



Appeal Decision

Hearing Held on 5 June 2019

Site visit made on 5 June 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2019

Appeal Ref: APP/K1128/W/18/3215145

Brewery Quay, Island Street, Salcombe, Devon TQ8 8DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Smith against the decision of South Hams District Council.
 - The application Ref 2748/17/FUL, dated 11 August 2017, was refused by notice dated 20 June 2018.
 - The development proposed is described as 'The demolition of all existing buildings on site while retaining the southern stone boundary wall and concrete quay. The erection of a 2.5 storey building containing a 60sqm commercial unit at ground floor and a 60-bedroom dwelling complete with existing access and the creation of five associated parking spaces'.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of all existing buildings on site while retaining the eastern stone boundary wall and concrete quay, erection of circa 265sqm commercial floorspace at ground floor and a 6 bedroom dwelling with guest suite complete with existing access and the creation of four associated parking spaces at Brewery Quay, Island Street, Salcombe, Devon TQ8 8DP, in accordance with the terms of the application, Ref: 2748/17/FUL, dated 11 August 2017, subject to the conditions in the attached schedule.

Application of Costs

2. An application for an award of costs was made by Mr A Smith against South Hams District Council. This application will be the subject of a separate Decision.

Preliminary Matters

3. The description of development in my formal decision is taken from the decision notice, albeit with some minor amendments, because this accurately describes the amended scheme.
4. Amended drawings have been deposited with the appeal and these propose the removal of the lift overrun and a different configuration for the entrance into the commercial unit proposed at the rear of the site. The changes, whilst potentially significant, are minor in scope and extent and all parties have had a reasonable opportunity to consider them. I have therefore accepted them as no party would be significantly prejudiced by such a course of action.

5. Similarly, I have accepted the Acoustic Report and viability briefing note submitted by the appellant with the appeal as these documents have not amended the scheme, are relevant to my considerations and all parties have had an opportunity to consider their content.
6. Since the Council issued its decision it has adopted The Plymouth and South Devon Joint Local Plan (JLP). This has superseded the South Hams Local Development Framework. An appeal should be determined in accordance with the development plan policies in force at the time, and this is what I have done. In addition, the Salcombe Neighbourhood Plan (NP) is at an advanced stage of preparation with the examination complete. It is awaiting referendum, which is a very important stage, so cannot be afforded full weight. Nevertheless, given its very advanced stage it can be afforded significant weight in my deliberations.
7. Subsequent to the submission of the appeal the government published a revised version of the National Planning Policy Framework. The Council and appellant were aware of this change and have provided comments, including agreement in the Statement of Common Ground as to the relevant sections.

Main Issues

8. The main issues in this appeal are:
 - The effect of the proposed development on the supply of employment land and the local economy;
 - Whether the commercial floor space proposed would be viable and suitable for employment purposes including marine related uses, with reference to its location in Flood Zones 2 and 3 and the overall specification and design;
 - Whether the proposed dwelling would provide adequate living conditions for future occupants, with particular reference to noise and disturbance; and
 - Whether the proposed development would preserve or enhance the character or appearance of the Salcombe Conservation Area and conserve or enhance the South Devon Area of Outstanding Natural Beauty (AONB).

Reasons

The effect on the supply of employment land and the local economy

9. The JLP seeks to retain a vibrant and diverse local economy by maintaining a flexible supply of employment land. The strategy is to achieve this, in part, by protecting existing employment floorspace. Accordingly, Policy DEV14 of the JLP states that a change of use of existing employment sites (including vacant sites where the last lawful use was employment) will only be allowed subject to criteria, including instances where there is no reasonable prospect of a site being used for employment uses in the future. It is unclear whether this means used for employment in its current condition or following refurbishment/redevelopment. It is therefore necessary to consider both.
10. However, before considering whether there is a reasonable prospect of a future employment use at the appeal site, there is a more fundamental question and that is whether the appeal scheme would actually result in the loss of employment floor space. It is the appellant's contention that there would be no

loss of employment floor space as the two commercial units proposed would equal the size of the existing employment floor space.

