

BUDLEIGH SALTERTON  
(Budleigh Salterton)

08/2537/FUL

Target Date: 19.11.2008

Applicant: Mr B Hushon

Location: Longboat Cafe  
Marine Parade  
Budleigh Salterton  
EX9 6HZ

Proposal: Demolition of existing cafe/store and construction of new  
cafe/restaurant facility

## **CONSULTATIONS**

### County Highway Authority

No objection but advises that the applicant should be made aware that a Public Right of Way runs across the front of the site, which must be maintained at all times. The applicant should contact the Highway Authority during the construction period and that a licence to place tables and chairs on the right of way might be required for future al fresco dining.

### Environment Agency

No objections, but advised that as the site lies within the Budleigh Salterton SSSI Natural England should be consulted.

### Natural England

Objected to the original scheme on the basis of its likely impact upon the Budleigh Salterton Cliffs SSSI and World Heritage Site. In respect of the revised scheme Natural England has considered the proposal against the SSSI, World Heritage Site and AONB designations, with the following conclusions:

SSSI - The proposed development would not impact directly on the special interest of the SSSI, but still have concerns that the development could lead to the desire for coastal defences in the future, and question the sustainability of siting the structure in a location which may be at risk from the sea within a 50 year time frame.

World Heritage Site (WHS) – The development would not affect the ‘Outstanding Universal Value’ of the WHS. Its impact upon the setting of the WHS is more subjective. On this point Natural England does not consider that the impact upon the setting of the WHS in terms of views to or from the site has been adequately assessed.

Area of Outstanding Natural Beauty – Natural England feels that the impacts on the landscape character of the area have not been adequately addressed. It takes the view that as it stands the proposal “appears out of scale and out of character with this sensitive location.” As such Natural England has maintained its objection to the development.

### Team Leader Jurassic Coast World Heritage Site

Pointed out recent changes concerning proposals involving development within the setting of a World Heritage Site, as contained within Circular 02/2009. He has subsequently confirmed that its provision in terms of referrals to the Secretary of State of any proposals relating to World

Heritage Sites to which English Heritage has objected relates to planning applications received after 20<sup>th</sup> April 2009, in which case that provision would not apply to this case. However he did indicate that he felt that English Heritage should be consulted on any revised plans.

His formal response has been made in the context of any impact that the development might have upon the Outstanding Universal Value of the Dorset and East Devon Coast World Heritage Site (WHS) and on its setting. The World Heritage Team has concluded that the proposed development would have no impact on the geology of the WHS, on the basis that the geology in this location is already obscured by the existing building and a wall.

Similarly the development would have no impact on the geomorphology of the WHS. The WHS team query siting a structure in a location which may be at risk from the sea within a 50 year time frame, and whether or not the development would complicate the possible heightening and strengthening of the sea wall along the sea frontage. Their conclusion however is that the development would not affect the 'Outstanding Universal Value' of the WHS.

The development is in the setting of the WHS and would have an impact on views to and from the site, but the World Heritage team is not able to either support or object to the development in respect of this issue, preferring to require the Council to assess the nature of the impact in terms of the conservation area, town design guidelines and the definition of the AONB.

Finally, if permission is granted suggest that the applicant be encouraged to consider the sense of place, including some interpretation of the WHS, AONB or social stories of Budleigh and the sea, the support for local products, use of local materials, craftsmen and artists, encourage sustainable transport and green tourism all year round.

#### English Heritage

Were advised of the development and the revised plans and their Team Leader/Historic Environment Advisor has confirmed that on the basis of the information provided his team did not consider that it was necessary for the application to be notified to English Heritage.

#### East Devon Area of Outstanding Natural Beauty Partnership

Agreed that the Council's Landscape Architect would be the most appropriate person to respond in terms of the impact of the development upon the AONB, "given the built environment this application is in and AONB lack of Landscape Conservation Reference for this area."

