

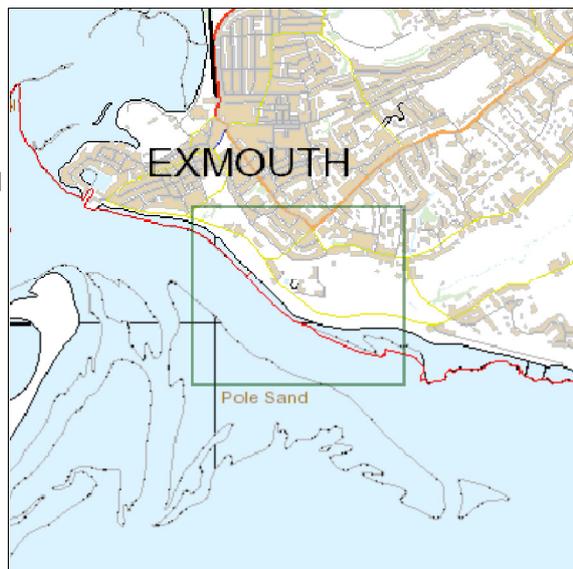
Ward Exmouth Littleham

Reference 17/0099/MRES

Applicant East Devon District Council Ms Alison Hayward

Location Land Off Queens Drive Exmouth EX8 2AY

Proposal 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 watersports centre, holiday accommodation, indoor leisure and retail uses.



RECOMMENDATION: Approval with conditions



		Committee Date: 11th April 2017
Exmouth Littleham (EXMOUTH)	17/0099/MRES	Target Date: 17.04.2017
Applicant:	East Devon District Council Ms Alison Hayward	
Location:	Land Off Queens Drive	
Proposal:	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 watersports centre, holiday accommodation, indoor leisure and retail uses.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members because the applicant is the Council and there are objections to the proposal.

This is a reserved matters application seeking approval of access, appearance, landscaping and scale for the construction of new buildings including a watersports centre, holiday accommodation, indoor and outdoor leisure and retail uses. The application follows the grant of outline planning permission in 2014 and reserve matters permission for the re-aligned road in March 2016. Both applications were approved given the significant regeneration benefits to Exmouth and as outlined in the previous Local Plan and Exmouth Masterplan.

The site is located on Queens Drive, in the centre of the seafront in Exmouth. The proposal seeks to replace historic leisure uses, such as a crazy golf course, boating lake, amusement arcade and cafes with a watersports centre, indoor and outdoor leisure facilities, hotel, retail units and water based activities in accordance with the layout and parameters set at the outline stage. As such the application provides details of the new buildings and spaces proposed for the site to enable the regeneration to be realised.

It is considered that the proposal follows the outline consent whilst providing suitable spaces and design and scale of buildings as envisaged at the time of the outline application. Whilst the site is prominent and adjoining a Conservation Area, the location and height of building are as approved at the outline stage with a suitable design approach proposed that links all the buildings on the site through the use of materials and design features. Given this, and given the significant regeneration benefits from the proposal, the application is supported.

An Appropriate Assessment has been carried out which states that appropriate mitigation is in place to ensure no significant effects on the Exe Estuary and Pebblebed Heaths SPA.

CONSULTATIONS

Local Consultations

Exmouth Town Council
Meeting 30.01.17

No Objection

Exmouth Littleham - Cllr M Williamson

I support this application which is in pursuance of already agreed Exmouth Masterplan and the agreed Outline Planning Permission. This application maintains the existing approval, provides more detail and enables the Council to move to the next stage. It should be noted that there is no provision for residential accommodation and the principle underlying the Reserved Matters application is that as stated and agreed in the Masterplan which is to allocate this area for recreation and play, taking into account the opportunities for watersports which a seafront location provides.

The success of the Premier Inn and the prospect of even more visitors making Exmouth their holiday and week-end break destination in the future provide sound reasons for an additional hotel close to the seafront.

I would hope that the design of the major buildings on this site such as the Watersports Centre and the hotel will be referred to the South West Design Panel so that the highest standard of architecture can be delivered and that the design reflects the natural environment in which both will be located.

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 for and against.

Technical Consultations

County Highway Authority

The LPA will be aware that the County Highway Authority has been consulted during the detailed design phase for this proposal for the outline application 13/1819/MOUT and also for the reserved matters application 15/2487/MRES for phase one of the development which has included the new road alignment, highway drainage, street lighting pedestrian crossings, pedestrian desire lines, access to car parking facilities for 123 spaces, junctions, road construction design and public transport drop-off points.

