

PLANNING APPLICATION REPORT

Case Officer: Jeffrey Penfold
Thurlestone

Parish: Salcombe **Ward:** Salcombe and

Application No: 1522/19/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: The Creek Car And Boat Parks, Gould Road, Salcombe, TQ8 8DU

Development: New two storey Harbour Master Depot facility, including workshop, office, welfare and storage areas

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
Parking to be provided prior to occupation and retained
Drainage

CEMP
Pollution Prevention Strategy
Ecology Report
Construction Management Plan
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
Flood Risk
Ecology / Biodiversity
Trees.

Site Description:

The application site comprises an area of the existing Creek car park, located immediately adjacent to Batson Creek, Salcombe. The application site itself is currently occupied by containers for the purposes of storage and is also used for the seasonal use of dry yacht / dinghy storage for maintenance purposes. Said use of the site is clearly accepted given the maritime nature of the immediate area.

The site itself is sited between both the leisure and commercial slipways known as Fish Quay. The site is served via an existing access that serves the wider car park which can be found by travelling along Gould Road until the road bends away to the left along Batson Creek. The topography of the site is flat given its existing use as a car park and boat storage area. The site is however, considered a prominent location given its proximity to the water's edge.

The rising land to the far west is open fields and to the north lies Batson Creek Boat Park. To the east are the waters of Batson Creek, beyond which lies mostly undeveloped green fields. Snapes Manor, a Grade II* listed building is visible from the site across the estuary, approximately 230m away.

The character of the area is low-key commercial / maritime, with the commercial development of Island Street visible to the south. The site constitutes 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 lies within the South Devon Area of Outstanding Natural Beauty (AONB) and is adjacent to a SSSI. The site also lies within Flood Zone 3 and is within the setting of the Salcombe Conservation Area.

The site has been advertised as affecting the setting of the Grade II* listed building: Snapes Manor.

The Proposal:

The existing Harbour Master Authority currently operates from a depot in Island Street as well as an administrative satellite office on Whitestrand, Salcombe. The current Harbour Master Authority depot facilities at Island Street are increasingly considered unsuitable for vessel maintenance and other Authority operational duties owing to a lack of space and restricted

vehicle access. When the current fleet of vessels operated by the Authority are replaced, the anticipated replacement vessel type is considered too large to be accommodated and maintained at this existing facility.

Following the recent re-development of the Fish Quay facilities and the increasing concentration of pleasure craft at Baston Creek, it has become evident that the Harbour Master needs to have a dedicated facility of an appropriate size at Batson Quay to oversee all harbour activities. The proposal is to relocate the authority depot operation from Island Street to a new purpose-built facility at Baston Quay.

The new harbour depot facility will accommodate workshops to allow the Authority's staff to undertake regular maintenance and repair of their vessel. The depot will facilitate the Authority's ability to organise and monitor all harbour-based activities, such as checking moorings, ensuring safety and the maintenance of existing marina-facilities.

New office accommodation will also be contained within the proposed depot, allowing the Authority to centrally manage the administrative duties relating to the operation of Salcombe Harbour. The existing Harbour Master presence at Whitestrand is proposed to be retained to service additional seasonal demand.

The proposed harbour master's depot is a maritime B2 employment use in which typical activities include:

- i. Fabrication works in metal, wood, and glass reinforced plastics
- ii. General repairs and redecoration of items
- iii. Workshop mechanical repair to boats, engines, marine equipment
- iv. Storage of spares, solvents, small amounts of fuel, welding gases and batteries used in connection with the harbour master's activity
- v. Storage of marine items used in connection with the harbour master's activity such as buoys and markers.

The building also contains office, changing, ablution, storage and mess facility for both those working proximally to the building and those employed by the harbour-master as maintenance workers.

The benefit of the proposed facility in use is the facilitation of the harbour authority's works which include the control, safety and maintenance of waterways in the Salcombe area. The specific benefit of the proposed building is chiefly functional and modern arrangement of working space, improvement of staff facilities and adjacency to a more useable/accessible waterfrontage.

Consultations / Representations:

Representations from Residents

2 letters of support have received.

Representations from Internal Consultees:

Landscape / AONB Team:

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 form, scale and character.

Landscape comments:

The site forms part of the settled, quay area on the edge of Batson Creek, within the estuarine town of Salcombe; this settled area has a maritime/small scale commercial character with a mix of uses including 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 urban elements.

The proposal would sit firmly within the current developed area of the quay, close to the existing units associated with the local fishery and marine activities; the building will replace a number of temporary shipping containers and HGV parking. The form and scale of the proposed development has been carefully considered within the receptor environment and context (protected landscape and busy maritime, coastal town).

