

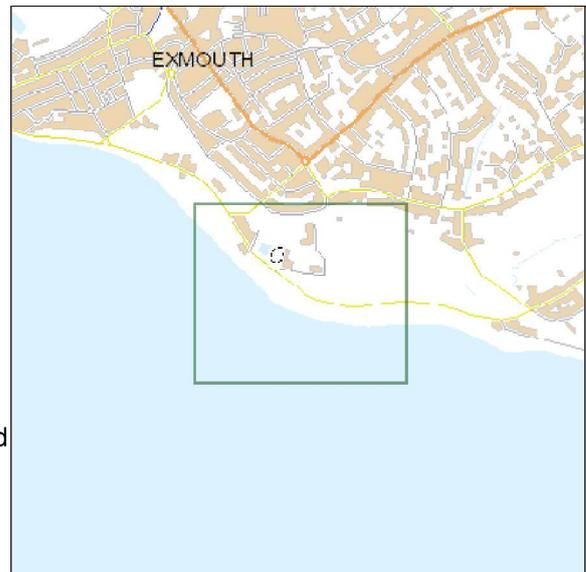
Ward Exmouth Littleham

Reference 18/0376/MFUL

Applicant Grenadier Exmouth Ltd

Location Car Park Off Queens Drive Exmouth EX8 2AY

Proposal Construction of new water sports centre including various facilities for water sports users, a cafe, restaurant and retail plus car parking and open space together with associated infrastructure including new stepped and ramped access to the beach and landscaping



RECOMMENDATION: Approval with conditions



		Committee Date: 5th June 2018
Exmouth Littleham (EXMOUTH)	18/0376/MFUL	Target Date: 15.05.2018
Applicant:	Grenadier Exmouth Ltd	
Location:	Car Park Off Queens Drive	
Proposal:	Construction of new water sports centre including various facilities for water sports users, a cafe, restaurant and retail plus car parking and open space together with associated infrastructure including new stepped and ramped access to the beach and landscaping	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the land subject of the application is in the ownership of East Devon District Council and there are objections to the application.

The site is located on a prominent part of the Esplanade which has been subject to previous applications for alternative uses (the current use being a public car park) as part of the wider regeneration of Exmouth. In 2017 a water sports centre was approved on this site albeit in a different design and layout.

This proposal seeks to provide buildings that would incorporate a café, retail space, and changing facilities within the building. Outside the building, there would be eight retail units in four separate buildings located to the east of the main building, as well as other ancillary buildings to the rear (north) of the main building. There would be car parking to the rear of the building and some grass/landscaping around much of the perimeter of the site (though less so to the south). Much of the front of the building would be surrounded by a terraced area, and a new ramped and stepped access to the beach, off the existing sea wall is also proposed.

The overall design and shape of the building is considered to respond well to the shape of the site and the route of the promenade through its cranked design. This allows the proposal to respond to the street-scene and have an active frontage on all sides. Areas of glazing allow for views towards the sea and beachfront. This would have the further benefit of reducing the need for artificial lighting. Indeed, the proposal would incorporate PV panels based on an east-west axis and

incorporate ground source heat pumps, EPC A+ thermal performance and natural lighting and ventilation to enhance its sustainability credentials.

Mitigation measures are required in the form of education paraphernalia and signage to inform users of the centre and users of the area in front of the centre of the importance of the conservation interest of the estuary and the tidal patterns.

Matters of flooding, retail impact, economic impact, highway safety and surface water drainage have been found to be acceptable subject to appropriate safeguarding conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

Following a lengthy debate relating to: Access, Safety, Environment and Loss of Community Asset, a recorded vote took place where it was agreed to support this application.

Further comments:

No Objection to the amended plans to remove 2 no. sets of steps to access beach and amended design access ramp to include access steps.

Exmouth Littleham - Cllr M Williamson

I Support this application.

The application is referenced by policy in that The Exmouth Town Centre and Seafront Masterplan 2011 aspires to the creation of a 'Watersports Hub' (Section 6, sub-section 12, p.67). On 17 January 2016 Strategic Planning Committee determined that the Masterplan would be turned into Supplementary Planning Guidance and used to inform decision making.

The applicants are to be commended for their willingness to engage in public consultation over what is a highly sensitive site in terms of location, prominence and the natural environment. They have listened to the public and been prepared to engage with the community. They have followed the guidance for applicants in the NPPF.

As a result of their consultation the applicants have significantly altered their designs. The result combines functionality with sustainability. It does not at first sight create an altogether aesthetically pleasing experience being somewhat dispersed across part of the site with satellite buildings giving it a 'scattered' appearance. However, the use of sustainable and local materials is evident and the decision to move the main building further away from the pedestrian promenade reduces both its visual impact and its interference with users of the promenade. The creation of space for free play and informal events such as musical performances is inspired and to be highly commended.

Although I appreciate that some in-house eating facility is required I cannot understand why two floors are needed when there are already over 20 existing food outlets, mainly

locally owned and run, on the seafront and I hope that the applicants will engage with the Exmouth Neighbourhood Plan Implementation Group to discuss whether a Visitors Centre/Triassic Coast Interpretation Centre might be incorporated into the 'social' part of the centre.

In view of its prime tourist location, if a CEMP is not submitted, I will move this in Committee.

When this application comes to Committee I will reserve my position until I am in full possession of all the relevant facts and arguments both for and against.

Exmouth Littleham - Cllr B De Saram

The Exmouth Town Centre and Seafront Masterplan 2011 pointed out that:

1. More is needed to emphasise Exmouth as the gateway to the Jurassic Coast, so that the town can benefit from this nationally recognised environment.
2. In regard to Water sports facilities Exmouth has a particular reputation for success in water sports and has developed water sports Olympians and international champions.

There are a number of water sports outlets - places to hire equipment and to have lessons. These provide excellent facilities to help put Exmouth on the Map. However physical infrastructure does not support or encourage water sports use; The buildings that these facilities are housed in are poor quality and do not express the importance of water sports to Exmouth or help enhance the town's profile.

Therefore in regard to this application it will go some way to solving these two important planning requirements for Exmouth identified in 2011.

I also note that there are proposed restaurant facilities which will provide a choice of eating facilities for both residents and visitors to the sea front.

Therefore I am able to support my fellow Ward Councillors in regard to this application. Finally I refer to the fact that the applicants have engaged with the Public in a very positive and constructive manner which again is a good professional approach to take with such a sensitive site.

Disclaimer Clause: Finally In the event that this application comes to committee I would reserve my position until I am in full possession of all the relevant facts and arguments both for and against

Technical Consultations

County Highway Authority

Observations:

This application includes provision of the new water sports and associated facilities centre but is not inclusive of the new diverted road which will be partial to a separate assessment.

The Transport Statement outlays a great deal of walking, bus and cycling incentives and targets. The overlaying of the existing car park can not be created from permeable paving due to the blown sand from the shore, intercepting the permeability of the paving, therefore overlaying or recycling of the existing surface is accepted by the CHA.

The CHA is pleased to see the provision of 3 disabled spaces, and 6 electric car charging points and generally finds the geometry of the car park layout acceptable. The car park has a circulate layout to allow the exit and egress of the site in forward gear which will reduce the potential for traffic collision. The proposed access will have acceptable visibility.

The site includes more than one pedestrian access to promote through-route travel and access. Although the beach promenade includes a ramp for disabled and buggy access on to the beach, this needs to be promoted and signed from the other two stepped accesses onto the beach front to avoid these users trying to access the beach from these steps.

Therefore I have no objections to this proposed development.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Economic Development Officer

We have reviewed all associated documents in relation to planning application 18/0376/MFUL

The National Planning Policy Framework identifies the economic role of development in contributing to building a strong, responsive and competitive economy. The proposed development builds upon Exmouth's unique strength as a venue for a great water sports experience and offers to provide a high quality facility that will embed Exmouth's position as a 'go to' destination. The proposed facilities will contribute towards enabling the Exmouth visitor economy to extend the visitor season beyond the core summer months and support the further development of the water sports and associated high quality leisure offer in the town. It is stated that the proposed development will result in the creation of 62 FTE jobs.

The Exmouth visitor economy is constantly evolving and changing and has already benefitted from investment in new holiday accommodation, new and/ or improved indoor leisure facilities and public realm. The proposed development has the potential to make a further and very significant contribution to the creation of a visitor economy for Exmouth that is fit for the 21st Century reflecting Exmouth's unique water sports offer and enhance the site's stunning seafront location.

Local Development Framework

The East Devon Local Plan supports positive development on Exmouth Seafront and the development of recreation facilities on the Coast.