11. The appeal site encompasses a former boat shed/workshop of historic origins adjacent to Island Road and arranged over three floors. Behind this is the more modern additions with garages at ground floor level and additional floor space above, which has previously been used as an office and a shop. The former boat shed is currently in use as a shop on the ground floor (relocated from the rear of the site) with the first and second floors vacant.
12. The garages are currently empty and are too small to accommodate a modern car. I understand that in the past the garages have been rented out to businesses to store sundry items as well as to householders to store domestic paraphernalia. The garages have not been lived in and are not associated with any dwelling(s). Accordingly, they do not have a residential use. Instead, the evidence before me would suggest they fall within a storage use - a B8 use class¹. Accordingly, the change of use of the garages to a non-employment use would amount to a loss of employment floor space.
13. The first and second floors of the former boat shed are currently vacant. Access to the first floor is via a ladder with a subsequent flight of stairs providing access from the first floor to the second. Both floors are vacant and appear to have been unused for some time. From a visual inspection they are in a poor state of repair. The condition and access arrangements would render these upper floors unsuitable as modern storage facilities, but they are vacant employment floor space nevertheless being part of a commercial building.
14. The quayside also represents employment land, but this would be largely retained in the proposal. Similarly, the outside courtyard space is also employment land as part of a mixed-use employment site. However, its primary function is to provide access to the rear commercial units and the garages. It needs to be kept clear from storage and plant in order to achieve this. It would effectively retain this function in the appeal scheme, albeit providing access to the proposed dwelling as well. Therefore, the proposal would not result in the loss of outdoor employment land.
15. Considering the foregoing, the appellant has erroneously excluded the garages and the first and second floors of the former boat store from the calculations of existing employment floor space. His calculations have been based on useable floor space and although there is a rationale to this, it exceeds what the policy stipulates, which makes no reference to usable employment floorspace. Accordingly, the proposed redevelopment would result in an overall reduction in employment floorspace.
16. Thus, in order to justify the loss of the employment floorspace the appellant must demonstrate that there is no reasonable prospect of it being used for employment uses in the future. In attempting to do so the appellant suggests that the access to the site is poor. This is true as Island Street is very narrow. However, there are numerous other commercial uses nearby with similar access constraints. Thus, the access is not a fundamental limitation.
17. Nevertheless, the condition of the former boat shed is likely to seriously hamper the reasonable prospect of the site being used for employment

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

purposes. As previously explained, the first and second floors are only accessible by a ladder and the building is in a poor state of repair with a disjointed appearance owing to the breeze block infilling. Moreover, the units to the rear, whilst in a better condition, are only accessible via a flight of external stairs. Part of the former boat store is currently let as a shop, but this is on a 'peppercorn' rent due to its condition and because it has no heating or water and the toilet is outside.

18. As such, I share the views expressed in the three viability appraisals² that the building in its current state has no reasonable prospect of being viably used for employment purposes. In coming to this view, I accept that the site has been occupied in the past in the way explained by the local members at the hearing. However, the appellant explained that this was because the previous owner did not charge conventional commercial rents. Evidence has not been provided to counter this. Such a situation would not be a reasonable requirement to place upon a subsequent landlord wishing to operate a profitable business.
19. Nevertheless, the viability reports do not conclude that the appeal site is inherently unviable for commercial uses. Instead, they suggest that employment floorspace can be provided as part of a comprehensive mixed-use redevelopment that includes residential floorspace as a means of cross subsidisation. The appeal scheme has been designed with this in mind, as the amount of commercial floorspace proposed has been based on the quantum of existing usable commercial floorspace with only the unusable and low value employment floor space (principally the garages and upper floors of the former boat store) lost to residential redevelopment.
20. The Council has not provided substantive technical evidence to suggest the viability reports are inaccurate or that the necessary redevelopment of the appeal site could viably take place without residential cross subsidisation at the extent proposed by, for example, renovating the existing buildings or reducing the size of the proposed dwelling in lieu of more employment floor space. Instead, the viability report commissioned by the Council suggests the balance of residential to commercial floor space proposed is the most appropriate solution³. Thus, with a comprehensive mixed-use redevelopment of the appeal site there is a reasonable prospect that employment floorspace can be retained and that at least the current number of jobs safeguarded.
21. A residential development of the Former Gas Works was dismissed following an appeal in 2014⁴. The site has subsequently been developed with elements of both residential and commercial floorspace. This would seem to suggest that in some instances a component of residential floorspace is necessary in order to deliver commercial floor space. This supports the approach advocated by the appellant. The Gin Distillery was developed without an element of residential floor space, but I have nothing before me to suggest this project was funded in a conventional way and therefore represents a typical example of commercial development.
22. Policy DEV14 seeks to specifically protect employment sites with access to wharves and/or quays. The appeal site has a quay, but it is currently small with