Full consideration has been given to the wider landscape and surrounding views, from both within the quay area and adjacent public/permissive rights of way, including Snapes Point. Within the SD AONB, these are identified as high sensitive receptors so potentially harmful impacts that may arise from the proposal have been subject to appraisal in terms of landscape character and visual amenity. This includes understanding the baseline position, in this case, the quayside and its associated activities and the urban settlement of Salcombe on the surrounding slopes to the south, and the wider rural landscape it which it sits. Reference has therefore been made to the relevant local Landscape Character Assessments and Landscape Character Types (Distinctive characteristics), and the SD AONB Management Plan and Planning Guidance (Special Qualities).

Key viewpoints from the surrounding landscape see the building within the settlement and context of other similar buildings on the quay itself, those that line Island Street on the water's edge, and the residential areas rising up to the higher slopes beyond.

Officers are satisfied that the wider character is conserved, and whilst there is some benefit in the replacement of the shipping containers, the overall change is broadly assessed as low to neutral, in particular as the proposal is conducive to the current uses and character of the quay area itself. For visual amenity, it is acknowledged that some views out to the surrounding landscape will be effected by the introduction of the proposed building from

within the existing quay area, but these will result in limited harm as the views will retain an overall natural, scenic quality and are already associated with the quayside activities.

In summary, officers are satisfied that the proposed development accords with current landscape policy where character is conserved. The proposal would have a neutral impact in terms of enhancement, with the shipping containers replaced by an appropriately sized and designed, functional marine building, although there is an opportunity to provide some tree planting on adjacent Council land to enhance the existing planting along the estuary edge on the walk to Lower Batson.

Recommendation

No objection.

Trees: Appraisal - 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.

Recommendation: No objection on arboricultural merit.

County Highways Authority: No objections, subject to the following conditions being attached to any planning permission granted:

- 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;

Environmental Health / Emergency Planner: No comments.

SHDC Heritage Officer: See relevant section of this report.

SHDC Ecology / Biodiversity: No response.

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 – This site is entirely within Flood Zone 3, identified by Environment Agency flood maps as having a high probability of flooding, with a current Danger for Most (Significant Hazard). The current Flood Risk Assessment (FRA) has calculated the Tidal 200yr level at the end of the design lifetime (60yr) as 4.59mAOD. The proposed raised area of the ground floor Finished Floor Level (FFL) of 3.45mAOD, gives an internal flood depth of 1.14m of moving water (by the wave action). This represents an Extreme Hazard - “Danger to All” (including the emergency services), technical note - FD2320. The workshop proposed level will have an internal flood depth of 1.69m deep, and again represent an Extreme Hazard - “Danger to All” (including the emergency service). 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’ to depth around 1m deep. They could be flooded over a 1 to 3 day period, twice a day.

Indeed MHWS tides are predicted to be 2.67mAOD, so any wave action over 0.23m will flood the workshop area, perhaps as frequently as every two weeks throughout the year. This will cause a lot of damage and disruption to the operation of the workshop and harbour master offices.

We appreciate that the raising of the workshop level is difficult and could not match the design flood level. However, every effort must be made to raise the workshop FFL as high as technically possible. Even a 0.1 to 0.3m will make a large difference, and the necessary minor slopes for access could be easily accommodated outside the building. The rest of the ground floor proposed at 3.45mAOD, can easily be raised, given the space in the ceilings at both the ground and upper floor, without affecting the overall height of the building.

Flood Resilience measures must be included to above the design flood level height (4.59mAOD), e.g. raising electrical fittings above this height. Although the Flood warning and evacuation plan can reduce the risk to life to people, it does not reduce the flood damage to

workshop/facilities and disruption to operation of the Harbour Master.

If you are minded to approve this application, please contact us again. Your authority will need to confirm that you fully understand the flood risks, the consequence of flooding to the workshop, harbour master facilities and operations with the future frequent flooding and agree that FFLs cannot possibly be raised any higher than currently proposed.

Overcoming our objection: The applicant may overcome our objection by submitting further information to address the deficiencies outlined in this letter.

Revised representation dated 4 July 2019: Further to the additional flood risk information and revised drawing 1508.16 IA Hd ZZ DR A 0401 rev P5, we can now withdraw our previous flood risk objection.

The new design has taken into account the current and future flood risks, the requirements of the proposed buildings, planning & technical limitations and proposed the best flood mitigation measures. The revised design has raised the work force area to 3.55mAOD, and provided sound reasons why this cannot be raised any further (ridge height constraints etc). This combined with flood resistant and resilience measures, awareness of the flood hazards, and an evacuation plans reduces the flood damage and hazards to an level that is acceptable.

