

PLANNING APPLICATION REPORT

Case Officer: Belle Richer-Hill

Parish: Kingsbridge **Ward:** Kingsbridge

Application No: 3985/22/FUL

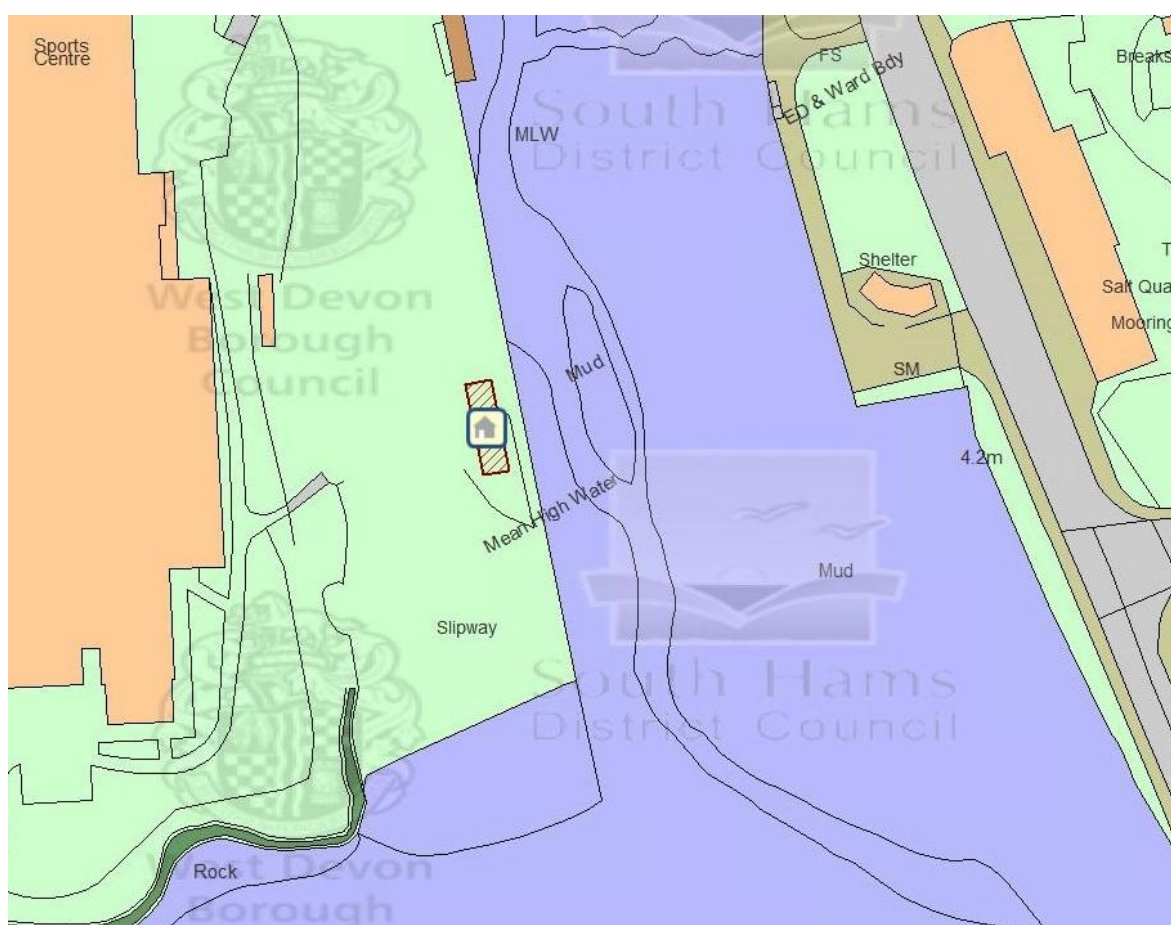
Agent/Applicant:

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Site Address: Squares Quay Car Park, Kingsbridge, TQ7 1HN



Development: Proposed siting of 2 containers for paddleboarding school

Reason item is being put before Committee

Proposal is sited on land owned by South Hams District Council.

Recommendation: Conditional Approval

Conditions:

1. Time limit (temporary 2 year consent)
2. Accord with plans

3. External lighting

Informatives:

1. Responsibility for compliance
2. Protected species
3. Advertisement consent
4. Marine licenses

Key issues for consideration:

Principle of Development/Sustainability

Design/Heritage/Landscape:

Highways/Access

Site Description:

The site is comprised of approximately 130m² within Squares Quay Car Park, on the west bank of the Kingsbridge Estuary, approximately 300m from the town centre. The proposed site is across 9 car parking spaces by the top of the slipway, within the low stone boundary wall that separates the car park from the slipway and the footpath which runs along the estuary. There is an existing skate park to the eastern side of the car park.