² The Mill Green Estates report, the letter from JLL dated 17 January 2018 and the Plymouth City Council report commissioned by the Council

³ The floor space figures referred to in the report are inaccurate but have been corrected in the submissions

⁴ APP/K1128/A/14/2221616

an awkward access through the garages and there is no slip way. Accordingly, the appeal site is not as well suited to marine based businesses as the workshops further to the west, which do have slip ways. It is unclear what 'specific protection' means in the context of the policy but, notwithstanding this, the appeal scheme has been designed to provide a commercial unit to the rear with access to a reconfigured quay that would have a more usable layout. In this respect, the appeal scheme has had proper regard to the aim of Policy DEV14 to specifically protect such facilities.

23. The appeal site falls within 'Area C' as defined in Policy SALC EM2 of the emerging NP. This policy only permits employment uses within Area C. However, it does provide some flexibility by stating that where the loss of an employment site is justified as no longer viable, the applicant must also actively market the property at a 'reasonable rent' for one year. The evidence provided by the Council in respect of the commercial interest in the Batson site, as well as from local residents at the hearing, suggests there is a local demand for employment floor space, especially workshops used in connection with marine based businesses.
24. The appellant has not marketed the appeal site in accordance with Policy SALC EM2. However, a reasonable rent in this instance would have to factor in the very poor condition of the building and the absence of some services. The part of the site that is occupied is currently let on a 'peppercorn rent' because of this. Such a rent is probably reasonable but will not provide an adequate return in the long term. Moreover, a previous period of marketing was only successful, after two years, because the appellant purchased the site with a view to developing it. Notwithstanding this, the requirement for marketing is only triggered when an employment site would be lost. This would not be the case here as the redevelopment would retain two commercial units as part of a mixed-use redevelopment. Accordingly, the absence of marketing in accordance with emerging Policy SALC EM2 is not a determinative point against the appeal scheme.
25. In conclusion, the proposal would result in the loss of employment floorspace. However, this is justified because the only reasonable prospect of retaining some viable employment floorspace at the appeal site is for a mixed-use redevelopment with an element of residential floorspace. Thus, the proposal would not harm the supply of employment sites and the local economy. A conflict with the relevant parts of Policy DEV14 of the JLP would not occur.

Whether the proposed commercial floor space would be viable and suitable

26. The appeal site is located within Flood Zones 2 and 3 and therefore the commercial units proposed for the ground floor would be liable to flood. This may discourage some businesses from occupying them, especially if their stock would be sensitive to water damage. The absence of first floors means that stock could not be relocated. Given the foregoing, a marine based business would be well suited to occupy the proposed units because, by their nature, they could recover quickly from a flood event.
27. Nevertheless, the units need not only be occupied by marine based businesses because they have been designed to be flood resilient. The floor would be raised in accordance with the stipulations of the Environment Agency. This could include a solid finish that would enable a quicker recovery from a flood event than carpet or wood. Other measures, such as high sockets and a basic

unplastered wall finish could also be considered. The ceiling heights within the units would be high and this would afford an opportunity for some elevated storage. It is also a point of significance that ground floor commercial units are not untypical in Island Street, including the existing shop at the appeal site.