In 2016 East Devon District Council commissioned an Exmouth Visitor survey on behalf of the Exmouth Coastal Community Team, this was undertaken by the South West Research Company

The key challenges for the Exmouth visitor economy included:

- An ageing visitor profile
- Low visitor expenditure
- The need to attract new 'first -time' visitors
- The short visitor season
- Increased competition from other destinations

These findings are supported by national research, a report entitled: From ebb to flow published by the Centre for Entrepreneurs (2015) <https://centreforentrepreneurs.org/cfe-research/from-ebb-to-flow-how-entrepreneurs-can-turn-the-tide-for-seaside-towns/>

In this report it is recommended that 'Local authorities, businesses and tourist agencies should join together in forging unique identities for their towns. In an era where experiences and authenticity matter most, a unique proposition.... will be key in attracting entrepreneurs and professional in search of something different.'.....

In addition the National Coastal Tourism Academy publication 'Water sports at the seaside- Market Intelligence Briefing' <https://coastaltourismacademy.co.uk/resource-hub/resource/visitor-profile-watersports-at-the-seaside-identified-that:>

Water sports enthusiasts require local conditions which favour their particular sport -so that seaside towns can gain a reputation as ideal places for a particular activity.

Participants require easy access to the sea, parking close to the beach, and public changing rooms and showers.

Water sports can make an important contribution to the economy of many resorts.

Forecasters predict that this market is set to grow and it goes without saying that every coastal resort has something to offer for a particular watersport.

They are an opportunity to generate additional 'shoulder season' business.

As a destination becomes popular with water sports, new businesses follow.

Conclusion

It is clear that Exmouth already has a reputation as a venue for great water sports. The proposed development has the potential to make a further and very significant contribution to the creation of a visitor economy for Exmouth that is fit for the 21st Century reflecting Exmouth's unique water sports offer and enhance the site's stunning seafront location.

Environmental Health

I have considered this application and I have concerns regarding the ventilation, extraction and air conditioning systems and I would like to recommend the following conditions:

Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.

Reason: To protect the amenity of local residents from noise.

For the for the construction stage I recommend:

A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

Contaminated Land Officer

I have considered the application and do not anticipate any contaminated land concerns.

Conservation

The suitability of the area of land fronting Queens Drive, earmarked for comprehensive redevelopment to include; recreation, café, restaurants etc was considered through planning application 13/1819/MOUT and granted outline permission in early 2014.

Therefore, assessment of the area, in 2014 has been taken into account namely;

The heritage assets viewed from the area of the application site include the Trefusis Terrace (not listed) however fall within the periphery of the Conservation Area which is elevated to the north and provides a rhythmic roofscape to the skyline.

Furthermore the setting of the conservation area identified as the land between the raised ridgeline and the beach is presently very open and without any significant structures. This is quite indicative of Victorian seaside towns where pleasure garden by the sea were the norm and map evidence from 1890 suggests that the site was used as a cricket and football ground.

HOW WILL THE PROPOSED ALTERATIONS AFFECT THE HISTORIC CHARACTER OF THE BUILDING AND ITS SETTING:

In assessing the current proposal for the 'Construction of new water sports centre including various facilities for water sports users, a café, restaurant and retail plus car parking and open space together with associated infrastructure including new stepped

and ramped access to the beach and landscaping', has been balanced against application 13/1819/MOUT.

In this respect, the temporary use of the land for similar activities as that agreed through the 2013 application, would result no more harm than that already considered and accepted.

In considering the mass, scale, design and use of materials of the water sports centre, the following comments are made;

The scale of the restaurant and eateries building, at two storey although large in isolation, is akin to the scale of existing modern additions to the seafront. The mass of which is however diluted by the use of a large glazed gable end addressing the seafront.

In addition the beachside retail units and water sports zone, located adjacent to the restaurant structure, has been introduced as a terrace of single storey beach huts, characteristic of the surrounding area.

Furthermore, the use of natural materials as proposed is encouraging and in keeping with the palette of more recent additions to Exmouth's seafront.

As an observation the timber steps proposed to provide access to the beach from the promenade, are considered visually awkward, when balanced against the existing character and appearance of Exmouth's seafront.

In summary the proposed construction of a new water sports centre including various facilities for water sports users, a café, restaurant and retail plus car parking and open space together with associated infrastructure including new stepped and ramped access to the beach and landscaping. Would result in little more harm to the character of the conservation area.

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

Environment Agency

Thank you for your consultation of 14 February 2018 in respect of the above.

Environment Agency position

We have no objections to this proposal provided that it is implemented in line with the recommendations of the Flood Risk Assessment

Reason

The Flood Risk Assessment prepared by WSP (Ref. Exmouth Watersports Centre, Revision 2, dated January 2018) has been reviewed. Taking into account our previous advice in respect of flood risk we are satisfied that the current FRA document now provides a comprehensive assessment of flood risk matters. On this basis, we support the conclusions of the FRA and advise that the development should be implemented in accordance with its recommendations. Your authority may consider it appropriate to condition implementation of the FRA..

DCC Flood Risk Management Team

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The proposed surface water drainage management system for this proposed development must meet the National Technical Standards which state that unless an area is designed to hold or convey water, flooding within the development must not occur under the following circumstances:

- On any part of the development for a 1 in 30 year rainfall event;
- In any part of a building or any utility plant susceptible to water for a 1 in 100 year rainfall event;
- Flows resulting from events in excess of the 1 in 100 year rainfall event must be managed by exceedance routes which minimise the risk to life and property.

The applicant has provided details of the management of the 1 in 30 year event (+10% climate change), however they must also demonstrate how surface water will be managed for the 1 in 100 year (+40% climate change) event, to demonstrate that no buildings will be flooded during this event.

The applicant must also submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

The Flood Risk Assessment (Report No 70026298 Rev 2, dated January 2018) references infiltration testing that was undertaken as part of a previous ground investigation (Report No PE151195, dated August 2015). Please could the applicant provide details of the testing undertaken in the form of a copy of the original report, to ensure that testing has been undertaken in the location of the proposed soakaway and in accordance with BRE Digest 365 Soakaway Design (2016).

The applicant should note that a programme of groundwater monitoring for a period of 12 months must take place, to ensure that groundwater levels do not rise to within 1m of the base of the proposed soakaway. However, this may form part of a pre-commencement condition.

South West Water

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

Asset Protection

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

Foul Sewerage Services

South West Water advises a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

Surface Water Services

The statutory Water and Sewerage Undertaker supports the Planning Policy Guidance for Flood Risk & Coastal Change statement. To accompany its planning application, the applicant must demonstrate how its proposed development will have separate foul and surface water drainage systems and not be detrimental to existing infrastructure, the public and environment (and that any provisions for protecting infrastructure have been agreed with SWWL as service-provider). The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable, Provide written evidence as to why Infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drains do not meet the design standards as specified in either H3 Building Regulation standards for areas less than 100m². Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.
2. Discharge to a surface waterbody; or where not reasonably practicable, Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc)
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership)

4. Discharge to a combined sewer.(Subject to Sewerage Undertaker carrying out capacity evaluation)
South West Water will carry out a hydraulic capacity review of the combined sewerage network before permission will be granted to discharge to the combined sewer.

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy. However, should this method be amended, SWWL will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

Your LPA will be mindful of Local Plan policy to limit the adverse (including cumulative) effect of proposed development such that sustainability is paramount and flooding risk is not increased elsewhere, together with Paragraphs 162 of the NPPF, and Paragraphs 109 and 120 of PPG (Conserving and enhancing the natural environment).

I trust this clarifies the water and drainage material planning considerations for your LPA, however if you have any questions or queries, please do not hesitate to contact me either via e-mail: developerservicesplanning@southwestwater.co.uk or direct line: 01392 443983.

Natural England

Thank you for your consultation on the above, which was received by Natural England on 14 February 2018 and the additional information received on Apologies for our late response.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES (EXE ESTUARY SPA/RAMSAR/SSSI)

As submitted, the application could have potential significant effects on the Exe Estuary Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

How the provision of a water sports centre and ramp access in this location forms part of an overall strategy for the management and rationalisation of access to the water and provision of water sports facilities in Exmouth.

Further explanation is given below.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's advice on other issues is also set out below.

Internationally and nationally designated sites

The application site is within/in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site adjacent to and is partly within the Exe Estuary Special Protection Area (SPA) which is a European site. The site is also listed as the Exe Estuary Ramsar site¹ and also notified at a national level as the Exe Estuary Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have². The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Further information required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment (HRA), it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out.

In reaching its conclusion of "no likely Significant effect" (LSE) on the Exe Estuary SPA/Ramsar the *Ecological Assessment Report (EAD Ecology, 2018)* (section 3.3.1 to 3.3.8) states that the "*operational parameters of the watersports centre would be designed to ensure that it did not result in an increase in disturbance to bird populations for which the Exe Estuary is designated.*" However, it is not clear how this would be achieved. It also goes on to state that the visitor number to the watersports centre (WSC) would be expected to be approx. 2000 pa. whereas the numbers using the existing premises on the estuary-side are approx. 800 pa. This clearly represents a significant increase in the number of users of the estuary.

