad profiled canopy with recessed downlights above the main entrance. This element will also be clad in horizontal timber cladding which is reflective of the character of the immediate vicinity and noted that other buildings nearby have opted for a similar option.

The shower block will be accessed via a PPC aluminium framed external door with timber panelled door leaf and will feature provision for an electrical plant and dedicated access door.

The proposed shower block will be accessed via a somewhat restricted pathway which forms after a small cycle parking and locker area. Concern has been raised in respect of the safety of this element and the potential to invite anti-social behaviour during the evening. Officers do not discount that the proposal would likely introduce a secluded area when compared to the large expanse of the car park, however, the width of the entrance to the toilets is proposed at 5.03m which tapers down to 2.05m. The tapered effect of the design ensures this element of the proposal would avoid an overly cramped access and provides for ease of movement for two-way pedestrian traffic. Overall, this element is considered to be of a suitable width.

The recessed nature of the toilet area is deemed to serve a purpose in re-siting the public toilets away from the street scene and avoiding street furniture being placed in pedestrianised areas. Both of which are deemed to promote a simpler and uncluttered design which avoids doors opening and queues forming unnecessarily in an already busy through-fare location.

The front elevation of this element will include signage and a set of glazed double doors providing access into the main foyer area. The orientation of the front elevation is intentional so as to represent a gateway to Salcombe from persons arriving from sea.

A replacement VHF antennae is also proposed to project from the roof of the harbour master office and is considered necessary for communication purposes.

The council's landscape officer also maintains no objections to the proposal.

The proposal provides for a suitable response to the varying uses proposed and would exist as a contemporary gateway entrance to the area of Salcombe. The proposed development would be considered an improvement upon the existing situation and given the proposed materials are deemed to respond positively to the local area, the proposal is not considered likely to have a significant adverse impact on this part of the AONB and any adverse impacts will be outweighed by the social and economic betterment the proposal is likely to give rise to. As such, the proposal is considered to accord with JLP Policies DEV20, DEV23 and DEV25.

Historic Environment:

The subject property is located in close proximity to a Grade II listed building – The King's Arms Hotel and in close proximity to the Victoria Inn – located further to the west.

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.

JLP Policy DEV21 seeks to preserve or enhance the quality of the historic environment. With regard to the nearby located heritage asset, it is noted that a number of external additions have been erected to the heritage asset than when viewed in its current state against the proposed development would not be worsened as a result of its implementation.

The retention of the existing structure to the rear with its original pitched roof and stone walls will likely prove effective in mitigating the dominant, contemporary design of the new entrance structure to the south. Alone, the new structure would likely fail to respond well to the character and appearance of the area, yet when combined with the original, public convenience building to the rear, a degree of original character is retained and the appearance of the vicinity is maintained whilst being used as an effective juxtaposition to introduce a new and contemporary design. The proposal is therefore considered acceptable in design terms and is considered a positive addition to the area with considerate materials.

As such, the proposal is considered likely to give rise to less than substantial harm upon the setting of the Grade II listed building and this harm would likely be outweighed by the improved public benefits of the proposal and the resultant economic benefits.

The site is within the setting of the Salcombe Conservation Area, however due to its siting, scale, proposed materials and retention of existing features that contribute to the wider area, and having regard to the existing quality of the immediate environment, the proposed development is not considered likely to have any significant, detrimental harm upon the conservation area.

In addition, the council's heritage officer makes the following comments, raising no objections:

Heritage Impacts

In considering this application and assessing potential impacts of the development proposal against surrounding heritage assets the following policies, principles, guidance and recent case law have been considered:

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, Section 16 of the NPPF including paragraphs; 189,190, 193, 195, 196 & 197 The National Planning Practice Guidance (NPPG) particularly the Section: Conserving and Enhancing the Historic Environment. The Historic England guidance: *The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning: 3*.

Preamble

The Applicant sought the advice and guidance of Officers at an early pre-application stage. An on-site meeting was held and an assessment of the development proposals offered. The initial scheme offered a bold architectural response, a scheme that perhaps was too ambitious in both scale and architectural composition. Officers felt that such an approach sat ill-at-ease in the context of the site and the immediate environs especially when assessed in terms of potential impact on the surrounding identified heritage assets, namely the adopted Conservation Area and the adjacent 18th century grade II listed Kings Arms Hotel. Officers encouraged the Applicant to engage further with Architects to consider the special architectural and historic qualities of the immediate environment and to use this consideration to inform a design approach that complimented those special qualities and sat comfortably amongst them.