The Council will still need to be satisfied that the Sequential Test has been carried out and passed, if not already done so.

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)

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.

The mitigation measures in the OUTLINE CONSTRUCTION & ENVIRONMENTAL MANAGEMENT PLAN, Harbour Depot, Salcombe (CEMP, 5 April 2019) will need to be secured with an appropriately worded planning condition.

- In addition and to address pollution run-off from the site during the operational phase, mitigation measures outlined in the Ecological Impact Assessment (EcIA for the adjacent application for industrial units, greenwood ecology, August 2016) will need to be secured with an appropriately worded planning condition. Although the EcIA is for a

separate site, the same mitigation principles apply to this site to ensure that pollution or contaminants do not reach the SSSI.

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. Should the proposal change, please consult us again. Should the developer wish to explore options for avoiding or mitigating effects on the natural environment with Natural England, we recommend that they use our Discretionary Advice Service. For any queries relating to the specific advice in this letter only please contact me on 02080267468. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Historic England – further clarification sought:

This application is for a new Harbourmaster's depot and office to be located on the car park at Batson Quay, which is an open area of land next to Batson Creek, just outside the town centre of Salcombe. Its primary use is for boat and car parking and boat repair, providing combined facilities for both leisure and fishing boats. The land is largely undeveloped with buildings other than some modest functional twentieth century buildings at its southeast end which are used in conjunction with the commercial fishing and boat repair operations.

Whilst the site itself currently has a functional character and limited historic significance, it has a close visual relationship with the historic settlement of Salcombe, to which it provides a foreground in views towards the town from Batson Creek. In these views, the grade II* listed parish Church is a prominent and elevated landmark, and none of the current activities or structures on the Quay impede views towards the church or out from it.

Across the Creek from the Quay is a grade II* listed manor house, Snapes Manor, which faces directly across the river towards the Quay and the town of Salcombe, and whose design was clearly intended to take advantage of the commanding views provided by its elevated position. We have previously expressed concern at the potential harmful impact on the setting of Snapes Manor of substantial new buildings being constructed on Batson Quay.

We have been involved in pre-application discussions regarding this building which is intended to fulfil a number of commercial and administrative functions in relation to the activities of the Harbourmaster. The functional requirements relating to boat repair require it

to be of significant height and bulk. The design overall, is of a reasonably traditional form, whilst using some contemporary materials and detailing, and is not unacceptable in its immediate setting which is of quite a functional nature. The building's impact on the wider visual context is important, though, given nearby listed buildings, and proximity to the area of outstanding natural beauty.

Because of the importance of the visual relationship between Snapes Manor and the parish church of Salcombe we requested the production of a photomontage illustrating the appearance of the proposed building from both those sites. The purpose of that exercise was to assess whether the development would cause any harmful visual impact on their setting. Judging from those images, it appears that from Snapes Manor the building would be seen against the general urban backdrop of Salcombe town. Whilst it would still appear as a substantial building, it should not actually impede views from the Creek towards the church. As long as its external materials are of subdued appearance, it should not be too obtrusive in wider views towards the town.

The impression given by the image taken from the churchyard is somewhat different, though, in that the new building would be seen against the backdrop of the undeveloped creek, without any other buildings around it to disguise its bulk and massing. From this position its size would make it quite an intrusive feature within the picturesque view towards Snapes Manor, although it would not necessarily block views of the Manor House itself.

This visual impact might cause a degree of harm to the setting of both the church and Manor which we feel it would be beneficial to mitigate if possible. Options for mitigation might include lowering the ridge height of the building or re-positioning it so that it intruded less on views towards the creek.

We are aware that there are practical constraints on the position of the building in relation to vehicle movements around it and the use of the public car park, as well as constructional issues in building near to the Quay edge. Positioning the building further inland might, however, help integrate it better, visually, with the town and mean that it intrudes less on views across the creek.

The need for adequate height within the building, to allow vessels to be repaired inside it, was explained to us at our site visit. Options for reducing its height might therefore be limited, but should still be explored before being discounted. For example, could an inspection pit be provided for repairing the boat hulls, similar to in a motor vehicle garage, as an alternative to allowing sufficient height for boats to be raised above ground level for inspection and repair? If so, that could potentially allow for some reduction in the ridge height of the building.