The conclusion of no LSE also relies upon voluntary measures, i.e. codes of conduct and zones and an assumption that the existing premises on the estuary-side would cease to operate or make any provision for water sports users. These need further justification. E.g. It is not clear whether the existing premises would continue their current use and therefore whether 2000 users represents a net increase of 1200 or 2000.

The proposal also provides a new ramp access to the water for PWC and other users without any assessment or consideration of overall access provision and the opportunity for review and rationalisation of access across Exmouth.

Work done by your authority in the preparation of your Local Plan, namely the HRA of Exmouth Town Centre and Seafront Masterplan and the South East Devon European Sites Mitigation Strategy (SEDESMS) set the policy framework and propose mitigation measures which would address these issues. However, it appears from this application, together with proposals for tidal defences on the estuary-side, mamhead slipway, etc. that the various departments of EDDC (planning, economic development, property, etc) may not be working effectively together to bring forward development in Exmouth in a way which fully considers the recommendations of these reports. I have therefore copied this letter to your Habitat Regulations Delivery Manager and suggest that you involve him in preparing your HRA and any proposals for mitigation.

In summary your HRA should address the following:

- How your authority intends to address the 'in combination' effects of the new facility and ramp access together with the improvements made to Mamhead slipway, in the absence of any strategic management of access to the water across Exmouth.
- How an increase from 800 to 2000 users will not result in increased disturbance
- How you will ensure that the vacated premises on the estuary-side will not continue to be used for watersports (or other activity which may result in disturbance)
- How you will encourage/enforce compliance with the voluntary zones and codes of conduct

Further comments

Providing appropriate mitigation is secured to avoid impacts upon the European site occurring there should be no additional impacts upon the SSSI interest features of this site.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on consideration of protected species and other natural environment issues is provided at **Annex A**.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

Other Representations

46 letters of representation have been received; 37 of objection and 9 of support.

The reasons for objection can be summarised as follows:

- Sited on most dangerous part of the beach
- Would mislead people into thinking this area is safe.
- Does this mean that the water sport centre can, at will, deny the general public access to these areas due to a 'world class' event taking place?
- Will the loss of seating areas be compensated for? Two of the seating areas are to be used as the new raised steps to access the beach, hardly easy access for kite surfers carrying equipment or mothers with young children.
- According to the 'Public Consultation Feedback' document on the water sport centre web site
- 'Initially, we have opted to run a publicly available pay and display car park with reserved parking for tenants and members.
- We will continually monitor this to ensure the car park fulfils its primary role of providing spaces for water sports users.'
- This implies that the car parking will, at some stage in the future, become members only and not for general public use. What other areas within this site will follow this trend?
- The car parking being placed on site adds to the congestion on the road. There will be traffic trying to access parking on either side of the road.
- Neither of the car parking areas have facilities for coach parking. This does not encourage visitors to visit these, so called, attractions.
- Families with children and baggage visiting the beach will have to navigate their way through water sport user's equipment strewn across public access spots after having to cross the road.
- They will also have further to walk as fit, healthy water sport participants feel the need to have easy access to the beach.
- It is being touted as an all year round destination for cyclists and yet there are only spaces for 24 bikes to park and not any under cover.
- The floor plan area of the buildings shows that two thirds will be retail or food outlets. With Edge water sport running the centre this will rise even further.
- Surely there is no sensible reason for the food outlet to be built over two storeys.
- The added height will be over bearing on the seafront.
- This is hardly a 'world class' water sport centre, more an out of town retail park.
- It is also not very clear from these plans as to whether or not the building has actually been moved back from the sea wall as Grenadier have agreed to do.
- Over development in terms of its height, size and scale.
- Another restaurant and retail outlets are not appropriate for this location and a property which is dressed up in the planning application to be predominantly a water sports centre, which it clearly isn't.
- Poor design
- Increase in noise levels
- Should be no blocking of promenade

- Taking away beach huts so privileged few can benefit
- Will damage the area with sand build up
- Will result in food and related debris
- Don't need such a facility
- Loss of open vistas
- Restaurants not commercially viable
- Does this give permission for part of the beach to be closed off
- The public thoroughfare is severely narrowed and restricted by steps and glass sided ramps between the restaurant building and the sea wall.
- Feedback on height of building has been ignored.
- Benches would be lost.
- Lack of car parking
- Investment should be focused on town centre.
- Pods are so small would be useless
- Invitation for car accidents.
- What financial benefits will it bring for Exmouth
- Where is the business plan
- Why not build it elsewhere
- Report on public consultation is incomplete
- No explanation why BREAAAM is unachievable
- Should be rejected until comprehensive energy budget is available
- Need more detail on sustainable design
- Environmental sustainability has not been proven
- Need drainage details
- Anti-social behaviour.

Reason for supporting the application can be summarised as follows:

- This looks like a fantastic design for a facility
- Will help to put Exmouth more firmly on the map as a top water sports destination.
- This will provide much needed facilities for locals as well as bring more people to the area who want to learn and improve.
- The creation of new architecture and new landscaping will enhance the seafront
- The water sports centre will give a much greater choice of facilities , create jobs in the water sports industry
- Also good to see the plans for the old tired play park space. Again sounds exciting, roll on summer!!
- Be attractive to families

PLANNING HISTORY

13/1819/MOUT - Outline permission for construction of a water sports centre with storage (1450m²); holiday accommodation with parking and gardens (3000m²); indoor leisure activity buildings (1165m²) with external attractions and staff parking; new cafe, restaurant and retail use (1200m²); a minimum 250 space car park; landscaping; realignment of Queens Drive and continuation of pedestrian promenade;

improved connectivity to the Maer and beach; and the selected demolition of existing buildings. Outline planning application with all matters reserved except layout. - Application approved 24/1/14

15/2487/MFUL - Approval of access, appearance, landscaping and scale for the highway re-alignment and parking areas, demolition of cafe, selected beach huts and shelter as part of the reserved matters of outline application 13/1819/MOUT. - Application approved 21/3/16

17/0099/MRES- Reserved matters application pursuant to outline application 13/1819/MOUT seeking approval of access, appearance, landscaping and scale for the construction of new buildings including water sports centre, holiday accommodation, indoor leisure and retail uses 13/4/17

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 49 (The Historic Environment)

EN10 (Conservation Areas)

EN5 (Wildlife Habitats and Features)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)

Strategy 47 (Nature Conservation and Geology)

EN22 (Surface Run-Off Implications of New Development)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

E20 (Provision of Visitor Attractions)

E12 (Neighbourhood Centres and Shops)

EN21 (River and Coastal Flooding)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Other Plans

Exmouth Town Centre and Seafront Masterplan

Site Location and Description

The site is located off Queens Drive, on an area currently used as a car park. The surrounding land is largely flat, and Exmouth beach is on the opposite side of Queens Drive to the site. To the east, the site is adjoined by The Maer, which is a County Wildlife Site (CWS) and a Local Natural Reserve (LNR). The aforementioned beach forms part of the Exe Estuary Site of Special Scientific Interest (SSSI). The Exe Estuary is also a Ramsar Site and a Special Protection Area. On the opposite side of the estuary, around 1 kilometre from the site, is Dawlish Warren, which is also a SSSI. The site is located within a flood zones 2 and 3, as designated by the Environment Agency.

The site is within the built-up area of Exmouth, but has no residential properties adjoining it. There are, however, some beach huts, and other beach/tourism related buildings located reasonably close to the site.

Proposed Development

Planning permission is sought for the erection of a two-storey building for use as a water sports centre. This would incorporate a café, retail space, and changing facilities within the building. Outside the building, there would be eight single-storey retail units in four separate buildings located to the east of the main building, as well as other ancillary buildings to the rear (north) of the main building. There would be car parking to the rear of the building and some grass/landscaping around much of the perimeter of the site (though less so to the south). Much of the front of the building would be surrounded by a terraced area, and a new ramped and stepped access to the beach, off the existing sea wall is also proposed.

ANALYSIS

Main considerations

The main considerations in the determination of this application concern the following matters:

- Principle
- Appropriate assessment
- Flooding
- Drainage
- Design/layout
- Landscaping
- Retail impact
- Economic Impact
- Access to the beach
- Impact on highway safety
- Wildlife
- Conservation

Principle of Development

The principle of development on the site has been established by the approval of an outline application in 2013 and a subsequent reserved matters application in 2017 which included the construction of a water sports centre intended to be a focal point for water sports activities including surfing and boarding clubs. This approval remains extant and the water sports building included a café, storage area, changing rooms, meeting areas and club areas with frontages looking over the beach and a total floorspace of 1450sqm over two floors (7m high) with a top floor tower (10m high).