Assessment of impact of the development proposal on surrounding identified heritage assets.

The current buildings that facilitate the Harbour Master's Office and the Public Conveniences are not buildings that offer a positive contribution to the special character and appearance of the surrounding Conservation Area. At best they might be described as single storey functional buildings at the end of Whitestrand Car Park. In fact this area has been identified in the adopted 'Conservation Area Character Appraisal' as an area with '*scope for improvement*' a point further highlighted within the associated 'Conservation Area Management Plan'. The potential to redevelop the current rather non-descript buildings should therefore be seen as an opportunity to enhance the area through a sympathetic well-informed design approach which will not only offer betterment over and above the existing built form but will enhance the wider area as well.

Officers note that the proffered design-approach has been informed by gaining an understanding of the special interest of the adjacent listed Kings Arms Hotel and an appreciation of the potential impacts of a building in such close proximity.

Overall, this latest scheme offers a set of proposals that if built should assist in enhancing this part of the Conservation Area, an enhancement delivered through an appropriate architectural response embracing an acceptable palette of materials.

It is recommended that the quality of the materials to be used in the development (if allowed) should be secured through the appropriate use of planning conditions. NO OBJECTION.

As such, the proposal is considered to have an acceptable impact on the character and appearance of the building and not impact the special architectural or historic significance of the Grade II listed buildings.

As such, the proposal complies with JLP Policies DEV21, the NPPF (2019) and the statutory tests for impacts upon listed buildings.

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.

Neighbouring Amenity:

The siting of the proposal will ensure that no loss of privacy will be experienced as a result of the proposal's implementation, above and beyond that currently experienced. No concerns are raised in respect of the proposal's use given this will not alter beyond that which currently exists.

The proposal is not sited next to any habitable buildings and no loss of daylight and / or sunlight will likely be experienced. The windows serving the northern elevation of the proposal will need to be obscurely glazed for privacy reasons and a suitable condition will be attached to any permission to ensure this.

The removal of the existing harbour master's office and replacement with a similar, single storey building is not considered likely to give rise to any significant, detrimental amenity impacts upon the living conditions of neighbouring parties.

It is noted that a row of windows will serve the northern elevation of the proposal and if permitted, a condition will be attached to any permission granted to ensure these windows are obscurely glazed.

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 and the requirements of the NPPF.

Highways / Parking / Access:

The county highways authority maintains no objection to the proposal subject to the submission of a Construction Management Plan.

Concerns have been raised in respect of the proposed siting of the building which is likely to create a pinch point.

The architect has confirmed that the width of the White Strand pontoon currently measures 2.05m. The proposed narrowest point between the new building and the existing benching area / bollard is 3.475m. Given that this is considerably wider than the pontoon access, it is

not considered that this represents a pinch point. In addition, it has been confirmed that a section of existing handrail will likely mitigate against the creation of a pinch point.

The application proposes the total loss of 2no. car parking spaces: 1 x standard car parking space; and 1 x police bay. The frequency of attendance means that it is likely that the police and Harbour Master will be able to share the retained bay. The location of one of the accessible parking bays has been relocated to the area formally occupied by the police bay. Therefore, the provision of accessible parking bays has not been reduced. As the police bay is not for public use, this scheme represents the loss of 1 standard parking bay and this is considered a negligible loss when weighed against the wider benefits of the proposal.

As a means of mitigation for this loss, the proposal includes the provision of a 3no. cycle parking spaces which will be rotated by 45 degrees so as to avoid impacting the access to the proposed public conveniences.

Ecology / Biodiversity:

The accompanying Ecology Report dated April 2019 provides the following recommendations:

The advance consultation meeting with Natural England recommended the following:

- The production of a CEMP, Surface Water Drainage Strategy and Pollution Prevention Strategy in advance of the commencement of works to avoid any potential water quality impacts on these designated sites.
- In addition to the above, NE also recommended the installation of bird and bat boxes or bricks on the proposed buildings. A Bat and Bird Enhancement Strategy should therefore be prepared for the site.
- The lighting strategy for the proposed development should be reviewed by a suitably qualified ecologist with a view to minimising any potential impact on the Salcombe to Kingsbridge Estuary SSSI and LNR.
- The Ecology Report provides clear instructions and recommendations with regard to Bats and Birds which must be followed. These include:
 - o A Dusk Emergence Strategy and a pre-dawn re-entry survey should be undertaken to determine the presence or likely absence of roosting bats.

Subject to the compliance with the recommendations of the Ecology Report, the application is deemed to accord with JLP Policy DEV26.