The site is located within the South Devon Area of Outstanding Natural Beauty, Landscape Character Area 7 Main towns/villages, Flood Zone 2/3, Critical Drainage Area, and SSSI Risk Zone. The site is approximately 125m south of Grade II Listed 'Kingsbridge and Dodbrooke War Memorial' (list entry number 1433998) and approximately 160m south of the southern boundary of the Kingsbridge Conservation Area.

Officer Note:

Squares Quay Car Park is owned by South Hams District Council. The applicant has been granted a 2 year license from the relevant department for a paddleboarding business.

The Proposal:

The applicant seeks temporary permission for the change of use of the site from the existing use of car parking to 'Class F2(c) Area of places for outdoor sport or recreation' and the siting of two steel shipping containers (approximately 6m in length, 2.7m in height, 2.4m width) positioned approximately 4.2m apart with planters to the east (to the front, facing the car park and the top of the slipway) for safety reasons. The shipping containers would be timber clad with logo and white coloured uvpc windows and doors.

Consultations:

- Kingsbridge Town Council Support

'Recommend Approval and it is suggested that on completion of a 24 month period for the paddleboarding school to be reviewed with consideration for its relocation at the head of the Slipway on its eastern perimeter close to the skatepark'

- DCC Ecology Ok subject to conditions
- Natural England No objection

- Marine Management Organisation May require license
- County Highways Authority No highways implications
- Drainage No comments received
- Devon and Cornwall Police
 Designing out crime Advice offered – if intended to store high value within office, recommend monitored intruder alarm, valuable equipment forensically marked, record asset/serial number, and lock containers with padlock of Gold Sold Secure standard

Representations:

47 letters of representations have been received (42 in support, 2 in objection, 3 undecided) and cover the following points:

SUPPORT

- Safe and fun way to get on the water and learn new skills, important water safety education, positive for mental health, creating confidence for all age levels
- Ideal location for teaching beginners compared to beaches where waves make harder to balance
- Already successful professional business, experienced staff and quality equipment
- Loss to local community if application fails
- Complement current marine activities
- Destination for visitors, pull for tourism, asset to local area
- Benefits local community
- Generates additional business (attracts visitors who patronise local shops, cafes & restaurants) and employment opportunities
- Fit well aesthetically with surroundings (recycled shipping containers, porthole circular windows), low impact, containers not ideal but look good if well placed and adequately clad, better than temporary gazebos or similar
- Sport requires lots of equipment and secure storage
- Recycled materials
- Fast installation, minimal impact to use of surrounding area
- Logical placing, good use of under-used space, regeneration of area
- Ample parking for paddle boarding school (improvement to existing arrangement) in accessible location without causing congestion to others
- Furthest end of car park empty most times of the year, not a through route
- Doesn't carry negative environmental impacts (non-polluting, low-noise, small and safe supervised groups)
- Biodiversity with planters, habitat for pollinators
- Promote interest in wildlife and surrounding landscape
- Business engages in litter picking and raising money for charity
- Hand in hand with new proposed skate park, would create active hub for local youth with leisure centre nearby

OBJECT

- Lack of clarity in declaring full details of proposal
- Not suitable spot within AONB, compromise view down estuary
- More attractive facility desirable, shipping containers not things of beauty, appearance of an industrial site
- No guarantee maintained to good tidy standard

- Fail to confine to red line boundary, equipment and paraphernalia spread out when in use
- Unclear if previous pontoon used or where located, unclear where paddle boarders operate from
- Manoeuvring vehicle and trailer increasingly difficult
- Planters low and narrower than vehicles, cannot be seen in rear view mirror and potentially not seen in wing mirrors, may be hit when reversing
- Car park at capacity during peak summer, spaces already reduced from 250, 17 removed for skate park and another 15 would be removed with enlarged skate park, customers for paddle boarding school would increase parking numbers, reducing spaces available for customary town and visitor parking, reduces available parking in support of town centre contrary to TTV10(2)
- Warnings listed around quay slipway
- Slipway in poor state of repair, narrow access to moorings channel
- Potential conflict between paddle boarders and motor boats. Previous accidents/deaths elsewhere. Risk assessment to confirm navigation of marine craft to/from pontoon and operations of vehicle/trailer access along with boat launching and recovery can co-exist safely, should be located further away from end of car park
- Southern container located over car park drain, make maintenance impossible without removal

UNDECIDED

- Proposal would require additional space for accessing racks
- Further to carry kayaks, slipway blocked by boats and cars from people launching
- Early stage plans for enlarged skate park,
- Lead to future overdevelopment lead to congestion, restricting access to slipway, impact on vehicles with boat trailers and pedestrians accessing both facilities
- Footprint of paddle boarding facility imposes on schematic of proposed skate park

Officer Note:

Consultation responses and letters of representation have been summarised for brevity, these can be viewed in full through the Council's website.