Strategy 22 (Development at Exmouth) sets out the vision for larger scale development in Exmouth which includes the provision of social, community and leisure facilities. The pre-ambule to this policy explains that the Exmouth Seafront is recognised as a key asset for the town and the Council and is a key driver in its further enhancement.

Redevelopment of the site is also supported by the Exmouth Town Centre and Seafront Masterplan.

Given the planning history for the site, and planning policy support in the Local Plan and Exmouth Town Centre and Seafront Masterplan, the principle of the redevelopment of the site for a range of leisure uses including a water sports centre is considered to be acceptable in principle.

Appropriate Assessment

The proposal relates to a major development located within close proximity to the Exe Estuary Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Wetland of International Importance under the RAMSAR Convention (Ramsar Site).

Because of the SPA and Ramsar designations the Conservation of Habitats and Species Regulations 2010 must be applied in the determination of this application. Regulation 61 requires East Devon District Council, as the competent authority, to undertake an Appropriate Impact Assessment (AIA) of the implications of this proposal on the site's conservation objectives before granting permission for a proposal which

is likely to have a significant effect upon a European site. This has also been requested and re-affirmed in the consultation response from Natural England.

East Devon District Council has therefore assessed the impact from the development upon the Exe Estuary and concludes the following:

In providing an assessment of the likely environmental impacts from the proposed development, it is pertinent to note that the site of the proposed development forms part of a much larger area which benefits from an extant planning permission (ref 13/1819/MOUT) for a masterplan development which involved the construction of a water sports centre, a hotel and holiday accommodation, leisure and retail uses. As part of that planning permission, the likely impacts arising from the proposal were considered in detail as part of the Environmental Impact Assessment which accompanied the application and also proposed an increase in users from 800 to 2000. This EIA provided a detailed assessment of the likely direct and indirect impacts from the development and a range of mitigation measures to minimise any adverse significant effects on the features of special interest within the Exe Estuary SPA, Ramsar, SSSI sites which are considered to be relevant to this water sports centre proposal.

The impacts from this water sports centre are considered to be from:

- New pedestrian and ramped access points onto the beach
- Any environmental impacts during construction
- Increasing in the use of the Estuary as a result of the water sports building/uses

Whilst the proposed water sports centre and associated uses could have significant direct/ indirect impacts upon the aforementioned sites, the 2017 Environmental Impact Assessment Regulations does allow for regard to be had to any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

In this regard the applicant puts forward a number of mitigation measures to reduce the overall impact which were previously considered to be appropriate measures contained within the Environmental Statement which accompanied the previous outline planning application for a greater scale of development on this site and which were secured through a condition. In addition it was previously recognised and accepted by Natural England that whilst the water sports facility may increase the use of the Estuary on this part of the beach, it would be located away from the most sensitive part of the estuary and could provide a benefit in providing a facility that would discourage the use of the most sensitive part of the estuary for water sports activities (further up the estuary).

The mitigation measures proposed incorporate opportunities to encourage best practice and as part of a more strategic approach to access management, refocus activity from sensitive areas, times of year and/or tide helping to reduce any likely significant impacts. These measures can be summarised as the following:

Operational Parameters:

- The Water sports Centre will focus activity in the areas adjacent to Exmouth Beach in an area known to be used by lower numbers of birds for which the estuary is designated. This facility will therefore move Water sports users away from the more sensitive parts of the estuary.
- All activities would operate in accordance with existing and proposed guidelines for water-based activities within the estuary. This would include adherence to the 'water sports zones' identified in the South-East Devon European Sites Mitigation Strategy (Footprint Ecology, 2013); 'Fowl Play' kiteboarding guidelines (East Devon District Council, undated), PWC code of conduct (East Devon District Council, undated); the Exe Estuary Code (Exe Estuary Management Partnership, undated); and the emerging review of zonation and codes of conduct (Exe Estuary Management Partnership, undated).
- Grenadier is committed to creating a joint strategy for the Mamhead Slipway and proposed water sports centre slipway to optimise their use and ensure users are directed to the appropriate location.
- The existing facility in Exmouth would cease to operate once the new centre was open therefore preventing the development of multiple centres.

Educational Parameters:

- On the opening of the Water sports Centre, promotional material would be produced to educate users on the ecological sensitivity of the estuary and to promote the water sports centre as a preferred location for water craft to launch and recover. This will result in more educated and informed users of the estuary who understand the environmental sensitivities and their potential impacts.
- Commitments would be made to ensure staff working at the Water sports Centre are trained to educate users regarding the use of the beach access ramp as the preferred launch and recovery site and the importance of protecting the conservation interests of the estuary.
- Signage would be placed in and around the Water sports Centre and adjacent to the steps and access ramp promoting the information set out above.
- For other slipways within EDDC's control, signage would be erected which could discourage the use of these slipways (particularly in winter months when nesting is taking place).

Other Parameters:

- The requirement for a Construction and Environmental Management Plan (CEMP) to be put in place to ensure that building works were carried out sensitively;
- The requirement for a Landscape and Ecological Management Plan (LEMP) to be put in place and to introduce measures to limit the impacts on the Exe Estuary through issues such as noise, night time lighting, vibration, and habitat creation measures;

- The use of an Ecology Clerk of Works who would be appointed to provide oversight and coordination during the construction works on all issues likely to affect the ecology of the site and the wider area.

In having regard for the likely impacts of the proposal on these environmentally sensitive sites coupled with the range of mitigation measures put forward which can be secured through the imposition of an appropriately worded condition, the proposed development is unlikely to have any significant effects.

This Appropriate Assessment has been sent to Natural England for information in response to their consultation comments.

Flood Risk

The site lies within flood zones 2 and 3 as defined by the Environment Agency's mapping system, and is therefore at high risk of flooding from the sea, and some risk of fluvial flooding. A flood risk assessment was submitted with the original outline application (13/1819/MOUT) for the wider regeneration site which concluded that the proposed development consists of 'water compatible' and 'less vulnerable' development and would therefore be an acceptable use of the site subject to carrying out the development in accordance with the flood risk assessment and appropriate conditions.

This application only proposes to develop part of the regeneration area, the Environment Agency has given the following advice:

'Taking into account our previous advice in respect of flood risk we are satisfied that the current FRA document now provides a comprehensive assessment of flood risk matters. On this basis, we support the conclusions of the FRA and advise that the development should be implemented in accordance with its recommendations.'

Accordingly, subject to an appropriate condition securing the recommendations of the report, the proposal is considered to be acceptable in relation to Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan.

Drainage

The application form states that it is proposed to dispose of surface water by way of (Sustainable Urban Drainage System (SUDS) or soakaway. South West Water (SWW) has assessed the proposal and stated that it is satisfied that this is appropriate in this location.

Devon County Councils Flood Risk Department has assessed the proposal and does not raise any specific concerns. However, in order to ensure that the proposal does not result in a risk to life from flooding, and that the use of a soakaway is suitable, some additional information is required prior to the commencement of the proposal. This information relates to demonstrating how surface water would be managed in a 1 in 100 year flood event, flow routes, ground investigation undertaken, and also monitoring for 6 months (6 months having agreed subsequent to the DCC Flood Risk

Teams original response). Given the location of the site, conditions seeking this information are considered reasonable.

In addition to this, SWW has suggested a condition which would only permit foul drainage to be connected to the public foul or combined sewer. This is considered to be a reasonable condition to impose, should this application be approved.

Design and Layout

The design proposal identifies three key areas of the site:

- Public open space to the west to provide space for events and activities
- Water sports building to the south east to engage with the public realm and beach front
- Car park and vehicle access to the north east

The building form is defined into two key areas; the first to the west is the two storey restaurant and café area. The second area is the water sports zone with wet changing training, storage and space for retail, or other water sports users.

It is considered that by virtue of its location it would not cause any unacceptable overbearing or overlooking of any commercial or residential properties.

The main considerations therefore relate as to whether the design and scale of the buildings fit within the context of the site without detriment to the appearance of the site and surrounding area.

Height and scale

At outline stage it was envisaged that the Water Sports Centre would be a focal point for water sports activities including surfing and boarding clubs and includes a storage area and active ground floor frontages with a floor space of 1450sqm over two floors (7m high) with a top floor tower (10m high) and could also include a cafe or restaurant. The scale of the building has therefore been informed by the outline application.

The most noticeable part of the building will be the two storey element which would be around 10.65m in height which contains a café/restaurant with associated staff facilities and kitchen. The main entrance is on the southern side through a single storey wing (4m tall) off the eastern side with another wing on the western side containing a dedicated café.

The building design is principally in two parts with the restaurant and café to the west and water sports facilities to the east. The restaurant building takes the form of a conventional two storey pitched roof, but the single storey element is at an angle with a repetitive roof structure. This is broken up by a flat roof dining terrace which would incorporate frameless glass balconies. They are set above the level of the promenade running past the front of the building.