28. Emerging Policy SALC EM2 seeks to prioritise marine related uses. Hence, the unit proposed at the rear of the appeal site has been designed with direct access provided to a reconfigured quay that would have an improved access and a more usable shape. The space would also lend itself to use as a workshop as it could be configured as a single space with large door openings. Moreover, the entrance from the courtyard could be reconfigured in such circumstances along the lines set out in 'DOC 2'⁵. This would facilitate better access from Island Street. In this respect it would be attractive to businesses in the marine sector.
29. I appreciate the Council's concerns that the specification of the rear unit appears high for what could be a workshop, with bifold doors and internal rooms. Such a specification may not lend itself to a marine based enterprise or may be too expensive to let. However, I share the view of the appellant that the final internal specification of the units will depend to an extent on the end user, which may include a business requiring an office.
30. Nevertheless, the bifold doors could be simple in design and thus reflect others nearby in Island Street and the internal walls could be omitted if the space is occupied as a workshop. Accordingly, the specification need not be so high as to render the units unaffordable to local businesses and thus unviable. On the contrary, the viability reports suggest there is a demand for what is proposed. Furthermore, there is nothing of substance before me to suggest the units are too small to be attractive to the market or that a first-floor dwelling would harmfully change the commercial character of the area.
31. The front unit is less likely to be used for marine based employment as it would not have direct access to the quay. Nevertheless, given its street frontage it would be well placed to continue the retail use currently in situ. Furthermore, it could function as a small workshop with ancillary retail such as the 'arts and craft' type business supported in the NP.
32. In conclusion, the two commercial units would be at risk of flooding, but the appeal scheme has been designed to support marine based employment uses. Failing this, the units could also afford opportunities for other employment uses being flood reliant, and this would include the continuation of the existing retail use. The proposed units would be an improvement on the existing poor-quality space currently on offer or not in use. Accordingly, the units would be suitable and viable. There would be no conflict with the part of Policy DEV14 of the JLP that seeks to ensure the marine related sector is supported.

Whether the proposed dwelling would provide adequate living conditions for future occupants, with particular reference to noise and disturbance

33. The acoustic report submitted by the appellant demonstrates that the outdoor amenity spaces at the proposed dwelling (the balconies) would be within guideline targets set out in BS8233:2014 as well as the World Health Organisation (1999) guidance when considered against the average noise level

⁵ DOC 2 was submitted at the hearing and shows a more open access from the internal courtyard

- recorded. Internal noise levels would not meet the guideline standards in BS 8233:2014, but this could be mitigated with appropriate glazing installed in the windows alongside appropriate façade materials and ventilation. The Council do not challenge these conclusions.
34. It would be unreasonable to expect future occupants to keep their windows closed at all times. With the windows open the noise levels would be higher than the guideline targets. Moreover, the glazing would not mitigate for loud one-off events, which could be common place in an area allocated in the NP for employment uses. In this respect, the appeal site is flanked by premises falling in the B2 use class and there are licensed premises nearby.
35. However, residential uses above commercial floorspace are not inherently problematic or untypical. In fact, it is apparent nearby with flats situated above a co-op store. Moreover, the residential unit would be located in a town centre location where noise levels are likely to be higher than areas in a predominantly residential use. Some allowance must be made for this, as future residents would balance the convenience of the location against the noise. Moreover, the internal rooms would be recessed into the building behind balconies, which would provide some noise attenuation, and the internal layout is such that the main openings face away from the neighbouring commercial uses.
36. Furthermore, a notable proportion of the noise environment comprises engine noise from vehicles and boats and other noise sources such as seagulls, which is inherent to a coastal town centre location. The acoustic report demonstrates there is a notable drop in noise levels during the night and therefore future occupants are unlikely to get disturbed sleep on a regular basis. There are also wider sustainability benefits from permitting residential development, as this would facilitate the rehabilitation of the site and thus the provision of viable employment units. For these reasons I find, on balance, that the residential floorspace is justified.
37. Positioning a residential unit within an location allocated within the emerging NP as an employment area carries some risk that the employment uses nearby could be constrained and restricted. This is because the operators would have to ensure that the noise levels and the extent of general disturbance, including smells, dust and general activity, would not result in significant adverse effects. This could affect the current operations of existing businesses but also any changes they wish to make in the future. In this respect the appellant, as an agent of change, should ensure the proposed dwelling would not restrict the reasonable operations of the businesses nearby.
38. However, the proposed dwelling would not be inserted into a conventional industrial estate, which was apparently the case in an appeal decision referred to by the Council⁶. Instead, residential properties line the southern side of Island Street so the B2 units either side of the appeal site are already constrained by the presence of existing houses in very close proximity to them.
39. In particular, the unit to the east of the appeal side is hard up against one dwelling (on its eastern side) and the doors to the workshop, which were open during my site visit, are very close to the dwellings on the opposite side of the road. The proposed outdoor seating area at the neighbouring Gin Distillery to