This application whilst enlarging the previous application to include access, appearance, landscaping and scale of the for the construction of new buildings

including watersports centre, holiday accommodation, indoor leisure and retail uses. Does not change any of the previously approved accesses from the proposed or existing highway.

Access from the proposed highway to the 250 space car park will remain the same as the previously approved access for the 123 space car park.

Therefore the CHA does not change its recommendations.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. 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;

2. The existing accesses shall be effectively and permanently closed except for the use by construction vehicles or personnel in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use

REASON: To prevent the use of a substandard access and to minimise the number of accesses on to the public highway

3. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

30 January 2017

Natural England

1. Protected Sites - further information required

Conservation of Habitat and Species Regulations 2010 (as amended)

Wildlife and Countryside Act 1981 (as amended)

In our previous responses regarding the EIA Screening and Scoping consultations for this proposal we have stated our view that this application is likely to have a significant effect upon the Exe Estuary Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site. In this case the proposal is not directly connected with, or necessary to, the management of a European site and therefore will require assessment under the Habitats Regulations.

We have not yet been consulted on your appropriate assessment of the application. That assessment should consider the likely impacts of the proposals (alone and in combination with other plans or projects) together with any mitigation which is offered by the applicant.

In our view the most likely impacts would arise from:

- Water sports centre - increasing the number of watersports users on the estuary (N.B. Also opportunities to encourage best practice and, as part of a strategic approach to access management, refocus activity from sensitive areas, times of year and/or tide which would reduce any impact, providing they can be secured through the development).
- Holiday accommodation - increasing the overall population within the 'zone of influence' (see your Joint Interim Approach regarding tourist accommodation and your approach to the Elizabeth Hall redevelopment application)
- Increasing connectivity to the beach/new slipway access - as for Watersports centre
- Increase in number of parking spaces

The ES (5.8.17, 5.8.19, 5.8.27) and Appendix 5.4 'Report to inform Habitat Regulations Assessment' has identified some possible mitigation measures but these are only suggestions without any detail of the precise measures or a clear commitment to their delivery. It also suggest that there may be residual impacts which would need to be addressed. Your assessment should identify precisely what mitigation will be provided and assess the application based on that information.

The 'Queen's Drive Leisure Area' is a priority project identified by your Council in the "Exmouth Town Centre and Sea Front Master Plan". We have previously raised concerns (most recently in our response to the consultation on the Local Plan 'Post-submission Changes' on 7 October 2013) that this Masterplan, if it is to be a SPD and form the policy base for development in Exmouth, requires a separate Habitat Regulation Assessment, which Natural England has still not been consulted on to date, if the Plan is to be deemed sound. This application, and your Habitat Regulations assessment of it, needs to be considered in the context of that Masterplan and the potential 'in combination' effects that it could have, in particular on the Exe Estuary SPA/Ramsar site.

2. Protected Species

It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect dormice or bats.

For clarity, this advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the impacts to protected species.

We have not assessed the survey for badgers, barn owls and breeding birds¹, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

3. BAP habitats and species

The Botanical Survey (June 2013), Appendix 5.2 of the ES, confirmed that the application site supports a wide range of Devon Notable plants, 3 of which are also Nationally Scarce (i.e. occurring in less than 100 10km grid squares in the UK). This report and the Additional Botanical Survey (July 2013) Appendix 5.3 of the ES, make recommendations for the retention of certain areas of important habitat for these species and creation of new areas of suitable habitat both within the site and in alternative locations nearby. Habitat retention and creation within the proposed development is key to mitigating loss of habitat for these notable species and ensuring that the development complies with NPPF (9, 109, 118) regarding achieving sustainable development and no net loss of biodiversity.

The recommendations set out in these 2 reports and the 'Proposed Grassland Mitigation and Compensation Plan'(Appendix 5.5) could, if secured through conditions/S106, achieve this aim.

5.8.15 of the ES requires the production of a 'Landscape and Ecological Management Plan' to include 'detailed grassland mitigation plans with habitat management prescriptions for amenity grassland and retained and translocated dune grassland'.

Details of the intended future management and monitoring of the areas retained/created should also be included in the plan to ensure that they are successful and to allow for amendments to the management regime or remedial works if this should prove necessary. (5.10.10 of the ES, regarding 'Residual Impacts' identifies this as a risk which it should be possible to address through the inclusion of monitoring and to requirement for remedial measures within such a condition.)