Although the different elements of the building are physically joined there is no internal access between them so they function separately. The eastern end of the scheme

includes six retail units and one storage unit that are designed to appear as independent beach huts. There is also a bin/plant structure and substation located to the north of the building.

The main building is set on a raised timber deck to provide flood protection. It is considered that, although elevated, the building is set far enough from the beach front and promenade that it would not be read as an overly dominant building. It would use natural materials such as stone and thick timber boarding to provide a strong external finish.

The main building would be flanked by the smaller water sports zone pods. These follow the principles of the main building with a simple pitched roof form, stone plinth and timber boarding and appear to echo the form and design of the beach huts found at many seaside towns.

The overall shape of the building is considered to respond well to the shape of the site and the route of the promenade through its cranked design. This allows the proposal to respond to the street-scene and have an active frontage on all sides. Areas of glazing allow for views towards the sea and beachfront. This would have the further benefit of reducing the need for artificial lighting. Indeed, the proposal would incorporate PV panels based on an east-west axis and incorporate ground source heat pumps, EPC A+ thermal performance and natural lighting and ventilation to enhance its sustainability credentials.

Materials

There is a mixture of architectural styles along the seafront with the modern roof curved ice cream kiosk and Ocean centre with modern cladding materials. There are also pitched roof stone/masonry buildings such as the rowing club and more recently the lifeboat station that uses a mix of copper cladding timber windows and stone plinths. It is considered that these elements pick up on the coastal location.

It is considered that the form and design of the buildings are simple and robust and would assimilate to the landscape along the seafront. The design allows for level and accessible approached to all main entrances into the building. Disabled parking spaces have been positioned to be clearly visible to all users as they enter the car park and all routes are accessible to wheel chair users.

Overall therefore it is considered that the scale of the building follows that which was approved at outline stage. The proposal would provide a gateway into this area of Exmouth and the use of robust coastal materials would be appropriate to the site. The building would be elevated because of flood protection concerns, but would be set back from the promenade frontage. The design is therefore supported.

Public Realm and landscaping

To the north of the building a car park is proposed with 54 spaces with the vehicular access located approximately centrally along the northern boundary. The northern and eastern boundaries would be defined by low level coastal planting. The public realm would be defined by block paving with the main building and the beach huts separated

by a grass crescent to be used as a laydown for water sports equipment. The western end of the site would be used as a multi-use events space and laydown area separated from the main building and associated public realm by 10 parking spaces and delivery access. The amenity space would be edged with low level mounding with tree planting at the western end. This would mark the arrival to the scheme from the west. There would be pedestrian connections to the north and the Maer to the east with the south open to the adjacent promenade and new benches.

The use of planters would help to soften the appearance of the buildings from the beach and the substation has been sited within a landscaped area adjoining the re-aligned Queens Drive to help reduce its visual prominence.

The trees which are proposed can withstand exposed coastal locations and would mark the arrival point and serve to break up the mass of the main building and would help it integrate into the landscape.

It is considered that the scheme has been orientated to create a relationship with the public realm and there are direct pedestrian links into and across the site. The landscaping will help assimilate and soften the building into the landscape and this element of the scheme is considered to be acceptable.

Retail impact

The application proposes the creation of an area of 'flexible retail/water sports use totalling 64sq m and 6 small retail pods with a total floor space of 75sq m (12.5sq m each). In addition the café/restaurant area within the main body of the proposed new building would have a floor space of around 580sq m. This represents a substantial reduction in that approved under the previous reserved matters application submitted under reference 17/0099/MRES but nevertheless any new retail floorspace has the potential to have an impact on the retail offer within Exmouth town centre. With this in mind, and as the combined A3 food space and the A1 retail uses exceed 500sq m, a retail impact assessment has been undertaken and submitted with the application.

This assessment has considered the need, appropriateness and accessibility of the proposed development and its overall impact on Exmouth Town Centre.

The adopted East Devon Local Plan promotes new development at Exmouth, and specifically recognises that the Seafront is a key asset for the town. The redevelopment of this part of the Seafront has been established through the previous permissions granted, and the development of the Water sports Centre and associated facilities is fundamental to the success of this. In order to provide an attractive and economically viable development the inclusion of restaurant and retail uses are considered to be essential to both attract additional visitors and to encourage them to spend more time and money enjoying the Seafront and to promote the year round use of this part of the town.

The proposed restaurant/café would be significantly larger than the café that previously occupied the site, both in terms of floor space and in the numbers of customers that could be catered for. Indoor and outdoor seating areas are proposed which would offer a year round attraction, both for users of the water sports facilities,

and other visitors to the seafront. In order to be able to attract new visitors to this area of the seafront any new restaurant/café has to be able to be of a sufficient scale to cater for a variety of patrons. In this respect the facilities proposed are considered to be appropriate to facilitate and support both the users of the water sports centre but also visitors to the seafront who wish to enjoy the views of the Estuary and coast in a comfortable environment.

The scale of the retail element is considered to be relatively modest with the 64m space proposed initially to be marketed as a retail opportunity on a short term let basis, with a view to providing additional expansion space for the main water sports centre in due course. It is also intended that this unit would have a tie back to the water sports centre which would provide some assurance regarding future potential.

The pods are designed to attract small local businesses aimed at both local retail and/or food outlets. Whilst there is the potential to provide competition with existing businesses in the town centre the very modest scale of these units would in itself limit the nature of the occupiers. In considering the previous reserved matters application, the separate individual retail units were quite significantly larger, measuring 50sq m each which would have more potential to compete with existing town centre uses. As such a condition on the previous approval restricted the goods sold to those associated with the seafront and water sports leisure activities, unless otherwise agreed. Whilst such a condition was considered to be reasonable on a larger scale unit, the very modest size of the proposed pods would not offer any substantive threat to the viability of existing town centre operators and is not considered to be appropriate on these individual units. To ensure that the scale of these units remain 'bijoux' and to provide a variety of outlets it is considered appropriate to condition the removal of the dividing walls between each pod.

Overall it is considered that the additional facilities and visitor attractions offered by the proposed new restaurant/café and small retail units within the water sports centre will increase the attractiveness of this part of the seafront and will allow enjoyment throughout the year, rather than the very seasonal uses that previously existed. In this respect it is considered the proposed associated retail and food and drink element of the scheme will not detract from the town centre but provide an additional attraction to the existing facilities which Exmouth has to offer.

Economic impact

In 2016 East Devon District Council commissioned an Exmouth Visitor survey on behalf of the Exmouth Coastal Community Team, this was undertaken by the South West Research Company

The key challenges for the Exmouth visitor economy included:

- An ageing visitor profile
- Low visitor expenditure
- The need to attract new 'first -time' visitors
- The short visitor season
- Increased competition from other destinations

The National Planning Policy Framework identifies the economic role of development in contributing to building a strong, responsive and competitive economy. The proposed development builds upon Exmouth's unique strength as a venue for a great water sports experience and offers to provide a high quality facility that would embed Exmouth's position as a 'go to' destination. The proposed facilities would contribute towards enabling the Exmouth visitor economy to extend the visitor season beyond the core summer months and support the further development of the water sports and associated high quality leisure offer in the town. It is stated that the proposed development would result in the creation of 62 full time equivalent (FTE) jobs.

The Exmouth visitor economy is constantly evolving and changing and has already benefitted from investment in new holiday accommodation, new and/ or improved indoor leisure facilities and public realm. The proposed development has the potential to make a further and very significant contribution to the creation of a visitor economy for Exmouth that is fit for the 21st Century reflecting Exmouth's unique water sports offer and enhance the site's stunning seafront location.

Accordingly, it is considered that the proposed water sports centre would have a beneficial impact on Exmouth's economy and should be seen as a benefit weighing heavily in favour of the application.

Access to the beach

The proposed water sports centre would require good access to the beach for both people using/hiring equipment and for spectators/general members of the public seeking to access the beach from the car park to the north of the site. To enable equipment to be safely brought from the centre and its associated storage building a ramped access to the beach would be required, this would also be beneficial for disabled persons requiring wheelchair access. For pedestrians a safe area away from moving equipment would be required in the form of steps.

Representations have been received regarding the need for new steps, as there are a number of sets of steps along the length of the esplanade and an access ramp as there is one adjacent to the lifeboat station and one adjacent the coastguard building at either end of this part of the beach. However, as indicated above it is considered that direct access to the beach is required, the slip ways/ramps at either end of the beach are too distant to be practically used by the water sports centre and the existing steps are too steep to carry equipment down.

