

# PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

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

**Application No:** 0784/16/FUL

**Agent/Applicant:**

Mr Ian Hodder  
Tourism House  
Pynes Hill  
Exeter  
EX2 5WS

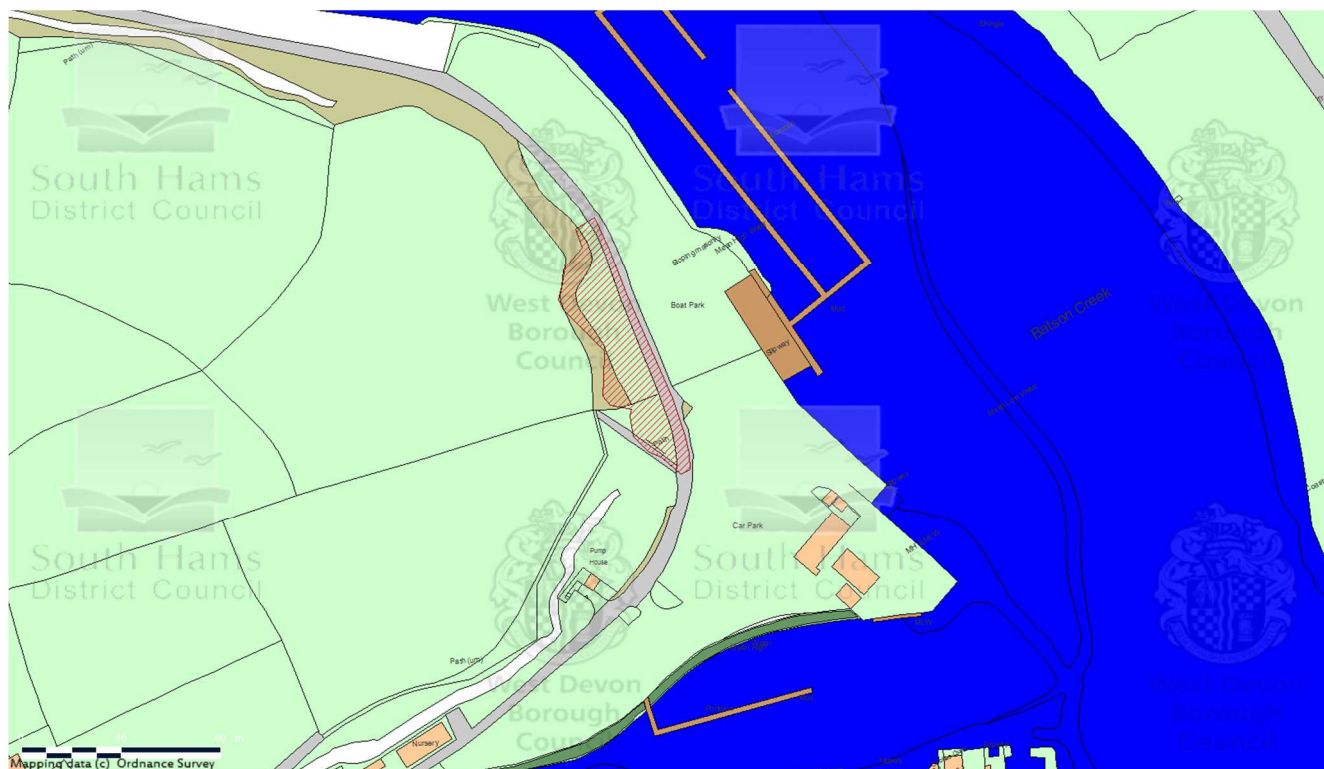
**Applicant:**

SHDC  
Follaton House  
Plymouth Road  
Totnes, Devon  
TQ9 5NE

**Site Address:** Land Adjacent, Gould Road, Salcombe, Devon

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

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



## **Recommendation:** Conditional Approval

### **Conditions:**

Time

Accords with plans

Materials to be agreed

Parking to be provided prior to occupation and retained.

Drainage to be implemented and maintained.

B1(b) light industrial use only

CEMP

Turning area to be provided and retained as such

Details of hard and soft landscaping to be agreed and implemented.

Unsuspected contamination

Permeable paving with drainage/filter layer to be used to control run off from the parking area in accordance with details to be previously approved by the LPA.

An oil separator is to be installed to prevent pollution from entering the estuary in accordance with a detailed specification previously approved by the LPA

All internal drainage is to connect into the foul sewer system in accordance with details to be approved by the LPA.

No external storage of chemicals.