Natural England therefore recommend a condition or S106 agreement requiring the production of such a plan prior to commencement.

4. Protected Landscapes - No objection

The application site is within 500m of the East Devon Area of Outstanding Natural Beauty (AONB). However, having assessed the application, Natural England does not believe that this proposed development would impact significantly on the purposes of designation of the AONB.

Environment Agency

Thank you for your consultation dated 17 January 2017 regarding the above application.

Environment Agency Position

We have no objection to this reserved matters application provided that your Council is able adequately to satisfy the flood risk Sequential Test and the original Flood Risk Assessment is followed, as per our response dated 27 August 2013 (for application 13/1819/MOUT).

Other Representations

167 comments have been made at the time of writing this report; this includes 140 objections and 22 representations in support.

The following is a summary of the main objections:

Principle- Loss of traditional family activities; impact on wildlife sites; impact on Exmouth Town Centre; prejudices neighbourhood plan; ignores Localism; within floodzone; development would be affected by work at Dawlish Warren; dubious commercially; increase in light and noise pollution; does not accord with the Exmouth masterplan; vulnerable to adverse weather; no parking for coaches for the crickets and bowling clubs

Watersports Centre - scale and mass inappropriate; situated in the wrong place; would be for a privileged few; should not be on the sea wall; already adequate facilities in Exmouth; uninspiring architecture

Hotel - scale and mass inappropriate; results in loss of light to the bowling club and Madeira Walk; would be closed in the Winter; insufficient parking; would not benefit Exmouth

Harbour View Cafe - iconic building; rebuilding unnecessary; waste of money; new building too high

Other issues are insufficient landscaping; the loss of outdoor amenity area; objection to fast food outlets; loss of existing parking; poor provision for disabled people; sewage disposal problems; no SUDS provision; play areas not needed due to proximity to the beach; and construction would result in beach closures.

Supporting comments raise the following points:

Proposal creates job opportunities; the cafe needs replacement; would provide a good educational resource; the road alignment helps pedestrians; more attractions for children of all ages; would create a younger visitor profile; bring economic benefits; a regional watersports facility would benefit the town; and would replace dreary and outmoded architecture.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 31 (Future Job and Employment Land Provision)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 38 (Sustainable Design and Construction)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

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

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

E20 (Provision of Visitor Attractions)

E2 (Employment Generating Development in Built-Up Areas)

E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

RC1 (Retention of Land for Sport and Recreation)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

TC10 (Rear Servicing of Shopping/Commercial Development)

Exmouth Masterplan

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

ANALYSIS

Relevant Planning History

13/1819/MOUT - Outline permission for Construction watersports 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 24/1/16.

This outline application was approved on the basis of the significant regeneration benefits to Exmouth and granted the above range of uses to provide a much improved appearance to the site and much improved leisure offer that not only makes Exmouth an even more attractive holiday destination but allows for more evening and winter use of the site. This was in accordance with policies in the former Local Plan and associated Exmouth Masterplan.

15/2487/MRES – Reserve Matters application for: 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.

This reserve matters application approved the detail of the realigned road through the site that was considered to be key to providing a watersports hub with direct access

to the beach. The realignment of the road is seen as key to redevelopment and would likely be the first phase of development that would unlock the other sites and attract investment.

Site Location and Description

The application site is approximately 3.6ha in area located just off the seafront and Queens Drive in Exmouth.

The site comprises the existing Harbour View Cafe and tower to the west, the land and buildings up to the boundaries of Madeira Walk and the Bowling Club to the north, the cricket ground and The Maer to the east, and to the beach including Queens Drive and the public car park to the south.

The site is relatively flat and laid out to car parking adjoining Queens Drive, a miniature golf course, amusement centre and boating lake.

The site is within the Built-up Area Boundary for Exmouth and adjoins the Louisa Terrace/The Beacon Conservation Area to the north, The Maer recreation area and Local Nature Reserve (County Wildlife Site) to the east and the Exe Estuary Special Protection Area (SPA) and SSSI to the south.

Proposed Development

The application is for 'reserved matters' seeking planning permission incorporating the discharge of access, appearance, scale and landscaping for the redevelopment of the site. The outline application approved the layout of the site and established the parameters for development and secured by condition that any reserve matters application complied with them. A more recent reserved matters application approved the relocation of the road and parking area, in line with the outline approval.