Relevant Planning History

None relevant

ANALYSIS

1 Principle of Development/Sustainability:

1.1 The site is located within the Kingsbridge settlement boundary as established by the emerging Kingsbridge, West Alvington and Churchstow Neighbourhood Plan, close to the town centre. Kingsbridge is one of the Main Towns identified in Policy TTV1 of the Joint Local Plan (JLP) which seeks to prioritise growth in sustainable locations. The Main Towns area is the top tier of the settlement hierarchy and is identified as the most sustainable locations for growth and development. JLP Policy TTV1 states that *'The Main Towns will be prioritised for growth to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area'*.

1.2 JLP Policy DEV16 (Providing retail and town centre uses in appropriate locations) states that *'Proposals will be assessed in relation to their support for the spatial strategy of the local plan and the sequential hierarchy of centres. Proposals within identified centres should be of a scale appropriate to the role of the centre'*. JLP Policy DEV17 (Promoting competitive town

centres) states that *'In the town centres of the Thriving Towns and Villages Policy Area' the LPAs will enable and where appropriate support measures to enhance the economy'.*

1.3 To guide development in Kingsbridge, the JLP Spatial Priority SP3 (Spatial priorities for development in Kingsbridge) states *'The plan seeks to enhance the vibrancy and sustainability of Kingsbridge'.* Of particular relevance to this application are the priorities for: *'Enhancing the central area and quayside through sensitive regeneration and development', 'Retention and enhancement of leisure facilities', and 'Improvements to public realm, including access to the estuary'.* Policy KWAC BE2 (Kingsbridge Quayside and town square) of the Neighbourhood Plan sets out that developments would be supported in this area where they also include *'Enhanced southern slipway providing easier access to the slipway, dinghy storage and water', 'Small scale tourist related employment units in the order of 200m²', 'Overall enhancement of the public realm while retaining the existing uses', and 'Retention and enhancement of the skateboard park'.*

1.4 The proposal is for the temporary change of use of 9 car parking spaces by the top of the slipway to 'Class F2(c) Area of places for outdoor sport or recreation' and the siting of two steel shipping containers for office and storage space to enable the relocation of an existing paddleboarding business which provides equipment for hire and training classes.

1.5 In considering this application, it is noted that there is precedent for non-permanent structures in the area surrounding the estuary. The scale and use is considered appropriate for a temporary structure in an estuary location within a Main Town. Such quayside development would offer leisure facilities and opportunities to better explore the estuary. As has been indicated by the support received for this application, the proposal would enable the relocation of an existing viable business that has a record of attracting visitors and would offer employment opportunities, with potential subsidiary benefits for surrounding businesses. This has been welcomed for the most part and is considered to align with Kingsbridge's role as a Main Town. This supports Policy KWAC Em5 (Promotion of innovative tourism businesses) of the Neighbourhood Plan which offers support for *'Estuary and water based leisure activity'.* Further the proposal avoids the development of a greenfield site or encroachment of the open countryside and AONB as set out in Policy KWAC BE1 (Brownfield first) of the Neighbourhood Plan. Therefore, the principle of the temporary change of use is considered to accord with JLP Policies TTV1, DEV16, DEV17, SP3, and Policies KWAC Em5 and KWAC BE1 of the Neighbourhood Plan, subject to the consideration of other key issues, in particular highways/pedestrian access and safety.

1.6 Officer Note:

Letters of representation have raised concerns regarding conflict with early stage plans for an enlarged skate park which is also a consideration of Policy KWAC BE1 of the Neighbourhood Plan. In this case, the proposal would not conflict with the skate park at this time. As any early stage plans are future intentions for development, these are not yet a material planning consideration.