LEMP to be agreed pre-commencement to address issues of pollution control management

No works to the area of embankment during bird nesting season unless an ecologist has confirmed in writing that there are no nesting birds and this report has been submitted to agreed by the LPA.

**Key issues for consideration:** Impact on the AONB, impact on the nearby SSSI, Highway impact, Impact on amenity and impact on the setting of a Listed Building

### **Site Description:**

The site is a linear, flat piece of land currently used as a boat store and coach park (2 bays) located on the west side of Gould Road on the edge of Salcombe. The site also contains recycling skips at present. This is a long narrow site with an earth bank supporting rising land on the western boundary. Mature trees are present on the south western boundary.

Access is taken from Gould Road, a narrow two way road with restricted parking (double yellow lines).

The rising land to the west is open fields. To the east, across the road, is Batson Creek Boat Park, beyond which is the waters of Batson Creek. On the opposite side of the estuary the land is mostly undeveloped green fields. Snape Manor, a grade II\* Listed building is visible from the site across the estuary, but is some 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 is untidy providing ad hoc boat storage. The boat park opposite, presents a mass of tarmac, palisade fencing and commercial lighting which is unattractive but does reflect the commercial maritime character of this end of Salcombe.

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

The site has been advertised as affecting the setting of a Listed Building. Snape manor a Grade II\* Listed Building lies approx. 230m from the site on the opposite side of the estuary.

The southern site boundary adjoins the Local Development Framework site allocation RA4, identified for employment use.

## The Proposal:

It is proposed to re-develop the site to provide a row of 7 terraced industrial units, these will be relatively small units with a roller shutter frontage serving each unit; the units will sit parallel to the road. Five of the units contain a half depth mezzanine floor, the remaining two have a full first floor.

19 parking spaces are proposed within the site, of these 14 will be tandem parking spaces. A turning area is provided within the northern part of the site.

The drawings show the building to be clad in box profile metal.

The proposal includes a detailed drainage strategy designed to prevent pollution of the SSSI within the nearby estuary.

## Consultations:

- County Highways Authority – no objection to the principle of the development having regard to the existing commercial use of the site and the traffic it could generate. Concern is raised about the amount of on-site parking and it is recommended that a number of spaces in the nearby car park be made available for users of the site through a Section 106 agreement.
- Environmental Health Section - No objection subject to a conditions
- Emergency Planner - Salcombe has a High Risk Flood Evacuation plan and I am satisfied with the proposed emergency planning arrangements for this development.
- Environment Agency - .Objection on the grounds that the flood risk assessment has not adequately considered whether a safe access/egress route to the proposed units would be available during a flood event. The LPA should be satisfied that the Sequential test and Exception Test have been satisfied in accordance with the NPPF
- Town/Parish Council – Support in principle but felt the steel cladding should be painted in green or left grey as if cost prohibited wood cladding this was felt more in keeping with the area. Clarification was sought from the planning officer with regard to access in front of the units for deliveries and ease of entry for boats. Also confirmation of the actual relocation area of the recycling and coach parking was also requested before approval was given to this application. Town Council also wished a condition added that the use class be light industrial (D2) employment and that first refusal for such units go to local marine based industries and that no large national firms be allowed to acquire these units to the detriment of the smaller local businesses (local defined as businesses working on Salcombe Estuary.
- Natural England – Originally Natural England objected to the application as it had not been demonstrated that sufficient measures were in place to protect the nearby SSSI (the estuary) from pollution. Revised details have been submitted and there is now no objection subject to appropriate mitigation being secured through planning conditions.
- Police AOL – detailed comment, no objection
- SHDC Heritage Specialist:

*1 There is no impact on the setting of the heritage assets in Batson or the listed lime kilns. Snape's Manor is the most affected heritage asset and at II\* is a most significant designation. It has an intended and designed outlook onto Batson Creek and directly towards the application site. There is some informal screening on the edge of the garden area and I had the impression this has been allowed to develop in order to screen views of the car park/boat*

store and the pontoons. Whilst this reduces visibility it is not a permanent landscape feature and, therefore, the assessment of effect on setting has to place limited weight on that screening. The car park/boat store is not attractive and has already harmed the setting of SM, but these are relatively ephemeral features not permanent physical structures.