⁶ APP/Q1153/W/17/3175414

the west would also be opposite dwellings. Moreover, the dwellings in the vicinity of Cottles Quay are closer to the Fish Quay than the appeal site. In this context, the appeal scheme would not introduce a materially worse constraint on the operations of existing businesses.

40. In conclusion, the occupants of the proposed dwelling would have adequate living conditions and their presence would not place additional unreasonable restrictions on the operations of the existing employment uses nearby, which are already located close to dwellings. As such, the proposal would adhere to Policy DEV14, which seeks to protect employment sites from inappropriate neighbouring development. The proposal would also integrate effectively with existing businesses and therefore a conflict with Paragraph 182 and 183 of the National Planning Policy Framework would not occur.

Whether the proposed development would preserve or enhance the character or appearance of the Salcombe Conservation Area and conserve or enhance the South Devon Area of Outstanding Natural Beauty

41. The lift overrun would result in a flat roof element that would jar with the simple form of pitched roofs nearby, which is a notable characteristic of the conservation area. The alteration would have a limited impact on the wider landscape of the AONB because it would be viewed as part of the built form of the settlement. Nevertheless, the lift overrun would appear contrived and incongruous and thus fail to preserve the visual amenity of the conservation area. The harmful impacts of the lift overrun would not be outweighed by public benefits. This is because they can be entirely avoided through the imposition of a planning condition requiring the development to be implemented in accordance with the revised drawings deposited by the appellant, which show the flat roofed section of the lift run removed.
42. The northern elevation of the proposed building would have extensive areas of glazing, which would result in light pollution. The AONB Management Plan seeks to prevent light pollution. However, the appeal site is in an area where there is already external lighting and some of the other buildings nearby have extensive areas of north facing glazing. Accordingly, in this context any light pollution from the appeal scheme would not harm the wider landscape.
43. The northern elevation would have a wide span to the gable end unlike the narrow and elegant design of the gin distillery, which employs two narrow gables with one set back to provide articulation. The ridge would also be long and slightly taller than the buildings nearby. Nevertheless, the buildings that face onto Shadycombe Creek exhibit an eclectic mix of different heights, styles and forms and therefore the appeal scheme would not appear out of place in this context. The Council's Conservation Officer was satisfied on this point and that weighs in favour of the proposal. Moreover, the proposal would result in some visual improvement as the existing tired structures would be replaced.
44. In conclusion, the appeal scheme would preserve the character and appearance of the Conservation Area and conserve the landscape quality of the AONB. As such, there would be no conflict with Policies DEV20, DEV21, DEV23 and DEV25 of the JLP and emerging Policies SALC B1 and Env1 of the NP.

Other Matters

45. I share the views of the Council Officers, for the reasons set out in their committee report, that the appeal scheme would not harmfully diminish the privacy of the occupants of nearby properties. The concern that permitting the scheme would set an undesirable precedent is over stated because, although like applications should be considered in a like manner, there is nothing before me of substance to suggest the precise circumstances of this appeal would manifest themselves elsewhere.