If it is demonstrated to your Authority's satisfaction that no significant mitigation of the building's bulk is possible without seriously compromising its ability to fulfil its function, then we would advise that paragraph 196 of the NPPF should be applied in coming to a decision. This advises that where a 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.

Recommendation:

Historic England has some concerns regarding the application on heritage grounds which could be addressed by design modifications. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 190 of the NPPF, but if that is not possible then the balancing

judgement set out in paragraph 196 should be applied to the application.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

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 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 Harbour Master Authority: No response.

Salcombe Town Council: 'objection on the grounds of that the proposed structure was too dominant in a conservation area and therefore would impact on the AONB'.

Relevant Planning History:

None of relevance.

ANALYSIS

Principle /Sustainable Development:

The site is located within the development boundary of Salcombe where the principle of development in 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 need for ease of access to Batson Creek by the harbour master.

As such, the proposal accords with JLP Policy DEV14.

Design, Visual Impacts and the South Devon AONB:

The application proposes the erection of a two-storey building which will feature a pitched roof constructed of standing seam metal and walls clad in vertical timber to the upper level. The western elevation of the proposed roof will also feature 30sqm of PV panels along with 3no. rooflights. Also featured on this elevation will be a number of PPC aluminium framed windows and vents required as a result of the proposed internal uses.

At ground floor level the proposal will feature its main entrance to the building served by a ramped access, covered by a flat entrance canopy with standing seam metal finish. The entrance itself will comprise of glazed double doors. At this level the external materials will comprise facing blockwork with interval roman brick coursing to lower level wall finish.

The eastern elevation will see a lesser amount of glazing when compared to the western elevation yet will include a large double-height PPC roller shutter door to serve the main workshop and a similar roller shutter door which will serve the dirty prep room.

A Juliet balcony will serve the first floor officer providing extended viewing opportunities of Batson Creek at this level along with a smaller rear access to the building at ground floor level.

The southern elevation will provide for an additional Juliet balcony / vents and the north elevation only one other vent. A large VHF aerial will be erected from the building and will likely be a permanent feature given its necessity. The frame of the building will include a metal-clad extruded profile and windows. Externally the proposed site will also include a boat wash down facility and this is not uncommon for the site area's existing use.

The building will measure 7.45m at the eaves and 10.1m at ridge level height. Its footprint will measure 246sqm and its length 18.6m. As such, the building will be of a noticeable size, scale and massing and would be visible from the road, car park and estuary. Longer views will be possible from vantage points along Island Street end of Salcombe which is in part a conservation area. The site lies within the South Devon AONB and affects the setting of a Grade II* listed building: Snapes Manor, across the estuary. The site is therefore considered sensitive.

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.

The proposed design is considered functional and sympathetic to other existing buildings within the immediate vicinity. No elements of the proposal are considered excessive and / or unnecessary for the proposed operations.

This is particularly pertinent for the introduction of glazing at first floor level for Juliet balconies, vents and glazing. Where possible, the proposal has sought to reduce glazing / solar panel introduction on the eastern roof plane given the presence of a listed heritage asset and to mitigate visual impacts / glare from vantage points to the more open expanse across the creek and beyond.

At present, the site has an unkempt commercial appearance with a number of RORO containers and other marine related equipment within the proposed site area. The proposal will see the removal of said containers with the replacement of a permanent structure and this is considered a positive improvement, with some existing uses that may generate noise / disturbances on-site being consolidated undercover.

The wider site is used for dinghy / boat storage which includes the presence of rigging and masts. To the south east of the site, there lies a number of buildings with similar pitched roof designs within Fish Quay. It is also noted that an application for 5no. industrial buildings is proposed by SHDC: the design and palette of materials / colours has informed this application to ensure consistency and in an effort to conserve and enhance the AONB and respect the character and appearance of the wider conservation area.

When viewed from the north east / east, the proposal would project above said buildings, yet will be read amongst the backdrop of the immediate vicinity which includes larger, bulkier maritime / industrial designed buildings along Island Street. The positioning of the proposed building is deemed to both reflect and respond to the positioning of the large buildings along Island Street as best as possible so as to mitigate its prominence and visual impacts.

The proposal would undoubtedly exist as a prominent feature when viewed from the north east / east – where the front elevation would face vantage points – however, it is considered that the context of the wider area would ensure the proposal would not exist as an alien addition and with the use of sympathetic material and considerate siting of windows,

balconies and PV panels, the proposal would respect the character and appearance of the area.

Alone, the proposal is not deemed acceptable by virtue of its excessive height and prominence along Batson Creek. However, the immediate context and heights, scale and natures of nearby buildings both on-site and along Island Street would ensure the proposal is accepted within the landscape, and its prominence mitigated.