#### EDDC Street Scene Manager

No major concerns so long as clear public access is maintained along Marine Parade

#### EDDC Environmental Health Officer

No objections but recommends that a condition be imposed upon any permission requiring the applicant to submit detailed plans, manufacturers specification, noise data and precise location of any extraction system that would service the kitchen.

#### EDDC Economic Development Manager

Aesthetics of the proposal need to be balanced against the applicant's desire to find a way of providing for the on-going viability of his business. Our visitor infrastructure is in need of constant renewal/investment and in an attractive coastal town like Budleigh Salterton, there is a clear link between the stock of locally available jobs and the on-going vitality of the town's tourism product. For this reason he thinks that we should do whatever we can to support

proposals that seek to improve the quality of the facilities available to visitors and thereby help ensure that visitor expenditure has a direct local benefit and impact.

### EDDC Estates

Have no objection to the development. Understand that the freehold interest in the cafe is held by the applicant although the adjacent store and shelter are assets belonging to this Council. Advise that Ward Members had been consulted upon an earlier informal request from the applicant and did not raise any objection to the loss of the public shelter and store. Understand that there is some local concern about the loss of the public shelter and members may wish that any land transaction shall incorporate a requirement for the applicant to erect a replacement shelter elsewhere along the sea front. If permission is granted for the amended scheme the applicant will have to enter into separate negotiations with the Council and Clinton Devon Estates for a transfer of legal ownership of the shelter and store before being able to implement any permission.

At the present time there has been no formal request to the Council to consider the transfer of ownership of the public shelter and store.

### Clinton Devon Estates

Have advised the applicant that in the event of planning permission being granted the Estate would not wish to stand in the way of the applicant's proposals, confirming that whilst the Estate are the freeholders of the shelter and store it is let to this Council on the basis of a 999 year lease which expires in 2958.

The Estate has however chosen not to comment direct to this Council upon the merits of the application, merely remind the Council of the freehold/leasehold arrangements involving the shelter and store buildings.

### **TOWN COUNCIL**

Objected to the original scheme on the basis of an over-development of the site, no regard to the AONB, loss of public amenities (shelter and balcony), loss of view of the sea and surrounding Jurassic Coast from footpath and disabled members of the public who park on Coastguard Hill. Also expressed concern that the Estates Department of the Council has agreed that the shelter could be knocked down.

The Town Council were advised of the receipt of the amended plans and in response have reiterated all of their previous concerns.

### **WARD MEMBER(S)**

Cllr Hall "I have always supported in principle the expansion of this business in some way. I would be supportive if the materials proposed were able to reflect the natural surroundings i.e. natural stone and timber.

In my opinion I find the scale and contemporary design totally out of keeping with the characteristics of the locale. I therefore wish that this application comes before the Development Management Committee".

### **DESIGN CHAMPION**

The views of the Council's Design Champion Cllr Dinnis were sought upon the original submission and he had no fundamental concerns about the principle of the development, but

was keen to ensure that the design and appearance of the replacement building took into account the sensitivity of the location of the site and its surroundings.

## **REPRESENTATIONS**

### Original Application

The original application attracted somewhere in the region of 330 individual representations either for or against the scheme. Whilst most of the letters came from local residents there were also letters both in support and opposing the development from tourists and visitors to Budleigh Salterton generally. Of the 330, over 230 of the letters opposed the application for a variety of reasons and the other 100 or so supported the scheme, largely for reasons that were in direct contradiction to those expressed by the opponents of the development.

### The revised scheme

All of those persons who made representation in respect of the original proposal were advised of the receipt of the amended plans which, in brief, involved the removal of the previously proposed mezzanine floor and the consequential lowering of the height of the building, the redesign of the roof and the use of rendered walls, in lieu of the previously proposed stonework.

In the region of 270 further letters have been received from the general public in response to the amended plans. Of those, some 194 letters maintain an objection and 76 letters indicate support for the scheme.