The wider development is proposed to regenerate this part of Exmouth to attract more visitors to Exmouth through provision of leisure uses that are accessible at all times of the year in all weathers, whilst proposing a considerable improvement to the appearance of the site and significant new job opportunities. The re-alignment of the road allows for provision of a key watersports hub on the seafront with direct links between the building/uses and the beach. The mix of holiday accommodation and leisure uses was granted at outline stage due to the significant regeneration benefits that it provides and as redevelopment was identified within the previous Local Plan and Exmouth Masterplan.

The applicant has advised that they have submitted this application in order to secure reserve matters consent within the timescale approved as part of the outline application and to therefore keep redevelopment options open. Consent would secure the re-development of the whole site going forward and allow, if necessary, works to start on the realigned road ahead of other parts of the site. In the absence of reserve matters consent across the whole site, works to the re-aligned road cannot take place.

It is therefore proposed that should this application be approved, further applications will follow for the watersports centre and the Phase 3 part of the site where the hotel

and leisure facilities are proposed as and when development partners are confirmed. Any further proposals for the watersports centre and hotel/leisure facilities will be subject to further public consultation and through further consultation on subsequent planning applications.

Whilst the applicant has indicated that they are not intending to implement the proposal the subject of this application, such a route is permitted in planning terms. However, this is immaterial from a planning perspective and it must be recognised that the grant of this planning permission would enable the development submitted as part of this application to be constructed and implemented. As such this application must be considered on its merits and on the basis that it could be implemented.

In light of the above and approval as part of the previous applications for the road, layout of the site, uses and height parameters for the buildings, this application seeks approval of the access arrangement within the site, the design and scale (height) of the buildings and landscaping only.

With the principle of development, benefits from regeneration, layout of the buildings and main access/road alignment already approved under the outline application and separate reserve matters application for the access road, these matters cannot be revisited as part of the consideration of this application. Members will note that a large number of the objections received to the application relate to matters of principle, position of buildings, uses and height of buildings that cannot be revisited as part of this application.

The application proposed the same land uses and building parameters approved under the outline application consisting of the following four main areas:

- the holiday accommodation at 3-storeys at a maximum height of 14m (3000sqm);
- watersports centre at 2 and 3 storeys at a maximum height of 10m (1450sqm);
- indoor leisure buildings at 1 and 2 storeys at a maximum height of 9.75m (1165sqm);
- replacement café, restaurant and retail uses at single storey and maximum of 4m and 2 and 3 storeys and maximum height of 14m for the replaced harbour View Café (1200sqm);
- minimum 250 car parking spaces.

Holiday accommodation

A large single building (3,000sqm) with car parking is proposed on the eastern site boundary adjoining the bowling club and Madeira Walk. A 3 storey building (11m high) is proposed with 71 bedrooms to be used as a hotel. The building would have a lobby area but it is not proposed to contain a separate restaurant or bar area.

Watersports Centre

This stretches along the seafront on a plot of land gained from redirecting Queens Drive away from the beach edge through the site as approved under the reserve matters application in 2016. The Watersports Centre would be a focal point for

Watersports activities including surfing and boarding clubs and includes a 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). The building also includes a cafe.

Adjacent to the Watersports Centre are small retail units (250sqm), adventure golf and a public park. The units are indicated as flexible and could be put to uses such as galleries, tourist information or nature conservation centres. They are single storey in nature.

Leisure Buildings/ External Play Areas

This is proposed on the site of the existing fun park and golf course and envisages the provision of a number of different areas for play. Two buildings are proposed here that would be pay to enter indoor recreation facilities (1165sqm). The more centrally located building at single storey (4m high) with the second adjacent to the bowls club at 2 storey's (9.75m high). These could include a water zone for children and young people. Outside would be a further area including water fountains, sand pits, water cascades and an equipped outdoor soft play space.

The intention of these areas is to give play options to be used all-year round.

Harbour View Cafe and former Lifeboat Station

This zone will include a new cafe/restaurant building replacing the Harbour View Cafe at 2 storeys with a tower above (7m and 10m to top of the tower)/ It is proposed to construct a well-glazed structure with outdoor and indoor seating, including a balcony at first floor level to take advantage of the beachside location of the cafe. On the second floor it is proposed to house the coastguard watch; this would be accessed from a separate staircase to the side of the building.

Car Parking

The plan indicate the following parking areas giving a total of 304 spaces:

- 210 spaces in the new car park of which 122 spaces were granted reserve matters consent as part of the application for the road realignment in 2016;
- 35 spaces to the front of the hotel with 10 staff spaces to the rear;
- 25 public parking spaces to the front of the hotel;
- Two public parking areas of 10 and 14 spaces to the west of the hotel.