Conditions

46. In deciding whether it is necessary to impose planning conditions I have had regard to the advice in the Planning Practice Guide and the list of suggested conditions submitted by the Council, in consultation with the appellant, after the hearing closed.
47. It is necessary in the interests of safeguarding the character and appearance of the area, and the living conditions of neighbours, to ensure that the development is undertaken in accordance with the approved drawings, that permitted development rights for additional insertions in the Island Street elevation are exceptionally removed, that details of materials are approved and that no additional bin storage is installed.
48. It is necessary in the interests of highway safety and living conditions to ensure adequate parking and access arrangements are provided and kept free for vehicles. To ensure the building is used flexibly in a way that reflects existing and historic uses (including those in the A1 and A2 use classes) and supports the potential for employment and marine based uses (B1 and B8 use classes), permitted development rights should be exceptionally removed for changes of use. This would also enable the Council to consider the appropriateness of other uses against the objectives of the development plan.
49. Policy SALC H3 of the NP requires the occupation of new dwellings to be restricted to a 'Principal Residence'. The Examiner of the NP concluded that this approach was supported by evidence and is necessary to achieve sustainable development given the extreme disparity between house prices in the town and local incomes. Substantive evidence has not been provided to suggest these findings are no longer relevant. A condition limiting occupation of the proposed dwelling to a principal residence will affect the value and marketability of the property, but that is the point, and therefore I take no issue with the approach in this respect, which has been replicated elsewhere, such as at St Ives in Cornwall. The viability appraisal prepared by Plymouth City Council indicates the viability of the scheme is not border line⁷ and therefore it is conceivable the redevelopment could be viable even if the value of the residential element reduces. Substantive evidence has not been submitted to suggest it would not. I have therefore imposed the occupancy condition as it is necessary.
50. It is necessary, in the interests of local heritage and distinctiveness, to record the existing building prior to demolition and undertake a programme of archaeological investigation. In the interests of highway safety and living conditions it is necessary to approve a construction management plan and an environmental impact plan. Similarly, to safeguard living conditions and the

⁷ See Paragraphs 4.12 - 4.13

viability of the commercial units, it is necessary for flood resilience measures to be approved, including a warning and evacuation plan, for revisions to the access to commercial unit 2 and for any unsuspected land contamination to be properly dealt with.

51. In the interests of ensuring an adequate noise environment is retained it is necessary to approve a noise mitigation scheme, noise protection and details of plant. To ensure adequate drainage it is necessary to approve a detailed specification of permeable pavements with oil interceptors.
52. The pre commencement conditions I have imposed are necessary because they deal with matters that require resolution before development works start. These matters are so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission if the pre commencement conditions had not been imposed. The appellant has provided written agreement to the imposition of the pre commencement conditions suggested by the Council.

Conclusion

53. The appeal scheme would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

Graham Chamberlain
INSPECTOR

APPEARANCES

FOR THE APPELLANT

David Cooper
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David Farrell
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Mr A Smith
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INTERESTED PARTIES

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Mark Long
Jason Nickels
Mike Fice
Nikki Turton
David Greening
Cllr Judy Pearce
Alex Perraton

DOCUMENTS SUBMITTED AT THE HEARING

Doc 1 – Revised Façade Noise Exposure Assessment Ref HA/AA232/V3
Doc 2 - Indicative drawing showing revised access arrangements to rear unit

Schedule of Planning 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.
- 2) Subject to Condition 20 of this decision, the development hereby permitted shall be carried out in accordance with the following list of plans:
 - IND-1115-LP01 Location Plan
 - IND-1115-P01 Rev F Proposed Site Plan
 - IND-1115-P02 Rev J Proposed Ground Floor Plan
 - IND-1115-P03 Rev J Proposed First Floor Plan
 - IND-1115-P04 Rev H Proposed Second Floor Plan
 - IND-1115-P05 Rev F Proposed Front Elevation (Island Street)
 - IND-1115-P06 Rev I Proposed Right Flank Elevation
 - IND-1115-P07 Rev B Proposed Rear Elevation (Shadycombe Creek)
 - IND-1115-P08 Rev D Proposed Left Flank Elevation
 - IND-1115-S10 Proposed Section AA
 - IND-1115-S11 Proposed Section BB
 - IND-1115-S12 Proposed Ground Floor Showing Section Lines
 - Stop Aritco HomeLift Specification
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) no openings other than those authorised by this permission shall be inserted in the Island Street elevation of the development hereby permitted, without the prior permission, in writing, of the Local Planning Authority.
- 4) Prior to installation the details of all materials to be used in the construction/facing of external surfaces, joinery (including windows and doors), glazing, balustrading, all ducts, flues, rainwater goods, vents and other external attachments shall have been submitted to and approved in writing by the Local Planning Authority. The roofs shall be finished in natural slate, a sample of which shall be submitted for approval prior to installation. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be retained in that form.