### Objectors

- The town does not need a facility such as this along the sea front.
- The overall scale of the building, particularly its height and likely projection above the adjoining footpath would intrude upon the status of this part of the Jurassic Coast as a World Heritage Site, located with an SSSI and an AONB.
- The applicant has failed to provide a topographical survey to demonstrate the visual impact of the new building.
- The design of the building, including the prospect of a glaring aluminium roof, would be out of keeping with the site and its surroundings.
- The existing Longboat cafe building should be retained.
- The site is unsuitable for an all year round business, leaving the viability of the proposal in doubt.
- The loss of the existing shelter should not be permitted. It is strategically and unobtrusively located and well used throughout the year.
- Natural England and English Heritage should be consulted.
- Detailed issues such as the likely requirements for a fume extractor system, possibly a bridge to connect to the first floor from the adjoining pavement noise, access, servicing arrangements need to be addressed.
- The proposed building has been described variously as incongruous, intrusive, inappropriate, entirely out of keeping and detrimental to the beach and sea front.

### Supporters

- The development is just what Budleigh Salterton needs, offering advantages to residents and visitors to the town.
- The design is well executed and carefully thought out, acceptable in its concept, blending in with its surroundings.
- The existing buildings are without any virtue.
- The building would provide employment and attract more visitors to the town.

- The development has been described variously as attractive, adding vitality to the sea front, accessible, environmentally friendly and offering a modern design that would enhance the promenade.

### The Otter Valley Association

The OVA has stated its objection to the development based upon the urgent need to protect “our natural heritage”. It considers that the existing cafe and shelter fit comfortably into the existing sea front scene. It considers that the existing building makes a significant contribution to the special character of the town that should be retained.

Further objections relate to the questionable need for another restaurant in the town, the fact that the public should not be deprived of the well-used shelter and viewing platform and that there is no place for a sizeable restaurant on the Longboat site. It would dominate the immediate area and stand out in distant views of the town.

Members may care to note that these comments seemed to directly contradict the OVA’s views upon the original (2007) application to replace the Longboat cafe, when the Chairman of the Built Environment Committee confirmed that the Association recognised that Budleigh Salterton would benefit from a good restaurant with sea views and that it supported the proposal to replace the existing building, in principle. At that time it recommended that the 2007 scheme be refused and the architects be encouraged to return with an improved plan.

When asked to clarify its position the Chairman has indicated that the Council should not read into the suggestion that the town would benefit from a good seafront restaurant that such a restaurant should be located on the site of the Longboat cafe. He has not indicated where along the sea front such a restaurant could or should be located. In terms of the design he has indicated that it appears to have not proved possible to design a restaurant that would blend seamlessly into its surroundings, concluding that any restaurant on this site “must inevitably contrast starkly with the gentle red cliffs behind it.

### **RELEVANT PLANNING HISTORY**

An earlier application for the demolition of the existing cafe and erection of a new building to provide an improved cafe and restaurant was submitted in September 2007 (ref 07/2640/FUL) and subsequently withdrawn in April 2008, without prejudice to the preparation and submission of a fresh application that dealt with the design and appearance issues that led to the withdrawal of that application.

### **PLANNING POLICIES**

#### National Policies

PPS1 – Delivering Sustainable Development  
PPS9 – Biodiversity and Geological Conservation  
Good Practice Guide on Planning for Tourism

#### Devon Country Structure Plan (2001-2016)

Policy CO3 – Areas of Outstanding Natural Beauty  
Policy CO6 – Quality of New Development  
Policy CO7 – Historic Settlements and Buildings

#### East Devon Local Plan (1995-2011)

Policy S4 – Development Within Built-up Area Boundary  
Policy D1 – Design and Local Distinctiveness  
Policy EN1 – Developments affecting Areas of Outstanding Natural Beauty  
Policy EN4 – Nationally Important Sites – including Sites of Special Scientific Interest  
Policy EN11 – Preservation and Enhancement of Conservation Areas (the site is not actually within the Conservation Area, being located beyond its eastern boundary).