*I assess the effect on the setting of SM to be very limited harm in the 'less than substantial' category, largely due to the harm already caused by the car park/boat store and pontoons which lie between SM and the application site. You may decide that this level of harm is outweighed by public benefit as defined in para 134 of the NPPF. If so I would encourage consideration of design, materials and landscaping (see 4 below) which would minimise impact and potentially offer enhancements that counter-balance the harm.*

*2 The application site is cut into the natural topography which offers the opportunity to have a form that nestles into the landscape. The scrubby hedgerow growth to the west could help to punctuate the open hillside and reinforce the development as relating to marine activities. I could not see a section showing how the roof height relates to the excavated backdrop, but I consider a low pitched roof to be a better solution in this location to allow best visibility of the attractive undeveloped hillside. I note there is no landscaping proposed at all and that is unfortunate.*

*3 The design is quite basic and industrial but does endeavour to offer some elevational interest. As the specific use of the buildings could vary there is no expression of use in the appearance and the scale could probably be reduced for many of the likely uses? The lack of clear design parameters for end use inevitably ends in a quite generic design and I understand that versatility has to be a consideration. Control of detailing as well as materials is important as simple buildings can be elevated by good details and this will be seen close up by many 1000's of people.*

- Historic England - Has concerns regarding the application on heritage grounds. Having regard to its sensitive AONB location and relationship with a highly important listed building development should be of a bespoke design using materials sympathetic to its rural setting; the drawings within the application do not meet this criteria. It is recommended that the design and materials be revised.
- SHDC Ecology – no objection

## **Representations:**

9 letters of objection have been received raising issues which include the following:

Bland design

Unusable – needs working and parking area in front of each unit

Inadequate parking

Congestion from delivery vehicles

Safety hazard

Out of character with the area

Blue finish is inappropriate – should be replaced with timber cladding

Where will trailers go?

Where will coach parking go?

Where will recycling go?

Tree planting should be required

Industrial traffic should be prohibited from Horsecombe/Batson lanes

Pollution risk to creek

Displaced parking will occur in Lower Batson

Insufficient information – needs LVIA, Ecology report and Geotechnical information.

Adverse impact on setting of Snapes Manor (Listed Building)  
Noise – including disturbance to Snapes Manor  
Additional traffic on narrow roads  
Eyesore in rural setting  
Adverse impact on wildlife  
Adverse impact on AONB and SSSI  
Should include a covenant to be used for marine industry only and non-retail.

### **Relevant Planning History**

None

### **ANALYSIS**

#### **Principle of Development/Sustainability:**

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

#### **Design/Landscape:**

The schemes proposes a terrace of 7 relatively small, flat-roofed industrial units and the plans show the building clad in blue box profile cladding. The building will be 6m tall and will be approx.50m long. The building fronts onto the road and will be visible from the road, car park and estuary. Longer views will be possible from the Island Street end of Salcombe which is a Conservation Area. The site is within the AONB and affects the setting of a Grade II\* Listed building, Snape Manor, across the estuary; this is a sensitive site.

Paragraph 115 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.

The proposed design is functional and typical of many modern industrial developments. Concern has been raised by residents and Historic England about the quality of design and materials, Historic England have suggested that the design should be more bespoke and suggest alternative materials. The Town Council have recommended that the materials be changed to timber cladding.

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

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

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

The proposed development will be set at road level, with a steep bank to the rear, with further rising land beyond. This setting will reduce the visual prominence of the building. Officers do not consider that the use of blue box profile cladding would be appropriate in this location and have agreed with the applicant that more appropriate materials should be agreed through a planning condition with a

preference of Officers being for timber cladding. A more appropriate material such as timber would help the building blend into its setting and would be more in keeping with the character of the area.

The design of the building has been criticised. This is a commercial building, set in a quasi-commercial setting, behind the boat park, but also surrounded by open rural views. The building offers small scale industrial units for which it is considered there is local demand and which will contribute to the local economy, offering diversification from the tourist industry upon which Salcombe has become very reliant. To be delivered the buildings must be economically viable and this does limit the design potential; Officers also consider that it would be inappropriate for the design not to reflect the buildings function by, for example, mimicking agricultural barns or similar.

On balance it is considered that, having regard to the existing appearance of the site, the proposed development, subject to appropriate materials will not have a significant adverse impact on this part of the AONB and that any adverse impact will be outweighed by the social and economic benefits of the scheme

### **Heritage:**

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

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

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

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

On balance it is considered that the public social and economic benefits that would arise from this development outweigh the less than substantial harm to the setting of the listed building and the development would not compromise its optimal viable use.

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

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

### **Neighbour Amenity:**

There are no dwellings adjacent or near to the site. The occupiers of Snape Manor have raised concerns about noise impact from the development. It is considered that there is adequate distance (230m) between the sites such that significant adverse impact on residential amenity as a consequence of noise is unlikely. If noise levels were that great then there are powers within Environmental Health legislation to control this.