Overall, the proposal is likely to give rise to some visual impacts and harm upon the AONB and conservation area. However, it is noted that the building is a commercial building, set in a quasi-commercial setting, within the existing boat park, but also surrounded by open rural views. The building would respond to an identified local need for the improved operation of the Salcombe Harbour Master to ensure the safety of all water users and ease of operations during busy peak times. The needs of the harbour master in undertaking such tasks are noted and reflected in the design of the proposal. As such the proposal would provide for clear social benefits to the Salcombe area which may have resultant economical benefits as a result of the improved functioning of the Salcombe marine areas.

On balance, it is considered that the proposal would take an existing site that houses alien and unsightly containers and provide a suitable response to an identified need whilst providing a proposal that would conserve and enhance the area through this improvement whilst using sympathetic materials and a scale and built form that responds suitably well to other buildings within the local context.

In addition, the council's landscape officer maintains no objections to the proposal.

As such, the proposal is considered acceptable in terms of design and visual impacts and would conserve and enhance the special qualities of the South Devon AONB and would conserve the character and appearance of the Salcombe Conservation Area. The proposal is therefore not considered likely to give rise to any significant, detrimental visual impacts and would accord with JLP Policies DEV20, DEV23 and DEV25.

Historic Environment:

Historic England has made the following comments on this application:

This application is for a new Harbourmaster's depot and office to be located on the car park at Batson Quay, which is an open area of land next to Batson Creek, just outside the town centre of Salcombe. Its primary use is for boat and car parking and boat repair, providing combined facilities for both leisure and fishing boats. The land is largely undeveloped with buildings other than some modest functional twentieth century buildings at its southeast end which are used in conjunction with the commercial fishing and boat repair operations.

Whilst the site itself currently has a functional character and limited historic significance, it has a close visual relationship with the historic settlement of Salcombe, to which it provides a foreground in views towards the town from Batson Creek. In these views, the grade II* listed parish Church is a prominent and elevated landmark, and none of the current activities or structures on the Quay impede views towards the church or out from it.

Across the Creek from the Quay is a grade II* listed manor house, Snapes Manor, which faces directly across the river towards the Quay and the town of Salcombe, and whose design was clearly intended to take advantage of the commanding views provided by its elevated position. We have previously expressed concern at the potential harmful impact on

the setting of Snapes Manor of substantial new buildings being constructed on Batson Quay.

We have been involved in pre-application discussions regarding this building which is intended to fulfil a number of commercial and administrative functions in relation to the activities of the Harbourmaster. The functional requirements relating to boat repair require it to be of significant height and bulk. The design overall, is of a reasonably traditional form, whilst using some contemporary materials and detailing, and is not unacceptable in its immediate setting which is of quite a functional nature. The building's impact on the wider visual context is important, though, given nearby listed buildings, and proximity to the area of outstanding natural beauty.

Because of the importance of the visual relationship between Snapes Manor and the parish church of Salcombe we requested the production of a photomontage illustrating the appearance of the proposed building from both those sites. The purpose of that exercise was to assess whether the development would cause any harmful visual impact on their setting. Judging from those images, it appears that from Snapes Manor the building would be seen against the general urban backdrop of Salcombe town. Whilst it would still appear as a substantial building, it should not actually impede views from the Creek towards the church. As long as its external materials are of subdued appearance, it should not be too obtrusive in wider views towards the town.

The impression given by the image taken from the churchyard is somewhat different, though, in that the new building would be seen against the backdrop of the undeveloped creek, without any other buildings around it to disguise its bulk and massing. From this position its size would make it quite an intrusive feature within the picturesque view towards Snapes Manor, although it would not necessarily block views of the Manor House itself.

This visual impact might cause a degree of harm to the setting of both the church and Manor which we feel it would be beneficial to mitigate if possible. Options for mitigation might include lowering the ridge height of the building or re-positioning it so that it intrudes less on views towards the creek.

We are aware that there are practical constraints on the position of the building in relation to vehicle movements around it and the use of the public car park, as well as constructional issues in building near to the Quay edge. Positioning the building further inland might, however, help integrate it better, visually, with the town and mean that it intrudes less on views across the creek.

The need for adequate height within the building, to allow vessels to be repaired inside it, was explained to us at our site visit. Options for reducing its height might therefore be limited, but should still be explored before being discounted. For example, could an inspection pit be provided for repairing the boat hulls, similar to in a motor vehicle garage, as an alternative to allowing sufficient height for boats to be raised above ground level for inspection and repair? If so, that could potentially allow for some reduction in the ridge height of the building.