The application originally sought to provide 2no. new sets of timber steps built up and over the existing half-moon features on the sea front and 1no. new timber ramp accessed from an existing opening in the sea wall. However, concerns were raised by officers regarding the scale of both of the proposed sets of steps appearing out of context with the historic and open character of the promenade. Amended plans have been received, indicating a single bespoke design solution to providing access to the beach through provision of an access ramp that incorporated steps through the existing opening in the sea wall. This solution does not require the steps to be built up and over the wall thereby reducing their overall height to a similar level to the rest of the promenade. Accordingly, it is considered that the revised design of the ramp and

steps are acceptable in accordance with Policy D1 (Design and local Distinctiveness) of the EDDC Local Plan.

A number of representations received have raised concerns regarding the proposed location of the water sports centre and there are often red flags evident on this section of Exmouth Beach. The key risk factors for the public include swimming and inflatable craft that are easily blown out to sea. The control measures proposed by the water sports centre management are to stop use of swimming in this zone, which includes inflatable craft, with signage, lifeguards and advice from the water sports centre. In addition, the risk assessment carried out on behalf of the applicant recommends that the sale of inflatable devices is to be prohibited or restricted and beach users informed of their dangers in this area.

East Devon District Council have also undertaken a risk assessment which also provides commentary on the benefit of siting the water sports centre. One of the key concerns is that the water sports centre will be attractive not only to water sports users but also members of the public, which may increase the numbers of people on the beach. This part of the beach is not suitable for swimming. Apart from extreme swimming the general public usually do not swim between September through to April.

At present water sports in this zone are unmanaged. With potential for an increase in water sports users, a management plan and risk assessment will need to be in place for launching and landing of craft, managed by the operator of the water sports centre. The benefits of providing a water sports centre include:

- Education for clients of the water sports centre
 - a. Advice on being safe in the water
 - b. Provision of advice on tide times and when best to undertake water sports activities
 - c. What to do in the event of an emergency
 - d. General advice, for example, don't kite surf alone, 'don't drink and drown'....
- Assessment of water sports users' competence, checking against national governing body guidance
- Management and control of hire and quality of equipment
- Provision of a safety rescue boat for water sports centre managed activities
- Additional support to the beach area as a whole if there is an emergency

Accordingly, it is considered that whilst the area is known to provide some risk to swimmers and inflatable users, the greater on site presence and education of people entering the water is considered to be a benefit and as such is considered to be acceptable.

Highway safety

The alterations to the layout and re-alignment of Queens Drive have been previously considered as part of the reserved matters application approved under reference 15/2487/MRES and as such there are not considered to be any highway concerns or issues relating to the general road layout. The current proposal provides additional details regarding the entrance to and layout of the car park and associated development relating to the Water sports Centre.

The entrance to the car park serving the water sports centre is taken from the realigned new roadway that benefits from separate planning permission. 54 parking spaces are provided, including 3 disabled spaces, with access taken from the re-aligned Queens Drive. A number of electric car charging points are also included within the layout. Cycle parking is provided to the sea front side of the building. Additional parking will also be available in the alternative existing and proposed car parks serving the sea front.

Devon County Council are content that the suggested highway arrangements, including new entrance to the car park and the internal layout of this, which provides a one way traffic flow arrangement is satisfactory. The permeability of pedestrian routes both round and through the site are also considered to be appropriate to serve the development.

The application has been accompanied by a proposed travel plan which encourages access to the site by a variety of sustainable, healthy and social modes of travel. In this respect the location of the site is already particularly well served by safe and convenient pedestrian and cycle access, with existing dedicated traffic free cycle and pedestrian routes along the seafront from the town centre to Orcombe Point at the eastern end of the seafront.

Some concern has been raised that the proposed centre would reduce the width of the promenade and that it would create a pinch point with a consequent increase in congestion. However the centre would actually create a wider space, with the promenade being maintained and the open space beyond this in front of the proposed building. As a result it would actually offer a further open space within the seafront area rather than restricting it.

Wildlife

In addition to potential impacts upon the estuary and its wildlife designations, consideration is required to any impact upon on-site or adjoining sites wildlife.

The site is currently a car park, which is surfaced and, especially during busy periods, heavily used. As such it is considered that the site offers little in terms of a wildlife habitat. However, the site is located close to a SSSI, LNR and CWS and, therefore, its impact on those designations must be considered. The Ecological Impact Assessment submitted states that "no significant effects from the proposed development have been identified on any designated sites of nature conservation value". However, the proposed ramp and steps onto the beach would protrude into the Exe Estuary SSSI; but this would be onto an area which is heavily used and, as a consequence, is of limited value to wildlife. Furthermore, given that the ramp and steps would be close to the sea wall, it is considered that the impact of them on the SSSI and Ramsar Site would be negligible.

Notwithstanding the above, it is important to ensure that damage is not caused to a designated area or wildlife during the construction phase. Consequently, a Construction Environment Management Plan (CEMP) would be required following any approval of this application.

The Ecological Impact Assessment concurs with the view that the proposal would not be harmful to wildlife or to the designated areas close to the site (subject to a condition to ensure that the mitigation is put in place to ensure no likely significant effect on the estuary). It is also noteworthy that following consultation with Natural England, it was determined that the proposal does not constitute EIA development.

Given the above, it is considered that the proposal would not be harmful in terms of any specific on-site wildlife impact or impact upon adjoining sites.

Conservation

There are no listed buildings in the vicinity of the site, and although not adjacent to the Exmouth Conservation Area, views from it across to the sea will be available. In this respect it is considered that the outlook will inevitably be altered by any development on this seafront site.

It is recognised that the proposed water sports building and associated development will be more visible, given its greater mass, than the existing development on the site however its position is such that it has been set back from the beach and promenade and is not considered that it would substantially or unacceptably disrupt long-distant views from within the conservation area, or that it would have any unacceptable heritage impact.

CONCLUSION

The principle of the development of the site for a watersports centre has been established through previous outline and reserved matters applications and is generally supported by the Local Plan and Exmouth Town Centre and Seafront Masterplan.

The application proposed a well-designed building with suitable pedestrian and vehicle access to the site and to the beach.

The proposals will ensure not harm to wildlife and subject to conditions will cause no likely significant effects on the designated wildlife areas adjoining the site.

There will be no harm to the nearby Conservation Area and the retail units are of a size that will not harm the vitality or viability of the town centre.

Finally, the proposal will generate significant leisure, economic and tourism benefits that weigh heavily in favour of the proposal.

Therefore, subject to conditions, the application is supported.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(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 permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The development hereby approved shall be undertaken in accordance with the conclusions and recommendations of the Flood Risk Assessment, prepared by WSP and dated January 2018.
(Reason - In order to ensure that the development does not result in an increased flood risk, and to comply with the provisions of Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework).
4. Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.
(Reason - To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment, and to comply with the provisions of Policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework).
5. Prior to the commencement of the development hereby approved, the following information shall be submitted to, and approved in writing by, the Local Planning Authority:
 - o Details to demonstrate how surface water will be managed for the 1 in 100 year (+40% climate change) event, to demonstrate that no buildings will be flooded during this event.
 - o Details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.
 - o Details of previous ground investigation works undertaken. In particular, report Number PE151195, dated August 2015.
 - o The results of a 6 month programme of ground water monitoring.
The works shall be undertaken in accordance with the agreed details.
(Reason - To ensure that the development does not result in an increased flood risk, to ensure that the use of a soakaway is suitable, and to comply with the provisions of Policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework).

6. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.
(Reason - To protect the amenity of local residents from noise, and to comply with the provisions of Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework).
7. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:
- o The timing of the works
 - o The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution)
 - o Any necessary mitigation for protected species
 - o Construction methods
 - o Any necessary pollution protection methods including : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements.
 - o Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking
 - o Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site
- The works shall be carried out in accordance with the approved method statement.
(Reason - This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with the National Planning Policy Framework and in accordance with Policies EN4 (Nationally Important Sites - including Sites of Special Scientific Interest) and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.)
8. That the individual retail units shall remain, in terms of size, as approved and that no internal dividing walls shall be removed to create larger units.

(Reason: To ensure that there is no adverse impact on the town centre and to maintain a variety of individual uses in accordance with Policy E9 (Town Centre Vitality and Shopping Areas) of the East Devon Local Plan)

9. The 64sq m retail unit hereby approved only sell goods associated with seafront and watersports leisure activities unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In order to protect the vitality and viability of Exmouth Town Centre in accordance with Policy E9 (Town Centre Vitality and Shopping Areas) of the East Devon Local Plan and the National Planning Policy Framework.)