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

### **Highways/Access:**

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

The highway authority has stated that the 19 on-site parking spaces proposed are insufficient and has recommended that space in the car park opposite be allocated for parking in association with the proposed use, to be controlled through a Section 106 obligation.

Officers consider that to control the provision of these spaces in the public car park through a Section 106 is not necessary and reasonable; there is a reasonable level of on-site parking provision and additional parking is available in the public car park if required, albeit that the users will have to pay. The site is in walking distance of the town centre where public transport options are available, the town is also within walking distance of residential areas. Additional car parking for visitors/staff is available in the adjacent public car park, which for most of the year has adequate capacity.

Delivery vans will be able to pull onto the forecourts in front of the units where there is space for parallel parking. A turning head is provided in the northern section of the site to allow for safe turning of vehicles.

There is a public right of way running along the western site boundary, outside of the site. There will be no alteration to route of this right of way.

It is considered that the access, parking and turning arrangements are satisfactory and there will be no significant adverse impact on the safety and convenience of users of the highway

### **Flood Risk**

The site lies within Flood Zones 2 and 3. The proposed use is defined by the Environment Agency (EA) as a 'less vulnerable use'; the EA have objected to the application on the grounds that the Flood Risk Assessment (FRA) is not acceptable, in particular it has not adequately considered whether a safe access/egress route to the proposed units would be available during a flood event.

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

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

This matter has been considered by the Council's Emergency Planner who has stated that he can confirm that Salcombe has a High Risk Flood Evacuation plan and he is satisfied with the proposed emergency planning arrangements for this development.

In terms of the sequential test, this application seeks to develop a brownfield site which is fixed in its location; in addition there are no allocated employment sites within Salcombe that are outside of the

Flood Zones. The maritime nature of many industrial uses in Salcombe require sites in close proximity to the water which tends to be within the Flood Zones.

With regard to the exception test, it is considered that the wider benefits of providing employment uses on a brownfield site outweigh the flood risk. 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 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 is considered to be acceptable in terms of Flood Risk.

## **Ecology/Trees**

There is a group of mature elm trees in the southern area of the site boundary. The ecology statement comments that these appear to be dead and require management.

It is noted that a Kingfisher has been known to nest here which is a protected species. As such it is recommended that a condition be applied to control development during the bird nesting season.

Natural England initially raised objections to this development as it had not been demonstrated that pollution from the site would not enter the estuary which is an SSSI. A revised drainage and mitigation scheme has now been proposed which has satisfied Natural England that the risk from pollution can be managed.

Impact on ecology and trees is considered to be acceptable.

## **Other Matters:**

The scheme will result in the loss of 2 coach parking spaces. These are deemed to be unnecessary, during 2015 only 8 coach parking tickets were sold.

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

The recycling facilities will be re-sited within the Batson car park area.

## **The Planning Balance**

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

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

## **Planning Policy**

*NPPF*

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

CS1 Location of Development

CS7 Design



CS9 Landscape and Historic Environment  
CS10 Nature Conservation  
CS11 Climate Change

***Development Policies DPD***

DP1 High Quality Design  
DP2 Landscape Character  
DP3 Residential Amenity  
DP4 Sustainable Construction  
DP5 Conservation and Wildlife  
DP6 Historic Environment  
DP7 Transport, Access & Parking

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

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

**Proposed Conditions:**

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers 1979-000 Location Site, 1979-001 rev N, 1979-002 rev F, SK2-UA008196-UU41-P2 and SK3-UA008196-UU41-P1.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

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

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

4. Notwithstanding any indications of materials types on the approved drawings or within any other part of this application, prior to their installation details / samples of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

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

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

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local

Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

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

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

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

8. Notwithstanding the provisions of Schedule 2 of the General Permitted Development (England) Order 2015 the proposed building/premises shall be used for B1(b) Light Industrial use only, as defined by Town and Country Planning Use Classes Order, 1987 and for no other purpose.

Reason: To safeguard the amenity of the area.

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

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

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

Reason: To protect the nearby estuary and SSSI from pollution

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

Reason: To protect the nearby estuary and SSSI from pollution

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

Method statements on how pollution will be managed during construction.

Adherence to good practice guidelines.

Emergency procedures to control pollution.

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

Reason: To protect the nearby estuary and SSSI from pollution

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

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

14. Prior to the commencement of development the Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be strictly adhered to at all times. The LEMP shall set out proposals for the delivery mechanism for the operational phase mitigation measures necessary to protect the nearby SSSI.

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

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

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