The application is accompanied by an ecological mitigation strategy.

Issues and Considerations

Principle

The principle of development on the site and the benefits to Exmouth from increased tourism, jobs and from the provision of a watersports hub, holiday accommodation and indoor and outdoor leisure activities have been established by the approval of an

outline application in 2013. This reserved matters application complies with the parameters set out within the plan, and was submitted within the time limits specified in that decision (submission by the end of January 2017) and will enable the benefits from redevelopment to be realised.

The outline proposal was the subject of public consultation and was amended following that consultation in response to comments received. Following the outline application, reserved matters consent was granted for the details of the re-aligned road and 122 car parking spaces.

The principle of the development, road realignment, uses proposed, the layout/position of buildings on the site and their maximum heights cannot be considered or amended as part of this application as they have already been approved.

The remainder of this report therefore considers each of the key uses/areas providing an assessment in terms of their acceptability in terms of their design, scale and appearance, internal access arrangement and landscaping.

Site access and car parking

Realignment of the existing Queens Drive is integral to the scheme in order to provide safe access from the Watersports Centre to the beach. This realignment, and some of the car parking, was approved as part of the reserved matters in 2016.

With regard to car parking, there will be the provision of a large public car park accommodating 210 spaces, a second smaller public car park of 24 spaces to the rear of the Old Lifeboat Station, 10 staff parking places and a car park of 70 spaces for the hotel. This represents an increase in spaces over the current provision and exceeds the minimum of 250 spaces approved as part of the outline application.

The parking areas would be landscaped with hedges between rows, and contain retention basins for SUDs.

County Highways have raised no objection to the car parking levels and coaches would drop-off and pick-up on the realigned Queen's Drive whilst using current coach parking facilities at the Maer Road Car Park.

As the number of car parking spaces is in excess of the minimum 250 identified as part of the outline consent, this is considered to be acceptable to serve the development and County Highways have raised no objection to the internal highway or pedestrian layout.

Holiday accommodation/Hotel

This is positioned to the northern part of the site behind the play areas and would be a three storey building that would be used as a hotel.

Although a hotel has been constructed by Premier Inn, and objections have been received raising concerns regarding the impact from another hotel on existing holiday accommodation in Exmouth, holiday accommodation was approved as part of the

outline planning application, part on the basis of the additional attraction to tourism and benefits to Exmouth. As such, the principle and benefits of further holiday accommodation on the site has already been established and consideration of this application needs to relate to the design/scale and visual impact from the building.

Concern has been raised with regard to the size of the building, and in particular its height in relation to the adjacent bowls club. The hotel is proposed at 11 metres high (3m lower than the maximum granted in the outline application), with the elevation closest to the bowls club being a side elevation with no overlooking windows. Situated to the west of the bowling greens it is acknowledged that the building would cast a shadow in the late evenings, particularly in the summer months. However, this does not extend the length of the green, is restricted in time and given approval for a taller building at outline stage, the scale and position of the building in relation to the bowling green is acceptable.

The hotel at 11 metres would sit below Gunfield Gardens, however the area in between is substantially treed and rising up the slope which was the former sea cliff. It will therefore be viewed below the level of the Conservation Area. From the Conservation Area views of the site and down over the gardens and trees such that they are not directly viewed in association with the Conservation Area.

The scale of development and provision of the 3-storey hotel will change the character of this part of Exmouth but this is not considered to result in a detrimental/harmful impact upon the character or appearance of the Conservation Area. This was also the conclusion as part of the assessment of the impact of a 3-storey building in this location at the outline application stage.

The location of the hotel near to Madeira Walk (that is within the Conservation Area) will enclose this path as it will be bordered by the Gardens to one side rising up the bank and the 3-storey building to the other. Whilst this would change the outlook and aspect from the footpath, it would not block the path and will be no different from the part of the footpath that is currently enclosed by the Bowling Alley further to the west.

It is not therefore considered that the proposal would cause a detrimental loss of amenity to the closest residents or the bowling club.

The hotel is proposed in a varied palette of materials comprising stone, render, cladding with aluminium doors and windows and green/GRP roof. The materials break up the elevation to the largest building on the site and provide a well-designed building that follows the design for the rest of the site. As the building is set back from the road, it will be viewed against the rising gardens to the rear and with a green roof will provide an acceptable outlook from the Conservation Area behind. The general design and proportions of the building are therefore acceptable and will enhance the site given its current poor appearance and lack of a strong character or design context.