2 Design/Heritage/Landscape:

2.1 JLP Policy DEV20 (Place shaping and the quality of the built environment) states that *'Development proposals will be required to meet good standards of design, contributing positively to both townscape and landscape, and protect and improve the quality of the built environment'.* The site located within the South Devon AONB, the related JLP Policy DEV25 (Nationally Protected Landscapes) requires proposals to *'conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and*

distinctive characteristics or valued attributes'. Policy KWAC BE3 (Design Quality) of the Neighbourhood Plan offers support for development proposals that *'demonstrate high quality design'* which includes where they *'integrate with the local built surroundings'*.

2.2 The proposal is for the temporary siting of two timber clad steel shipping containers with logo and white coloured uvpc windows and doors, measuring approximately 6m in length, 2.7m in height, 2.4m width and planters to demarcate the boundary between the paddleboarding business and the surrounding car park for safety reasons. No external lighting is proposed.

2.3 Officers note that there are other timber clad structures in the area surrounding the estuary. Given the size, scale, materials, and temporary nature of the shipping containers, the proposal offers a temporary and subservient character and appearance that responds to the proposed temporary use and the functional nature of an active car park. Given the surrounding form of utilitarian structures associated with the car park and the complimentary nature of the temporary proposal to a quayside setting with a Main Town, it is considered that the proposal is generally consistent with the surrounding area and appropriate terms of design and scale. This would respond to the site context and retain the Landscape Character of 'Main towns/villages'. This would preserve the setting of the Listed Structure on the other side of the estuary and the AONB and would not threaten their significance, how they are understood or experienced. Further, considering the general street furniture, the appearance of an active car park, and the trees that line the footpath which runs along the estuary, it is considered that the visual impact would be limited and would not undermine the key views of the set out in Policy KWAC Env4 (Locally Important Views) of the Neighbourhood Plan (KV19 Town slipway looking East, KV21 Crabshell to Kingsbridge (detail), and KV22 Crabshell to Kingsbridge (panorama)) of the Landscape Character and surrounding estuary. Therefore the proposal is considered to accord with JLP Policies DEV10, DEV21, DEV25 and Policies KWAC BE2, KWAC BE3, KWAC BE4, KWAC Env4, KWAC Env5, and KWAC Em5 of the Neighbourhood Plan.

3 Highways/Access:

3.1 JLP Policy DEV29 Specific provisions relating to transport requires that *'Development will contribute positively to the achievement of a high quality, effective and safe transport system in the Plan Area'*. Policy KWAC BE2 (Kingsbridge Quayside and town square) of the Neighbourhood Plan sets out that developments would be supported in this area where they also include *'Working with relevant authorities to look for appropriate solutions to manage traffic flow and car parking in and around the town'*.

3.2 The County Highways Authority have not raised any concerns relating to potential impacts on the highway network. However, there are concerns regarding the car park and access around the site, as has been indicated in the objections received to this application.

3.3 Firstly, there are concerns that the associated paraphernalia would not be confined to the site boundary associated with the change of use. The submitted supporting information and verbal discussions with the applicant has confirmed that the equipment will be supervised with visibility through the windows by land-based staff in the office to avoid disturbance to other users of the car park and slipway. Further, as the proposal would be conditioned to be used in accordance with plans and with temporary 2 year consent, this could be monitored to understand the impacts of the proposed change in use on other users and public safety.

3.4 Secondly, there are concerns that the proposal would result in the temporary loss of 9 car parking spaces which might be exacerbated by increased interest in the paddleboarding business. Due to the size of the car park with 200+ spaces and minimal and temporary reduction in spaces, this is not considered to be of such weight to warrant a refusal on this

basis. Further, as the proposal would be conditioned with temporary 2 year consent, this could be monitored to understand the impacts of the proposed change in use on other users and public safety.

3.5 Thirdly, there are concerns of conflict between paddleboarders and users in the water and within the car park. The submitted supporting information and verbal discussions with the applicant has confirmed that visitors will be supervised with visibility through the windows by land-based staff in the office to avoid disturbance to other users of the car park and slipway. The company also offer water safety education to avoid incidents with other water users. Further, as the proposal would be conditioned to be used in accordance with plans and with temporary 2 year consent, this could be monitored to understand the impacts of the proposed change in use on other users and public safety.

3.6 On balance, due to the temporary nature of the proposal and without objections from the relevant specialist consultees, the proposal is considered to accord with JLP Policy DEV29, subject to conditions.

3.7 Officer Note:

Letters of representation have raised concerns regarding conflict with early stage plans for an enlarged skate park which is also a consideration of Policy KWAC BE1 of the Neighbourhood Plan. In this case, the proposal would not conflict with the skate park at this time. As any early stage plans are future intentions for development, these are not yet a material planning consideration. Further there are concerns that the planters would not been seen in mirrors however poor driving abilities are not considered to be a material planning consideration.