Drainage / Flooding:

Environment Agency position

We have no objection to the proposed development, subject to the inclusion of a condition on any permission granted relating to flood risk mitigation measures. The reason for this position and advice is provided below.

Reason – The development is located within flood zone 3, identified by Environment Agency flood maps as having a high probability of flooding. We consider that a flood risk betterment is proposed with the replacement and extension of existing facilities.

The site is at risk of flooding, and with wave action has a chance of flooding between 10-20% each year. This frequency will increase with the effects of sea level rise.

The flood resilience measures described within the Flood Risk Assessment (FRA) need to be

applied to the 4.5mAOD level (i.e. 1.3m above the proposed Finished Floor Level (FFL) of 3.2mAOD). This should including placing all electrical fuse boxes, switches and permanent equipment above the risk level.

Flood boards should be not more than 0.6m high, unless the building is structural designed to take the weight of water above this height.

Condition – Implementation of Flood Mitigation Measures

The development shall be carried out in accordance with the submitted flood risk assessment (ref: 6831, dated May 2019) and the following mitigation measures it details:

- Finished Floor Level of 3.20mAOD outlined in paragraph 3.11
- Flood resistant and resilient construction measures as outlined in paragraph 3.13 to a level of 4.5mAOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason – To decrease the severity of impacts of flooding to the proposed development.

Other Matters:

With regard to comments raised in respect of the application's public consultation, with the use of the building largely being retained, consultation has been limited to stakeholder engagement through the wider masterplan process.

At the last meeting, held in 2018, the stakeholder group was advised that the next time the proposal would be visible would be through a planning application. As such, officers are satisfied that members of the public / stakeholders have been provided with an opportunity for consultation and that opportunity has now passed.

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 Neighbourhood 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.

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: 1508.15-IA-WS-ST-DR-A-0200 - existing site location plan, 1508.15-IA-WS-ST-DR-A-0201 -

proposed site location plan, 1508.15-IA-WS-GF-DR-A-0300 - existing ground floor plan, 1508.15-IA-WS-GF-DR-A-0302 - proposed ground floor plan, 1508.15-IA-WS-ZZ-DR-A-0500 - existing elevations, 1508.15-IA-WS-ZZ-DR-A-0501 - existing elevations, 1508.15-IA-WS-ZZ-DR-A-0502 - proposed elevations and 1508.15-IA-WS-ZZ-DR-A-0503 - proposed elevations, all received by the Local Planning Authority on 14 May 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. 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re enacting this Order) the windows hereby approved on the north elevation of the building shall be glazed in obscure glass, be fixed closed, and thereafter so maintained.

Reason: To protect the amenity and privacy of residents of adjoining property.

5. 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.

6. The development hereby permitted shall be carried out in accordance with the Outline Construction and Environmental Management Plan dated April 2019 and this shall be fully adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the Local Planning Authority.

Reason: To ensure that the associated environmental impacts of the development can be adequately mitigated.

7. The recommendations, mitigation and enhancement measures of the Preliminary Ecological Appraisal, by First Ecology dated April 2019, shall be fully adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species.

8. 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 excluding 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;

Reason: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway.

9. 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.

10. The development shall be carried out in accordance with the submitted flood risk assessment (ref: 6831, dated May 2019) and the following mitigation measures it details:

- Finished Floor Level of 3.20mAOD outlined in paragraph 3.11
- Flood resistant and resilient construction measures as

outlined in paragraph 3.13 to a level of 4.5mAOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason – To decrease the severity of impacts of flooding to the proposed development.

11. No development shall commence until a Pollution Prevention Strategy to address and mitigate pollution run off from the site during the operational phase has 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: In the interests of the prevention of pollution and damage to the Salcombe to Kingsbridge Site of Special Scientific Interest.

12. Prior to the commencement of the development hereby authorised details of any external lighting (including security lighting) to be erected, placed or operated on the site shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of the amenities of the occupiers of neighbouring residential properties.

13. No part of the development hereby permitted shall be commenced until details of the percolation testing to DG 365 and the detailed design of the surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The design of this surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and must prioritise the use of soakaways as a first choice. Suds to be designed for a 1:100 year event plus 40% for climate change. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a

mitigating drainage alternative shall be agreed with the Local Planning Authority and thereafter installed, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

INFORMATIVES

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
3. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £116 per request. Application forms are available on the Council's website.
4. The applicant is reminded that a separate application under the Advertisement Regulations will be required for any proposed signage and that any signage shown on the approved drawings does not form part of this approval.