Watersports Centre

This building would be the main hub of activity and link to the beach. The position of the building had been set further away from the beach during the course of the outline

application to ensure that it does not disrupt long-distant views along the seafront, and allows for a soft landscaping area to the front, with a new beach access.

It is accepted that the new Watersports building will be visible along the seafront, containing a small element of three storey development on the corner of the building close to the point that the road re-joins the existing road. Whilst this would be visible from Orcombe Point and other locations around the area it could become a new focal point to the development and become another landmark near the seafront as envisaged at the outline application stage. It should be noted that the Premier Inn is three/ four storey high development and the building would be lower than Exmouth Pavilion and the Ocean building.

The design uses a combination of stone, render, timber and glass, again with a green roof. The design with glazing, balconies and a corner feature is an attractive building will provide a focal point for the site and linkages to the beach. The design is suitable for a seafront location and with no immediate design character or context, is considered to be an acceptable design approach.

Play areas

This is proposed to be located alongside Queen's Drive at the point where it gets realigned. It would comprise 2 indoor leisure buildings, one set within the site and one closer to Queen's Drive. The remainder of the area would comprise a public space, separate areas for a number of different outdoor leisure attractions and allowing movement through the site. The two buildings would provide indoor adventure and leisure activities to ensure that the facility caters for all weathers.

Whilst the buildings would be prominent on the site when viewed from the estuary and beach, they are not of a scale (single and 2-storey) that would harm the visual impact of the area and are of a high quality design again matching the materials and approach for the other buildings.

The outdoor play area would result in an open area in a prominent location between the road and the hotel. This would be built behind a rebuilt stone wall and have controlled access via an entrance hut opposite the former lifeboat station.

Again the design and materials follow the other building to bring the site together.

Restaurant and Retail uses

Separate single storey buildings are proposed adjacent to the realigned road to provide a gallery and retail units. These are proposed with stone and render walls, cladding and aluminium windows to match the other buildings. Their design and scale are acceptable and accord with the outline permission that also restricts their size and range of goods to be complementary to the beach location and so as not to compete with the town centre retail offer. There is no consent for a takeaway.

Harbour View Cafe and Old Lifeboat Station

When approaching the site from Exmouth, the existing Harbour View Cafe is the gateway to the site. As the current building and tower are dated, the outline application accepted their replacement with a building of a similar size with 2 floors and a replacement tower for the NCI.

There is therefore no objection to the replacement of the current cafe with a restaurant of a suitable design including a new tower as this was accepted at the outline planning permission stage. Some concerns have been expressed about the loss of the cafe and tower as it is a landmark building on the seafront that is reflective of Exmouth's History. However, its replacement was considered to be acceptable at the time of the outline application and it is still considered necessary to demolish the building to form an improved gateway and approach to the new leisure facility.

In order to address concerns regarding any historic value from the cafe and tower, a condition of the outline permission was to ensure that the building is recorded prior to any demolition.

As with the other buildings its design is acceptable and of materials to match the remainder of the site.

Ecology

The application site is in a very sensitive location adjoining the Exe Estuary and its SPA and SSSI designation. In addition, the site is known to be home to some rare grassland within the dunes on the site.

As a result of this, and the likely increased use of the estuary as a result of increased visitors and the Watersports Centre and holiday accommodation, the application has been accompanied by a Mitigation Strategy to comply with Condition 4 on the outline consent.

Mitigation would include the following measures: - retention of habitats, including hedgerows around the Northern boundary; creation of new habitats (tree planting, bat and bird box provision); appointment of an ecological clerk of works; staff briefings on ecology; treatment of ESAs within the Construction Management Plan; detailed lighting scheme limiting lighting and restricting timing; pollution monitoring; watersports exclusion zones; habitat compensation; protective fencing around The Maer; retention of dune grassland; and landscape planting.

The findings of the MS are accepted and it is generally considered that the proposal will have negligible or minor impact upon traffic and transport, ecology, cultural heritage, flood risk and arboriculture subject to the mitigation detailed in the MS.

In addition to the mitigation identified in the MS, it is necessary for the LPA to carry out an Appropriate Assessment of the impact of the development although such an assessment was also considered at the time of the outline application with contributions and measures secured to ensure no likely significant effects on the designated areas.

Appropriate Impact Assessment

As part of the Natural England response to the application they have suggested that the Council should carry out an Appropriate Assessment if it is considered that the proposal could have a significant impact upon nature conservation and the Exe Estuary and its designations in particular.