- 5) No bin storage, over and above that that shown on the plans hereby approved, shall occur unless it has first been submitted to and agreed in writing by the Local Planning Authority and the provision shall be implemented in accordance with the approved scheme.
- 6) The parking areas and access to them, identified on the approved drawings shall be provided prior to the first occupation of the building and retained free from development and obstruction thereafter.
- 7) Notwithstanding the provisions of the General Permitted Development Order, the areas identified for commercial use on drawing number 1115-P02 shall only be used in accordance with uses classes A1, A2, B1 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 8) The dwelling hereby permitted shall not be occupied other than by: i. a person or persons as their principal home; ii. persons living as part of a single household with such a person or persons; iii. persons who were living as part of a single household with such a person or persons who have since died; iv. non-paying guests of any of the persons listed in (i) – (iii). The occupant(s) shall at any time supply to the Local Planning Authority such information as the Authority may reasonably require in order to determine that this condition is being complied with, within one month of the Local Planning Authority's written request to do so.
- 9) No development shall take place until the applicant has secured the implementation of a programme of historic building recording and archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
- 10) Prior to commencement of development in any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays,

- and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works;
 - (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;
 - (o) no mud, stones, water or debris shall be deposited on the public highway at any time.

The development should be constructed in accordance with the approved CMP.

- 11) No development approved by this permission shall be commenced until a scheme to minimise flood damage to the proposed development by utilising flood resilient construction techniques to an appropriate level has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved details.
- 12) No development approved by this permission shall be brought into use until a flood warning and evacuation procedure has been submitted to and approved in writing by the Local Planning Authority. Thereafter the plan shall be retained in the approved form and made available for all future occupants of the site.

- 13) Before use of the development commences, a noise-mitigation scheme shall be submitted in writing and approved in writing by the local planning authority detailing measures that will be implemented to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity.
- 14) Prior to construction above slab level, a noise mitigation scheme shall be submitted to and approved in writing by the LPA detailing those measures which will be incorporated into the construction or wider development site to ensure that internal noise levels within the noise sensitive properties i.e. houses meet the following levels in the following rooms and at times as stated;
- Bedrooms (23:00 – 07:00): 30 dB LAeq, 8 hour, and 45dB LAmax (slow)
 - Living Rooms (07:00 – 23:00): 35 dB LAeq, 16 hour
 - External amenity areas associated with the residential curtilage (07:00 – 23:00): 55dB LAeq, 16 hour

Once approved these measures shall be completed and installed prior to the occupation of the first unit and shall be retained as such in perpetuity.

- 15) Notwithstanding the provisions of the General Permitted Development Order, no plant or machinery or structures shall be erected on site unless full details have first been submitted to and approved in writing by the Local Planning Authority.
- 16) 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.

- 17) Prior to commencement of development the following components of a scheme to deal with the environmental impacts of the construction phase of the development shall be submitted and approved by the local planning authority in writing. That scheme shall include details of noise impacts and controls, hours of operation, and dust impact assessment and proposed control in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites.

- 18) 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 runoff 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.
- 19) 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.
- 20) Prior to development above slab level, notwithstanding the list of plans under condition number 2, full details of the ground floor southern access to 'GF commercial unit 2' shall be submitted to and approved in writing by the Local Planning Authority and the development carried out as approved.