If it is demonstrated to your Authority's satisfaction that no significant mitigation of the building's bulk is possible without seriously compromising its ability to fulfil its function, then we would advise that paragraph 196 of the NPPF should be applied in coming to a decision. This advises that where a 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.

Recommendation:

Historic England has some concerns regarding the application on heritage grounds which could be addressed by design modifications. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 190 of the NPPF, but if that is not possible then the balancing judgement set out in paragraph 196 should be applied to the application.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

In response to the above representation, Historic England has confirmed its satisfaction with the applicant's recent response titled: Harbour Depot – Response to Historic England's consultation response 27 June 2019 which concludes:

'The Harbour Depot has been carefully designed to meet the operational needs of the Harbour Authority and is an essential development to secure the long-term future of the harbour authority service to Salcombe. The proposal have responded to the context and architectural styles of Salcombe and offers significant public benefit in ensuring the safety of all harbour users. Salcombe thrives from the benefit of having a well-managed harbour and this facility secures the future of the provision of this service.'

Officers Response:**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 early engagement with both the Council's Heritage Specialist and colleagues from Historic England (Regional Inspector) through the adopted Pre-Application process. An initial site meeting was held where the Applicant and their advisors described the functional requirement for the new facility, the locational requirements and discussed the design parameters. During this initial phase of assessment three key heritage assets were identified as potential receptors which might be impacted upon by the development proposals. These were Snapes Manor (a grade II* listed Manor House), Holy Trinity Church (the grade II* listed Parish Church) and the wider Conservation Area.

During this initial stage Officers noted that the site of the new proposed building comprised a working quay with a large area of car parking immediately adjacent. There are a number of existing buildings in close proximity which serve a functional purpose with regards

commercial and leisure boating, fishing and other marine-based activities. The sense of a working quayside was tangible as one walked the site and immediate area.

During discussion that followed Officers requested further information in the form of photomontages to depict the relationship between the new Harbourmaster's Depot and the identified heritage assets.

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

Snapes Manor represents a most impressive former medieval Manor House, reputedly dating from the 12th century (list description) although most of which is seen today represents an 18th century re-fashioning of the earlier house. It occupies a most commanding position clearly designed to take advantage of the views across the estuary to Salcombe. From assessment made from within the grounds of Snapes Manor (grounds immediately adjacent to formal front façade) and with the aid of the produced photomontage Officers are content that the proposed development will not result in a harmful impact to the setting of this highly graded listed building. The new development if allowed would appear to sit against the backdrop of the established townscape behind it and although a substantial building would sit relatively comfortably in the context of the rising hillside immediately to the rear. The important interrelationship between Snapes Manor and the Parish Church would appear to be maintained when viewed from Snapes Manor looking back across the intended and delivered view of the Town.

This assessment of impact when viewed from Snapes Manor and surrounding environs is also pertinent with regards the potential impact on the Town's adopted Conservation Area. The proposed new Depot building (albeit large) compliments in both proffered palette of materials and architectural form the many wharf-like buildings that sit immediately behind (in a visual context when viewed from a northerly direction) within Island Street and beyond. As long as a clear steer towards quality materials, reflecting the local vernacular is adhered to then there is no reason why the proposed building should impact negatively on the wider Conservation Area.

With regards to the potential impact on the setting of the Holy Trinity Church Historic England have offered some initial comment further to a requested photomontage taken from the churchyard looking back across the estuary toward Snapes Manor. Within Historic England's advice it stated that based on this information the development "...might cause a degree of harm.." and as such asked the question to the Applicant (and their advisors) as to whether any potential harm could be mitigated against through re-design. Although it was acknowledged...."that there are practical constraints on the position of the building in relation to vehicle movements around it and the use of the public car park, as well as constructional issues in building near to the Quay edge.."

In order to address some of the questions as raised by Historic England the Applicant's advisors have offered a detailed response (dated 10th June 2019) which is based on further analysis together with the production of more photomontages. Within this supplementary document some of the technical issues around positioning and the height of the building are addressed and Officers have no reason to doubt the validity of the response.

Officers have also undertaken a further contextual visual assessment when viewed from the Church across the site to the creek and Snapes Manor. It is interesting to note that when viewed from the western public entrance into the site of the Church and its churchyard there

are very limited (if any) views of the site. As one walks around the Church starting at the western tower in a clockwise direction views only begin to open up of the site and the proposed development as one approaches the end of the north aisle returning along the back of the Church (east). Views offered onto the development are often interrupted by the established evergreen trees and surrounding built environment. Nevertheless at certain junctures particularly along the eastern pathway the new Depot will be clearly seen from the churchyard, however evidence suggests that the visual interrelationship between the Church and Snapes Manor will not be unduly impinged upon.