## **SITE LOCATION AND DESCRIPTION**

The Longboat cafe is a single storey white painted building with a low pitched roof, standing between the path and the retaining wall to Coastguard Hill, towards the eastern end of the Budleigh Salterton sea front. It is positioned below the adjoining footpath and road to the north. The applicant holds a freehold interest in the cafe building.

To the west of the building is an open area used for seating associated with the cafe and to the west of that is an open fronted concrete shelter and store building with a viewing area above, containing seating and enclosed by low fencing. The shelter, which is owned by this Council, is accessed off the path along the sea front and the viewing area directly off the higher pavement. The pavement itself lies below the level of Coastguard Hill, and is separated from the cafe and land below by a post and rail fence and from the road above it by a stone wall with a post and rail fence above that.

Budleigh Salterton Cliffs is an SSS1 notified only for its geological interests and is covered by two GCR sites (1507 Budleigh Salterton, Permian – Triassic and 1837 Budleigh Salterton Coastal Geomorphology of England). It is understood that although any maps on the subject of the World Heritage Site are inconclusive, for the purposes of the definition of its boundary, as the site lies within an SSS1 it is also considered to lie within the Dorset and East Devon coast World Heritage Site, appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage.

The application site and the existing buildings involved in this application are readily visible along the seafront and Members will no doubt wish to take advantage of this ability to familiarise themselves with the site and its surroundings in advance of the meeting.

## **PROPOSED DEVELOPMENT**

This application proposes the replacement of the existing cafe, shelter and store buildings with a new cafe/restaurant building, occupying the footprint of the buildings and area between them that it replaces. The new building would be two storeys high, with a cafe, (with an indication of seating for 20 covers) kitchen, stores and toilet on the ground floor, accessed off the sea front path and a restaurant/bistro area on the first floor, accessed off the footpath below the carriageway of Coastguard Hill. The first floor would contain seating for 48/50 covers, with a bar area and toilets and a terraced area at its western end, wrapping around the southern end section of the building, with a smaller terrace at the eastern end, where the first floor extends out over the ground floor. Only one kitchen is proposed to serve the two cafe/bistro elements.

Apart from its entrance onto the Coastguard Hill pavement the building would have its aspects southwards towards the sea front and westwards towards the town centre. It would be rendered on the ground floor with full height glazed openings into the cafe area at its western end and a fully glazed first floor extending out over the first floor. Glazed balcony screens would surround the first floor terraced areas.

The roof of the building would be curved upwards across its width, rising out over its southern and northern elevations. The curved roof would be constructed in aluminium.

Members should note at this stage in the report that the above description of the development relates to an amended scheme, submitted at the end of June, following consideration of the original submission. Having regard to concerns held both within the Department and from consultees and members of the public the view was taken that the scale of the original submission, which incorporated a mezzanine floor within a curved profiled roof that rose from west to east, following the rise in the footpath and road and which proposed the use of stonework to the main elevations was unacceptable in terms of its likely impact in views along the sea front and upon the overall character and appearance of the area generally. Discussions and negotiations with the applicant and his agent have led to the submission of the amended plans which now form the subject of this report.

The applicant's agent has also supplied longitudinal drawings showing the topography of Coastguard Hill as it rises eastwards, which includes reference points for the footpath, roadway, fence line, and the higher development along the north side of the road. The proposed north and south elevations of the replacement building have been super-imposed on these drawings, to enable its impact in views from the sea/beach and from Coastguard Hill to be assessed. Further reference will be made to these drawings later in this report in the context of assessing the material planning considerations involved in the application. Detailed colour drawings will also be tabled at the meeting for Members consideration.