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

(Reason: To ensure that appropriate procedures are in place for all traffic attracted to the site and so that construction traffic does not unreasonably impact upon its the local highway network or the living conditions of neighbouring dwellings in accordance with Policies TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

11. Notwithstanding the details provided no development shall take place until samples of the materials to be used in the construction of the external surfaces of the building(s) and surfaces of the public area hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

12. Notwithstanding the operational parameters outlined in Paragraph 3.3.7 of the Ecological Impact Assessment Report dated January 2018 prior to commencement of any part of the development hereby approved, a Landscape Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include (but not be limited to) educational parameters for all users of the water sports centre and users of the section of beach immediately to the south of the water sports centre including users of the new ramp and steps to advise of the importance of the conservation interests of the estuary and the impending tidal conditions. The development shall thereafter be carried out in accordance with the approved details. (Reason: To provide ecological enhancement and education of users of the site in the interests of ecology and biodiversity in accordance with Policy EN6 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan and the guidance contained within the National Planning Policy Framework

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

3521-PBWC-03-01-DR-A-6110 REV P9	Proposed Floor Plans	12.02.18
3521-PBWC-03-00-DR-A- REV P4	Proposed Floor Plans	12.02.18
3521-PBWC-03-01-DR-A-6111 REV P7	Proposed Floor Plans	12.02.18

3521-PBWC-02-02-DR-A-6112 REV P5	Proposed roof plans	12.02.18
3521-PBWC-03-XX-DR-A-6114 REV P5	Proposed Elevation	12.02.18
3521-PBWC-03-XX-DR-A-6116 REV P2	Proposed Combined Plans	12.02.18
3521-PBWC-03-XX-DR-A-6117 S4 REV P2	Other Plans	12.02.18
3521-PBWC-03-00-DR-A-6001 REV P5 : LOCATION	Amended Plans	25.04.18
3521-PBWC-03-00-DR-A-6004 REV P4 : PHASE 1 ROAD DIVERSION	Amended Plans	25.04.18
3521-PBWC-02-00-DR-A-6002 REV P4 : EXISTING BLOCK PLAN	Amended Plans	25.04.18
3521-PBWC-03-00-DR-A-6003 REV P13 : PROPOSED BLOCK	Amended Plans	25.04.18
3521-PBWC-03-XX-DR-A-6120 REV P3 : RAMP+STEP DETAILS	Amended Plans	25.04.18
3521-PBWC-03-XX-DR-A-9033 REV P6 : FINAL AERIAL PERSPECTIVE	Amended Plans	25.04.18

3521-PBWC-03- XX-DR-A-9032 REV P5 : FINAL PERSPECTIVES	Amended Plans	25.04.18
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326/01 B : PROPOSED LANDSCAPE SOFTWORK	Amended Plans	24.04.18
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326/02 B : PROPOSED LANDSCAPE HARDWORK	Amended Plans	24.04.18
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326/03 B : LANDSCAPE SECTIONS	Amended Plans	24.04.18
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List of Background Papers

Application file, consultations and policy documents referred to in the report.

Ward Exmouth Littleham

Reference 18/0749/FUL

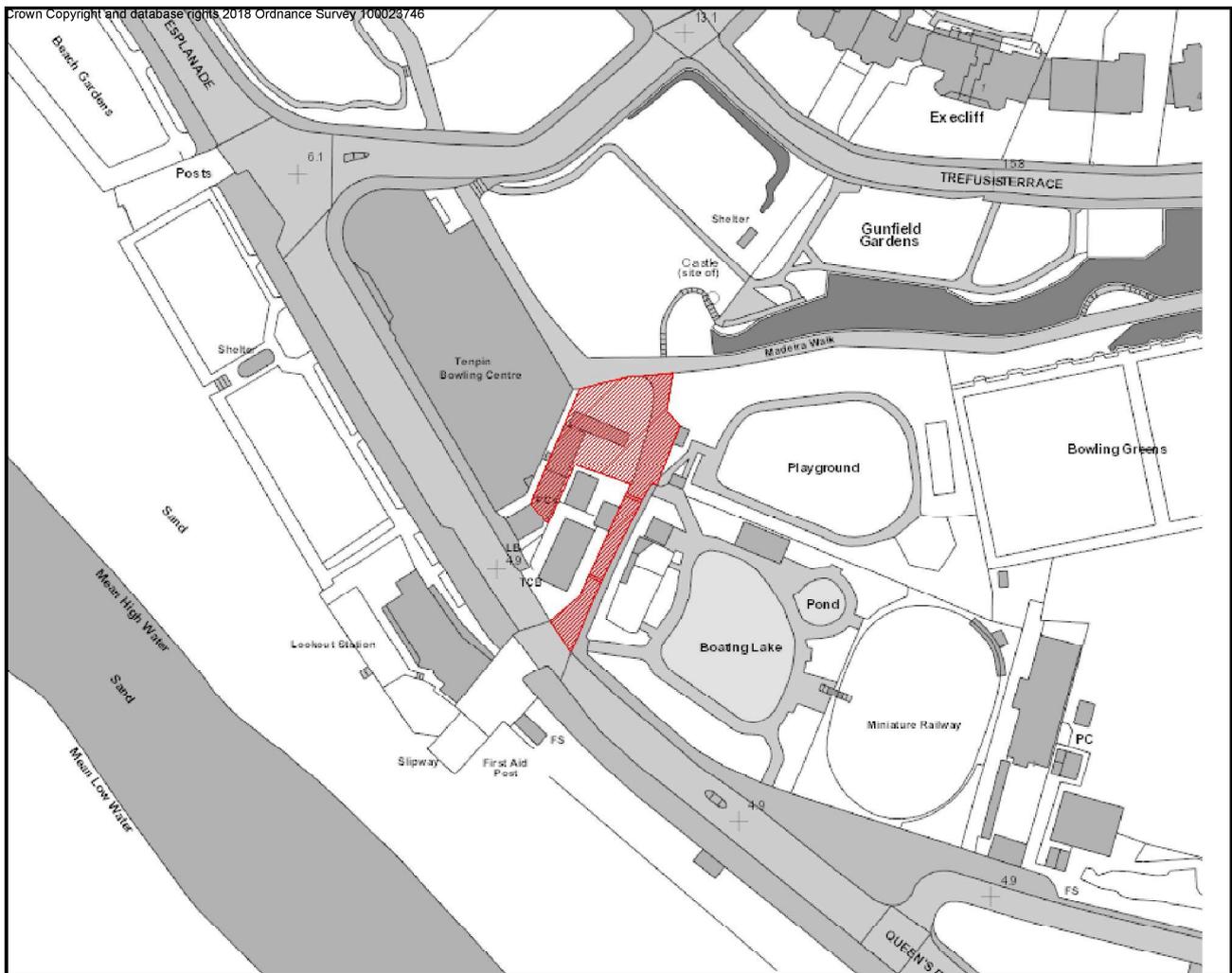
Applicant Mr Hal Furneaux-Gotch (East Devon District Council)

Location Land To Rear Of Exmouth Rowing Club
Queens Drive Exmouth

Proposal Change of use of land to temporary car park and associated works; relocation of storage container



RECOMMENDATION: Approval with conditions



		Committee Date: 5th June 2018
Exmouth Littleham (EXMOUTH)	18/0749/FUL	Target Date: 11.06.2018
Applicant:	Mr Hal Furneaux-Gotch (East Devon District Council)	
Location:	Land To Rear Of Exmouth Rowing Club Queens Drive	
Proposal:	Change of use of land to temporary car park and associated works; relocation of storage container	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as East Devon District Council is the land owner and applicant and objections have been received to the application.

The site lies within the built up area boundary of Exmouth, where there has been a long and established history of recreational and associated activities taking place. Whilst the permanent historic uses have ceased, this area forms part of a wider regeneration area identified in Strategy 22 of the Local Plan as a regeneration area and the wider area has been the subject of previous applications and public consultations seeking to secure long term uses. The final design of this part of the regeneration area has yet to be formalised or indeed even consulted upon, however, as an interim measure the land owner is seeking to secure a use for this site to provide facilities for the public for 3 years using temporary structures and the existing ground surfacing.

The layout of the car park would allow for 13no.vehicles, and whilst it is regrettable that there are no disabled spaces proposed, there is no policy within the development plan requiring any. However, as this is a temporary use for a temporary period it is considered acceptable in the short term. Any wider or longer-term regeneration solutions for the area would need to provide for suitable numbers of disabled spaces.

The removal of cars on the access road, whilst not directly a planning issue, and given the lack of objection from the Highway Officer, is considered to be a benefit to the scheme.

The proposed layout would ensure that the mature tree is retained and being a secluded location the proposal is not considered to harm the character and appearance of the nearby Conservation Area.

Being a 'less vulnerable' classification use the proposal is not considered to increase the risk of flooding in the area.

CONSULTATIONS

Local Consultations

Parish/Town Council
Meeting 30..04.18

No objections subject to the tree being retained as stated in the planning support statement from the applicant, EDDC. Members also request that the "Tree of Heaven" had a TPO placed on it.