There will no doubt be an impact on the setting of the Church by virtue of the visual interrelationship between areas within the churchyard and the new Depot building however Officers note that currently whilst there is not a large building on site this is a site of working functionality with associated infrastructure and vehicular movements and boat storage of a comparable height (to the proposed Depot) surrounded by a rather utilitarian car park.

Great weight must be given to the desirability of preserving listed buildings and their settings and where a potential harmful impact has been identified, the harm should be weighed against the public benefits of the proposal in the planning balance in accordance with NPPF paragraph 196. NO OBJECTION.

On balance, the benefits of the proposed development outweigh the impact on heritage assets and as such weigh in favour of the development. As such, the proposal accords with JLP Policy DEV21 and the NPPF (2019).

Neighbouring Amenity:

There are no dwellings adjacent to nor near the application site. The occupiers of Snape Manor have raised concerns about noise impact from the development. It is considered that there is adequate distance (200m) between the sites such that significant adverse impact on residential amenity as a consequence of noise is unlikely.

The operation of the proposal and opening of roller shutter doors during any works undertaken within the building may give rise to some noise nuisances and this may have the potential to be amplified to then travel across Batson Creek as a result of the buildings positioning.

In any event, should any instances of noise disturbances be experienced, then powers exist within Environmental Health Legislation to control this.

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

As such, the proposal accords with JLP Policies DEV1 and DEV2.

Highways / Parking / Access:

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

As such, it is considered that the access, parking and turning arrangements are satisfactory and there will be no significant adverse impacts on the safety and convenience of highway users.

Flood Risk:

The Environment Agency has objected to the proposal on the following grounds:

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 – This site is entirely within Flood Zone 3, identified by Environment Agency flood maps as having a high probability of flooding, with a current Danger for Most (Significant Hazard). The current Flood Risk Assessment (FRA) has calculated the Tidal 200yr level at the end of the design lifetime (60yr) as 4.59mAOD. The proposed raised area of the ground floor Finished Floor Level (FFL) of 3.45mAOD, gives an internal flood depth of 1.14m of moving water (by the wave action). This represents an Extreme Hazard - “Danger to All” (including the emergency services), technical note - FD2320. The workshop proposed level will have an internal flood depth of 1.69m deep, and again represent an Extreme Hazard - “Danger to All” (including the emergency service).

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’ to depth around 1m deep. They could be flooded over a 1 to 3 day period, twice a day.

Indeed MHWS tides are predicted to be 2.67mAOD, so any wave action over 0.23m will flood the workshop area, perhaps as frequently as every two weeks throughout the year. This will cause a lot of damage and disruption to the operation of the workshop and harbour master offices.

We appreciate that the raising of the workshop level is difficult and could not match the design flood level. However, every effort must be made to raise the workshop FFL as high as technically possible. Even a 0.1 to 0.3m will make a large difference, and the necessary minor slopes for access could be easily accommodated outside the building. The rest of the ground floor proposed at 3.45mAOD, can easily be raised, given the space in the ceilings at both the ground and upper floor, without affecting the overall height of the building.

Flood Resilience measures must be included to above the design flood level height (4.59mAOD), e.g. raising electrical fittings above this height. Although the Flood warning and evacuation plan can reduce the risk to life to people, it does not reduce the flood damage to workshop/facilities and disruption to operation of the Harbour Master.

If you are minded to approve this application, please contact us again. Your authority will need to confirm that you fully understand the flood risks, the consequence of flooding to the workshop, harbour master facilities and operations with the future frequent flooding and agree that FFLs cannot possibly be raised any higher than currently proposed.

Overcoming our objection

The applicant may overcome our objection by submitting further information to address the deficiencies outlined in this letter.

In addition to the above and following the submission of revised documentation, the EA has provided the following revised representation:

"Further to the additional flood risk information and revised drawing 1508.16 IA Hd ZZ DR A 0401 rev P5, we can now withdraw our previous flood risk objection.

The new design has taken into account the current and future flood risks, the requirements of the proposed buildings, planning & technical limitations and proposed the best flood mitigation measures. The revised design has raised the work force area to 3.55mAOD, and provided sound reasons why this cannot be raised any further (ridge height constraints etc). This combined with flood resistant and resilience measures, awareness of the flood hazards, and an evacuation plans reduces the flood damage and hazards to an level that is acceptable.