4 Neighbour Amenity:

4.1 The proposal is located within a car park in an estuary location within a Main Town where a certain degree of activity during the days and evenings, especially during the holiday season would be expected. The granting of a temporary permission should not give rise to materially harmful impact on outlook, privacy and noise disturbance over and above the level of amenity generally in the locality. Therefore the proposal is considered to accord with JLP Policy DEV1.

5 Flooding:

5.1 Although the site is within Flood Zone 2/3 and Critical Drainage Area, due to the temporary and moveable nature of the proposed shipping containers and lack of habitable accommodation, the proposals are not considered to give rise to any significant risk from flooding. The proposals will not result in an increased risk from surface water flooding. Therefore the proposal is considered to accord with JLP Policy DEV35. The application has been accompanied by a site-specific Flood Risk Assessment. The applicant has subsequently provided a Sequential Test report which states which provides some consideration of alternative sites. It does also note " *all accessible foreshore within the Kingsbridge/Salcombe estuary technically falls under a Flood Zone 3 site so any alternative to keep the business on the estuary would encounter the same issue*". On the basis the nature of the proposal reasonably requires a waterside location and could not reasonably be located in an area at lower risk of flooding, it is considered that the Sequential Test, (as set out within the NPPF and PPG) is satisfied. As the proposal is for a " *water compatible*" use (with reference to Annex 3 of the NPPF as " *Water-based recreation (excluding sleeping accommodation)*"), the Exceptions Test (as set out within the NPPF and PPG) is not applicable.

6 Ecology/Biodiversity:

6.1 The Wildlife Trigger Table and ecological appraisal confirms that there should be no detrimental impact on protected and/or priority species, designated sites, important habitats or other biodiversity features, features of geological conservation importance and no further details are required in relation to ecology and/or biodiversity. Therefore the proposal is considered to accord with JLP Policy DEV26.

7 Climate Emergency:

7.1 JLP Policy DEV32 requires all development to minimise its use of natural resources over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction. Due to the proposed reuse of the shipping containers and temporary nature of the proposals, the proposals are not considered to give rise to any significant implications in terms of compliance with JLP Policy DEV32.

8 Conclusion:

8.1 On balance, the proposal is considered to be acceptable and accord with the relevant policies and legislation. Therefore, it is recommended that the application be recommended for approval, subject to conditions.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

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

SPT6 Spatial provision of retail and main town centre uses

SPT9 Strategic principles for transport planning and strategy

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV3 Strategic infrastructure measures for the Main Towns

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV3 Sport and recreation

DEV16 Providing retail and town centre uses in appropriate locations

DEV17 Promoting competitive town centres

DEV18 Protecting local shops and services
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Kingsbridge, West Alvington and Churchstow Neighbourhood Plan

Following a successful referendum, the Neighbourhood Plan was made on 15 December 2022. It forms part of the Development Plan for South Hams and should be used in deciding planning applications within the Dartmouth Neighbourhood Area. Relevant policies include:

KWAC Env4 Locally Important Views
KWAC Env5 Prevention of light pollution
KWAC Em5 Promotion of innovative tourism businesses
KWAC BE1 Brownfield first
KWAC BE2 Kingsbridge Quayside and town square
KWAC BE3 Design Quality
KWAC BE4 Safeguarding Designated and Non-Designated heritage assets within the Plan area and the conservation areas of Kingsbridge and West Alvington

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan 2019-2024

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.

RECOMMENDED CONDITIONS IN FULL

1. Unless written permission is received from the Local Planning Authority, the development hereby permitted shall be removed and the land restored to its former condition on or before 2 years from the date of this planning permission.

Reason: In order to enable the Local Planning Authority to monitor the impacts of the proposed change in use on highways/pedestrian access and safety.

2. The development hereby approved shall in all respects accord strictly with drawing number(s) received by the Local Planning Authority on 22 December 2022:
 - Site Location Plan
 - Proposed Elevations/Plans/Site Location SK 222212 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. No external lighting shall be installed on the site unless details of such lighting, including design, location, the intensity of illumination, have first been submitted to and approved in writing by the Local Planning Authority. Any external lighting shall accord with the details so approved.

Reason: In the interests of the character of the area, the protection of protected habitats and species, and the AONB.

RECOMMENDED INFORMATIVES IN FULL

1. 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.
2. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981(as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.
3. The display of advertisements is subject to a separate consent process within the planning system and you may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. Works 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.