## **CONSIDERATIONS AND ASSESSMENT**

### **The principle of replacing the existing building**

The application site lies within the Built-up Area Boundary of the town and already contains built development in the form of the existing cafe, shelter and store. These buildings obscure the geology of this part of the coastline and there is a clear physical and visual demarcation between the built up development along the sea front and the wider unspoilt cliffs to the east of the frontage, where the Coastguard Hill rises up to the memorial at the top of the hill.

The existing buildings lie outside of the eastern edge of the Conservation Area and following a recent review of the conservation area boundary it was not considered appropriate to include these buildings at that time. Whilst the lifeboat building itself is not unattractive it is not a listed building nor is it considered to be of such architectural or historic importance to warrant being listed. The shelter and store are not considered to contribute aesthetically to the seafront or to the nearby conservation area.

In these respects it is considered that there can be no objection in principle to the loss of the cafe building, shelter or store.

### **The replacement building**

**Siting** – The proposed replacement building would be sited over the footprint of the existing cafe building, shelter, store and intervening open area. As originally submitted it was shown to have three floors, the third of which was within a mezzanine level at its eastern end, formed within the highest section of the west to east curve of the roof, designed to follow the rising alignment of Coastguard Hill.

During consideration and assessment of the originally submitted scheme the views expressed by a number of the objectors relating to the height of the building and in particular the inclusion of the mezzanine floor were shared to the extent that the applicant and his agent were advised that unless changes were made to this aspect of the development an unfavourable recommendation upon the application was likely.

The results of subsequent discussion and negotiation with the applicant and his agent has led to the removal of the mezzanine floor element and the curved roof design, in favour of a more conventional two storey building with the roof form changed to an upward concave curve, rising on its sea front and footpath sides.

The ground floor element would contain a cafe, kitchen, toilet and store rooms. It would have fully glazed windows at its western end, (facing westwards and southwards) with its entrance door closer to the centre of the sea front elevation. The remainder of the frontage would be rendered at ground floor level, with double doors into the store at the eastern end.

The first floor would project out over the ground floor and be laid out as a bistro, with 48/50 covers, with the seating arranged along the southern side, taking advantage of the sea views. This elevation would be fully glazed, with a terraced balcony area wrapping around the western end of the building and a smaller one at the eastern end. A bar area and toilets would be positioned on the northern side of the first floor against the blank rear wall. The entrance into the first floor would be taken off the existing footpath along Coastguard Hill. There would be no public staircase connecting the ground and first floors, reflecting the applicants objective of operating the two food and drink establishments separately. The only staircase connects the ground floor kitchen with the bar/preparation area of the bistro.

The ground floor of the building would be 28m long, embracing the footprints of the existing cafe and shelter. The first floor would be shorter, given the inclusion of the terraced area at the western end. It would be 6.8m deep at its eastern end, narrowing to 5m at the western end, with a first floor overhang of 1.6m for 17m along the southern, sea facing side. The 1m high glass balcony would run along the full length of the southern side and wrap around both ends.

Given the fact that the new building would replace existing built development along this part of the seafront, rather than any unspoilt or undeveloped area, the view is taken that there can be no objection to the actual siting of the building in this location, relative to the physical and visual characteristics of the seafront.

**Design** – The reduction in the height of the building, the changed roof design and the use of predominantly glass and render for the walls, whilst at the same time retaining the contemporary design approach has created a clean and crisp building, to which there is no objection in principle. The applicant's agent has however been asked to give some further thought to some of the detailed aspects of the design, such as rainwater goods, ventilation requirements, roof fixings, and window and balcony design, although it is considered that these detailed aspects of the scheme could, if necessary, be controlled by suitably worded conditions imposed upon any planning permission, requiring larger scale drawings, samples and technical details/specifications to be submitted for later approval.

Longitudinal drawings showing the relationship of the building to Coastguard Hill and the sea front have been provided, together with photomontages with the new building super-imposed upon views from the east and the west. The building would be 5.8m high to the underside of the roof where it adjoins the cliff face behind it, rising to 6.3m on its south facing side alongside the footpath and curving upwards to 7m where the concave roof 'sails' out over the footpath.