The Council will still need to be satisfied that the Sequential Test has been carried out and passed, if not already done so".

Paragraph 163 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) 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;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

The accompanying FRA confirms that the proposal, by virtue of its location, is at risk from tidal flooding and deems the proposed depot as a 'less than vulnerable' use is considered acceptable in Flood Zone 3.

With regard to the sequential test, the proposal 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 Zones. The maritime nature of the proposed building requires a site that is located in very close proximity to the water and that is likely to be within an identified flood risk zone.

As such, the development is considered to pass the sequential test as the location is ideal to serve its intended purposes to manage harbourside activities; the land is owned by SHDC and is readily available to develop.

With regard to exception test, it is considered that the wider benefits of providing employment / harbour master services uses on a brownfield site outweigh the flood risk. The FRA has demonstrated that the development will be safe for its lifetime taking into account the vulnerability of its users. 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 development is considered compatible with flood risk zone at the site, therefore is not subject to the exception test.

The proposal will also adopt the following mitigation measures:

- Raised floor levels, where possible;
- Incorporation of flood resistant and resilient measures within the new block;
- Provision of site evacuation via Gould Road and safe refuge within upper floor space;
- Subscribe to the EA's early flood warning service to enable evacuation of the site before the occurrence of flooding; and
- Develop and adopt a site-specific Flood Evacuation Plan (FEP) to ensure timely and safe evacuation of the site.

Master employees will have prepared for a flood and will not be occupying the building during the flood (as documented within the FRA's emergency plan).

We can confirm that the building design has incorporated flood resilient measures within the construction and material selection to minimise the impact of a flood event. In addition, the applicant has raised on half of the ground floor to try and improve the level of flood resilience.

As such, the application satisfies the sequential and exception tests as set out in the NPPF and the benefits of the development outweigh any potential risk; as such the application is considered to be acceptable in terms of flood risk.

The proposal for the Harbour Master Depot Facility is 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.

Ecology / Biodiversity:

Natural England has provided comments on this application whom confirm no objections subject to a condition requiring the submission of a Construction and Management Plan (CEMP) in order to mitigate against damage or destroying the interest features for which Salcombe to Kingsbridge Estuary SSSI. As such, a suitable condition will be attached to any planning permission granted.

The application is accompanied by an Ecology Report which confirms the following recommendations:

- The submission of a CEMP, Surface Water Drainage Strategy and Pollution Prevention Strategy in advance of any commencement of works to avoid any potential water quality impacts on these designated sites.

- The installation of bird and bat boxes on bricks on the proposed building. 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.
- A further ecological consultation should be sought if the scope of the proposed works change significantly or if the onset of the work is delayed by more than 12 months from the date of the accompanying survey.

No trees are present on site. As such, subject to the compliance with proposed conditions the application is considered acceptable in terms of impacts upon trees and ecology. The proposal therefore accords with JLP Policies DEV26.

The Planning Balance:

It is considered that the social and economic benefits of the proposal would outweigh any adverse environmental harm and as such, subject to compliance with suitable conditions, planning permission should be granted.

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.

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: 1508.16-IA-HD-ZZ-DR-A-0401-P5 - proposed sections received by the Local Planning Authority on 3 July 2019 and 1508.16-IA-HD-ST-DR-A-0200 - existing site plan, 1508.16-IA-HD-ST-DR-A-0202 - proposed site plan, 1508.16-IA-HD-ST-DR-A-0201 - proposed block plan, 1508.16-IA-HD-GF- DR-A-0302 - proposed ground floor plan, 1508.16-IA-HD-01-DR-A-0312 - proposed first floor plan, 1508.16-IA-HD-RF-DR-A-0320 - proposed roof plan and 1508.16-IA-HD-ZZ-DR-A-0501 - 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. Prior to the occupation of any part of the development hereby permitted, all parking spaces shall have been constructed and laid out in accordance with the details set out on the approved drawings. All approved parking spaces shall be kept free from any other form of obstruction and shall thereafter be used solely for the parking of motor vehicles, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure adequate on site parking facilities are provided in the interests of public safety and convenience and to safeguard the amenities of the locality.

5. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment and Flood Evacuation Plan with appendices received by the Local Planning Authority on 3 June 2019 and the supplementary Flood Risk Assessment and drawing number 1508.16 IA Hd ZZ DR A 0401 rev P5 - proposed sections, both received by the Local Planning Authority on 3 July 2019, and the development shall thereafter be retained in accordance with these details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the flood risks associated with the development can be adequately mitigated.

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. 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.

8. 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.

9. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays 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.

10. 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.