The proposal relates to a major development located within proximity of 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.

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

The applicants have signed a unilateral undertaking which would provide a financial contribution of £350 per hotel room towards mitigation and improvement of the Exe Estuary, the impact from the holiday accommodation upon the Exe Estuary is considered to be acceptable.

Whilst it is accepted that there is the potential for there to be an impact from the rest of the development and likely increase in the use of the Estuary as a result of the Watersports building, it is clear that the main intention of the new development is to increase the use of the esplanade and seafront, and not to intensify the use of the estuary. Depending on the precise requirements of the user of the watersports centre, there may be some need to use the estuary for beginner's lessons. However it is likely these would be non-motorised and take place in the summer months, which has the least impact on the overwintering bird population. Nonetheless it is considered that the mitigation measures stated within the MS be accepted with Condition 4 on the outline consent requiring their implementation.

The mitigation would include the following:

- Appointment of Ecological Clerk of Works to oversee all ecological aspects during the development;
- Production and submission of a Construction Environmental Management Plan;
- Landscape and Ecological Management Plan;
- Monitoring and Ecological Reporting;
- Operators of the Watersports Centre to assist in an update of the Watersports code of conduct;
- Education and Interpretation to uses through signage and literature;
- Retention of dune grassland;
- Hedgerow planting;

- Bird boxes;
- Monitoring.

In respect of the potential impact from the development upon the East Devon Pebblebed Heaths SPA and Special Area of Conservation (SAC), this further appropriate assessment has been undertaken with consideration having been given to the cumulative effect of the proposed development with other residential and tourist accommodation developments within 10km of the Pebblebed Heaths. Subject to the above mitigation it is concluded that the proposal would not result in likely significant effects and is adequately mitigated with the mitigation secured by condition on the outline application and an associated legal agreement. This addresses in full the comments from Natural England.

It is also worth noting the location of the proposed development would be in relatively close proximity of a number of public rights of way, the beach and The Maer, which in themselves help to provide an alternative resource for dog walkers to the use of the Pebblebed Heaths.

Flood Risk

The site lies within flood zones 2 and 3, 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 outline application. This concluded that the proposed development consists mainly of 'water compatible' and 'less vulnerable' development. No residential development is proposed. Provided that finished floor levels are raised above the flood level, there is no objection to the hotel and retail development. No objection has been raised by the Environment Agency

Other issues raised by representations

Loss of traditional family activities - It is still proposed to retain the area as a tourism hub; whilst there may be a change in the type of offer this is still compliant with policies within the Local Plan and supported as part of the outline planning application and will result in a greater range and more modern leisure uses for families that can be used all year round.

Impact on Exmouth Town Centre - The amount of retail use (restaurants and shops) proposed is small and falls below the size required to demonstrate that the use would not have an unacceptable impact on the town centre. A condition on the outline permission restricts the size of the two retail shops (to 50sqm maximum) and sale of goods to those associated with seafront and watersports leisure activities only.

Neighbourhood Plan - This has yet to be adopted. In the absence of an approved plan, decisions must be taken in line with the outline consent, development plan, and national guidance.

Increase in light and noise pollution - It is accepted that the area will change from predominantly a daytime use, where no lighting is needed, to a use extending into the evenings with the consequent increase in light and noise at that time. It is considered that this will regenerate the area and whilst it will need carefully management by the

businesses (and may require the submission of further applications for lighting), residential dwellings are at a distance from the site and it is anticipated that the hotel would be the only use which is open throughout the night.

Parking for cricket and bowling clubs - The existing access will be maintained; any provision for coach parking will be a matter between the clubs and the council.

Hotel would be closed in winter - It is anticipated that the hotel would cater for guests all year round. The Premier Inn, Imperial and other hotels in Exmouth are open throughout the year. At present the area is not used in the winter so the proposal should provide increased tourism and spend within Exmouth.

Lack of SUDS provision - Surface water features are shown within the plans, principally within the car park where a retention basin is proposed. There are still a number of gardens and grassed areas throughout the development.

Lack of disabled provision - The site will remain level; any new uses will need to be DDA compliant. There will be 23 disabled parking spaces located close to the road and watersports centre.

Landscaping – The hard and soft landscaping materials proposed are considered to be acceptable and will certainly be an improvement upon the existing appearance of the site whose location close to the beach in an exposed location limits the amount of soft landscaping that can be proposed and easily managed.