Technical Consultations

County Highway Authority

This is a non-DCC car park situated in the urban area of Exmouth.

The County Highway Authority (CHA) notes that no cycle parking has been provisioned for on the current plan and this maybe something to consider given that the sight is somewhat offset from the town centre. I do not believe that backing up of traffic will cause an impact on the Highway network in this vicinity and the proposed parking spaces are to current best practice standard, although no designation of disabled spaces have been made, given that this is only a temporary car park, this maybe suitable in this situation.

Therefore the CHA has no objections to this proposed development.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY HAS NO OBJECTION.

EDDC Trees

The tree is visually significant feature and an unusual tree species, that has obtained a good size, given its inhospitable growing conditions. It contains many features of a veteran trees and has the good potential as habitat for bats and nesting birds.

Given the above the retention of the tree is considered important, especially in the context of the proposed scheme only being of a temporary nature.

The ground around the tree has predominantly been laid to hard standing, the proposed scheme shows the tree as retained, parking spaces are arranged outside of the trees crown spread and as such the tree can satisfactorily be retained.

The proposed scheme can be approved, subject to a condition requiring the retention of the tree and that a scheme for how no dig porous surfacing, within the trees root protection area will be address.

Draft condition wording:

Tree protection

Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained tree.
- c) Details of construction within the RPA or that may impact on the retained tree.
- d) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) A specification for protective fencing to safeguard the tree during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- f) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- g) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- h) Methodology and detailed assessment of root pruning
- i) Arboricultural supervision and inspection by a suitably qualified tree specialist
- j) Reporting of inspection and supervision
- k) Methods to improve the rooting environment for retained tree.

The development thereafter shall be implemented in strict accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2016 and pursuant to section 197 of the Town and Country Planning Act 1990

Informative:

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work - Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

Environmental Health

I have considered the application and do not anticipate any environmental health concerns

Other Representations

Three representations have been received raising the following concerns:

- Impact on pedestrian safety
- Inadequate width with car parked on the access lane
- Insufficient visibility of cars and pedestrians
- Too tight a turn from Queens Drive
- Impact on important tree
- Impact on wildlife
- Impact on Rowing Club parking spaces
- Premature pending consultation on wider area
- It will cost more than the revenue received
- It should be left for inclusion as part of the wider regeneration proposals
- Exmouth Rowing Club would like to expand onto the site in the future
- A more permanent home for the RNLI storage container should be found nearer the beach.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
 Strategy 6 (Development within Built-up Area Boundaries)

TC7 (Adequacy of Road Network and Site Access)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

TC9 (Parking Provision in New Development)

EN14 (Control of Pollution)

Strategy 22 (Development at Exmouth)

EN21 (River and Coastal Flooding)

EN10 (Conservation Areas)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Relevant Planning History

None relevant in the determination of this application

Site Location and Description

The site lies in the built up area boundary of Exmouth in an area that is identified under Strategy 22 as a regeneration area, the Conservation Area lies to the north of the site. It currently comprises an area of land that is fenced off with a derelict appearance save for a shipping container in its south western corner and a mature tree in its north

western corner, the site is laid to hardstanding. It is accessed by a side road directly from Queens Drive to the south of the site.

Proposed Development

This application seeks full planning permission for the change of use of the site for use as a temporary car park for 13 no. vehicles for a period of up to 3 years together with ticket machine and barrier system. The storage container would also be relocated further west towards the Ocean Building. The container is used by the RNLI for storage.

The applicants also intend to white line the access road to prevent unauthorised vehicles parking and to ensure unrestricted access to the car park - however this element of the scheme does not require planning permission.

ANALYSIS

The main considerations in the determination of this application concern:

- Principle
- Impact on highway safety
- Impact on trees
- Flood risk
- Impact on wider area

Principle

The site lies within the built up area boundary of Exmouth, where there has been along and established history of recreational and associated activities taking place. Whilst the permanent historic uses have ceased, the wider area forms part of a regeneration area identified in Strategy 22 of the Local Plan and has been the subject of previous applications and public consultations seeking to secure long term uses. The final design of this part of the regeneration area has yet to be formalised or indeed even consulted upon, however, as an interim measure the land owner is seeking to secure a use for the site to provide facilities for the public using temporary structures and the existing ground surfacing.

Accordingly, for a temporary period of time whilst the wider regeneration proposal are being formulated the use is considered acceptable in principle, subject to be in conformity with other policies contained in the development plan.

Whilst it is appreciated that the Rowing Club may wish to secure the site for expansion in the future, that is not a matter for consideration as part of this application but for the Rowing Club to approach the Council as landowner.

Impact on highway safety

The site is accessed via a side road which leads from Queens Drive, there is evidence of parking on the road which reduces its width to a single carriageway for approximately 50 metres. Whilst outside of planning control the applicant, if permission

was granted, will white line this section of the road to ensure the unauthorised parking was removed and allow two vehicles to pass each other. This would be seen as a benefit, however, even if this were not removed Devon County Highways Engineer raises no objection to the proposed development.

If the removal of the unauthorised parking on the access leads to people trying to use the Rowing Club spaces, the Rowing Club will have powers to prevent this unauthorised parking as they do at present.

The layout of the car park would allow for 13no.vehicles and whilst it is regrettable that there are no disabled spaces provided, there is no policy within the development plan requiring any. However, as this is a temporary use for a temporary period it is considered acceptable in the short term. Any wider regeneration solution for the area would need to provide for suitable numbers of disabled spaces.

As such it is considered that the proposal would be acceptable not impacting unreasonably on highway safety in accordance with Policy TC7 of the EDDC Local Plan.

Impact on trees

There is one mature tree contained within the site, which is proposed to be retained whilst being used as a temporary car park. The tree officer has been consulted and has the following advice:

'The tree is visually significant feature and an unusual tree species, that has obtained a good size, given its inhospitable growing conditions. It contains many features of a veteran trees and has the good potential as habitat for bats and nesting birds.'

'Given the above the retention of the tree is considered important, especially in the context of the proposed scheme only being of a temporary nature.'

'The ground around the tree has predominantly been laid to hard standing, the proposed scheme shows the tree as retained, parking spaces are arranged outside of the trees crown spread and as such the tree can satisfactorily be retained.'

Therefore, subject to appropriate safeguarding conditions requiring submission of tree protection measures, the proposal is considered acceptable in accordance with Policy D3 of the EDDC Local Plan. As the tree is within the ownership of EDDC, it does not need further protection through a Tree Preservation Order.

Flood risk

The site lies within flood zone 3 as defined by the Environment Agency's mapping system therefore it is important that any use of the site does not increase the risk of flooding both locally and in the wider area. The current use (storage) is considered to be a 'less vulnerable' use, the proposed use is also considered to be a 'less vulnerable' use, and as there are proposed to be no large structure on site (other than the existing container) the proposal is not considered to increase the risk of flooding in accordance with Policy EN21of the EDDC Local Plan.

Impact on the wider area

The site is very well contained and as such it is only visible at close quarters, it would not be visible from the Conservation Area to the north being screened by mature trees, vegetation and the escarpment. As such the proposal is considered to maintain the character and appearance of the Conservation Area and be acceptable more generally in the wider landscape in accordance with Policies EN10 and D1 of the EDDC Local Plan.

CONCLUSION

The application seeks temporary planning permission for use as a car park whilst plans for the future of the wider regeneration area are finalised.

The proposal would have a suitable visual impact, would not be harmful to highway safety and will protect and retain the existing tree on the site.

Whilst the concerns raised by third parties are appreciated, the reasons raised could not be used to justify a refusal of planning permission.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The use of the land hereby permitted shall only operate for a period of 36 months from the date of this decision. Once the use has ceased all structures (except for the existing container) shall be permanently removed.
(Reason - The permission is for a temporary period only and to ensure the site is restored in the interests of the appearance of the site and surrounding area in accordance with policy D1(Design and Local Distinctiveness) and EN10 (Conservation Areas) of the East Devon Local Plan).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.
Specific issues to be dealt with in the TPP and AMS:
 - a) Location and installation of services/ utilities/ drainage.
 - b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained tree.
 - c) Details of construction within the RPA or that may impact on the retained tree.
 - d) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of

the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.

e) A specification for protective fencing to safeguard the tree during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

f) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

g) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

h) Methodology and detailed assessment of root pruning

i) Arboricultural supervision and inspection by a suitably qualified tree specialist

j) Reporting of inspection and supervision

k) Methods to improve the rooting environment for retained tree.

The development thereafter shall be implemented in strict accordance with the approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.

(Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2016 and pursuant to section 197 of the Town and Country Planning Act 1990)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

	Location Plan	28.03.18
C988.3 REV 1 : PROPOSED	Layout	11.04.18

List of Background Papers

Application file, consultations and policy documents referred to in the report.