The design of the building includes the use of an aluminium roof, the effect of which could accentuate the impact of the building in views westwards in particular. It will be important to ensure that reflection from the roof is kept to a low level, which would suggest that a matt colouring should be chosen. This level of detailing could also be ensured through the imposition of a suitably worded condition upon any planning permission.

Subject then to ensuring that some of the final details of the design are secured through suitably worded planning conditions, it has been concluded that the design and appearance of the replacement building would be acceptable for this seafront location.

## **Scale of building in relation to National and Local Plan designations**

**The World Heritage Site** – Both Natural England and the Dorset and East Devon Coast (Jurassic Coast) World Heritage Team have confirmed that the replacement building would have no impact upon the geology or ‘Outstanding Universal value’ of the WHS. English Heritage has not considered it necessary to be notified of the application.

As Natural England has observed, the impact of the development upon the setting of the WHS requires a more subjective judgement. In terms of the scale of the building, the requirement to remove the upper mezzanine level has overcome any concerns on the extent to which the new building would significantly intrude into views to or from the site, and thus the setting of the WHS. The visual envelope of the building is considered to be reasonably narrow and is seen in the context with the existing properties and the road directly behind the site. The impact in views from the west is considered to be minor/neutral, although as mentioned above, the finished treatment of the roof will need careful attention to avoid excessive glare/reflection.

The more distant views from the east are considered to be neutral with the built-up area of the town as the background. Approaching the building from the east the magnitude of the localised impact increases, but with the lower and changed roof design this localised impact is considered to be only moderate in relation to the distant views of the town and cliffs.

Against the above visual analysis it is considered that the proposed development would not have an adverse impact upon the setting of the World Heritage Site or the aims and objectives of that designation insofar as the site and its immediate surroundings are concerned.

**SSSI** – The views expressed by Natural England upon the lack of any direct impact of the development upon the Budleigh Salterton Cliffs SSSI are noted and shared.

**Area of Outstanding Natural Beauty** – Budleigh Salterton is the largest settlement within the boundary of the East Devon AONB. Against that is the fact that the town exhibits a ‘built environment’ along the lower, flatter section of the sea front and the existing cafe and shelter presently contribute to that characteristic, rather than the more natural character and ‘beauty’ of the cliffs either side of the built-up frontage.

Policy EN1 is a permissive policy which supports development within or adjacent to the AONB, where that proposal conserves or enhances the landscape character of the area and respects local built forms and complies with policies on development in the countryside. To achieve these objectives particular attention will be paid to the scale, siting and design of the development, the colour and type of materials, landscape and screening, avoidance of noise disturbance and light pollution, integration of nature conservation features and opportunities to enhance or reinstate the natural beauty and distinctive character of the area and wider landscape.

The application site also lies within the Built-up Area Boundary of the town as defined in the Local Plan. Policy EN1 of the Local Plan relating to developments in AONBs on a site that lies within a Built-up Area Boundary indicates that conservation and enhancement of the natural beauty will remain the priority, ensuring that the setting of the settlement in the landscape is not damaged and the natural beauty is conserved and enhanced.

When judged against all of the criteria for the consideration of applications for development within the AONB and assessed on the basis that the site presently contains development that contributes to the built rather than the natural environment of this part of the town, the conclusion has been reached that this replacement building for the existing cafe, shelter and store would not impact upon the natural beauty of the AONB or the landscape character of the area, such that a refusal of planning permission could be sustained on those grounds. The built-up character and appearance of the application site and its surroundings contrasts for example with the more

natural environment of the wider rural areas both to the east and west of the town which carry the more prohibitive designations covering wildlife and coastal preservation.