RECOMMENDATION

Adopt the Appropriate Assessment outlined in this report and APPROVE subject to the following conditions:

1. East Devon District Council as Local Planning Authority HEREBY APPROVE THE FOLLOWING RESERVED MATTERS of the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto, copies of which are attached to this notice relating to:-
 - (a) Appearance
 - (b) Landscaping
 - (d) Scale
 - (e) Access

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. No. 13/1819/MOUT) granted on 24 January 2014

The following reserved matters have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref 113/1819/MOUT) referred to above and which relate to the part of the site covered by this reserved matters application are hereby discharged, have previously been discharged or remain to be complied with on-site but without the need for the submission of details or separate agreement:

1, 2, 3, 5, 6, 7, 8, 11, 13, 14, 15

The following Conditions attached to the Outline Planning Permission referred to above remain to be complied with where details are required to be submitted prior to the commencement of development in so far as they relate to the site covered by application 17/0099/MRES:

4, 9, 10, 12

The following additional conditions are attached to this reserved matters approval:

2. Prior to any works commencing on site details of the proposed finished floor levels in respect of the hotel building shall be submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed levels details.

A flood evacuation plan for the hotel building shall be submitted to the local planning authority and approved in writing prior to its construction.

(Reason: To ensure that the impact of any potential flooding is minimised and that the development does not impact on patterns of flooding elsewhere in accordance with Policy EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031.)

3. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.
(Reason - To ensure the proper development of the site and timing delivery of the new road and closure of the existing road in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the New East Devon Local Plan 2013-2031.)
4. 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 - In the interest of highway safety in accordance with Policies D1 (Design and Local Distinctiveness) and TA7 (Adequacy of Road Network and Site Access) of The East Devon Local Plan.)

5. The existing accesses shall be effectively and permanently closed except for the use by construction vehicles or personnel in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use.
- (Reason: To prevent the use of a substandard access and to minimise the number of accesses on to the public highway in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the New East Devon Local Plan 2013-2031.)

Plans relating to this application:

564 001 A	Location Plan	16.01.17
2046.001 B	Landscaping	16.01.17
2046.002 B	Landscaping	16.01.17
564 093 A HOLIDAY ACCOM	Proposed Elevation	16.01.17
564 092 A HOTEL	Proposed Elevation	16.01.17
564 002 A SITE SURVEY	Survey Drawing	12.01.17

564 003 A	Survey Drawing	12.01.17
564 004 A SITE SURVEY	Survey Drawing	12.01.17
564 005 A SITE SURVEY	Survey Drawing	12.01.17
564 006 A SITE SURVEY	Survey Drawing	12.01.17
564 007 A SITE SURVEY	Survey Drawing	12.01.17
564 008 A SITE SURVEY	Survey Drawing	12.01.17
564 009 A SITE SURVEY	Survey Drawing	12.01.17
564 010 C	Other Plans	12.01.17
564 011 B	Other Plans	12.01.17
564 020 B	Proposed Site Plan	12.01.17
564 021 B	Proposed Site Plan	12.01.17
564 022 B	Proposed Site Plan	12.01.17
564 023 C	Proposed Site Plan	12.01.17
564 024 C	Proposed Site Plan	12.01.17
564 025 B	Proposed Site Plan	12.01.17
564 030 A	Sections	12.01.17
564 031 A	Sections	12.01.17
564 032 A	Sections	12.01.17
564 050 A WATERSPORTS	Proposed Combined Plans	12.01.17
564 051 B WATERSPORTS	Proposed Combined Plans	12.01.17
564 052 A WATERSPORTS	Proposed Elevation	12.01.17

564 053 A WATERSPORTS	Proposed Elevation	12.01.17
564 060 B RETAIL/GALLER Y	Proposed Combined Plans	12.01.17
564 061 B RETAIL/GALLER Y	Proposed Elevation	12.01.17
564 062 B RETAIL/GALLER Y	Proposed Elevation	12.01.17
564 070 A INDOOR PLAY 2	Proposed Combined Plans	12.01.17
564 071 A INDOOR PLAY 2	Proposed Elevation	12.01.17
564 080 A INDOOR PLAY 1	Proposed Combined Plans	12.01.17
564 081 A INDOOR PLAY 1	Proposed Elevation	12.01.17
564 090 A HOLIDAY ACC	Proposed Combined Plans	12.01.17
564 091 A HOLIDAY ACC	Proposed Combined Plans	12.01.17
564 100 B NEW CAFE	Proposed Combined Plans	12.01.17
564 101 A CAFE	Proposed Elevation	12.01.17

List of Background Papers

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