**Conservation Area** – The shelter and cafe buildings lie outside of the designated Budleigh Salterton Conservation Area. The boundaries of the Conservation Area have been reviewed recently and the area including the application site was not considered to be suitable for inclusion within the boundary. Although the site lies outside of the conservation area, PPG15 on Planning and the Historic Environment advises that sites outside a conservation area which affect its setting should be given due consideration to whether or not the development would preserve or enhance. The most prominent views of the replacement building are from the western approach along the sea front (from within the conservation area), the elevated view from Coastguard Hill and the wide panorama from the beach, where the site is viewed in context with the rest of the seafront and the skyline of the 19<sup>th</sup> century villas.

The longitudinal drawings and photomontages supplied by the applicant's agent help in considering the massing and levels throughout the scheme, and enable the impact of the new building to be assessed against the rising level of the pavement and road.

The various views of the development have been considered earlier in the context of the impact of the development upon the setting of the World Heritage Site. In terms of any impact on the conservation area, the eastern end of the building would sit marginally above (around 1m) the level of the pavement, even less above the road and roughly in line with the top of the railings. More of the roof and the northern elevation become visible as the pavement and road drop westwards towards the esplanade. At its extreme western end it would be around 3.5m above the level of the footpath to the underside of the roof, around 2.2m above the road and 1.2m above the railings. In this respect it is considered that the impact of the building in views from the east towards the conservation area and from along Coastguard Hill as it rises out of the town would be negligible.

From the western approach within the conservation area the building would be more apparent. As more of the northern elevation of the building would be visible its verticality would be more obvious, with its over-sailing roof, terraced area and deep soffits. In this respect the new building would make more of a statement rather than sitting under the cliffs as it would in other views and in the manner of the existing building. However, it is felt that such a 'statement' would not detract from the character or appearance of the conservation area, representing a perfectly acceptable built form of development within an existing built-up area.

The south elevation within the longitudinal drawings shows the new building set against the backdrop of the sloping cliffs, footpath, road, steep walled and landscaped frontages of houses along Coastguard Hill and the houses themselves on higher ground. In this setting it is considered that the impact of the building in views from the south (sea and beach) would also be negligible. For very much the same reasons relating to the impact of the building upon the WHS and AONB, in terms of the localised views from the east and north, the more prominent but un-intrusive views from the conservation area to the west and the setting of the building against the backdrop of the built-up skyline when seen from the sea and beach, it has been concluded that the proposed replacement building would achieve the objective of preserving the character and appearance of the Budleigh Salterton Conservation Area.

### **The loss of the existing shelter**

One consideration that has given rise to considerable local concern is the fact that development involves the removal of the existing public shelter. Whilst the nature of its use, both during the day and at night time has been questioned by objectors and supporters alike, its loss needs to be taken into consideration as part of the application.

As a building it can hardly be said to be attractive and although opinions differ upon the extent of its usage (and the viewing area above) the view is taken that there could be no planning objection to its removal.

The shelter and the adjoining store belong to this Council and its consent would be required to transfer the ownership to the applicant, who is aware of this obligation, should his planning application be granted. He is also aware of the fact that the Council is likely to require the provision of a replacement facility of a size, siting and design to be agreed. This is likely to be achievable under the Council's landlord powers, rather than under the provisions of the Planning Acts, given that a suitable site for a replacement would need to be found and a design agreed with the Council' as landowners.

The applicant has been asked to confirm his agreement, in principle, to contributing towards the cost of a new shelter, subject to a suitable site being found and new shelter designed and costed. It is expected that discussions upon finding a site for a replacement shelter would be undertaken with the Council's Senior Estates Surveyor if and only if permission was to be granted for this development.

In terms of the likely position for a replacement shelter, there is a square shaped concrete base that appears to have once contained a structure sited to the west of the application site, lying at the end of the tarmac strip containing the beach huts and between the grass and the beach, upon which a new shelter could possibly be accommodated, subject to any ownership and detailed design issues being resolved. In this location a new shelter could provide uninterrupted sea views all year round.

### **Highway matters**

The County Highway Authority has not objected to the application but has drawn attention to the right of way that runs across the site frontage. There are no objections based upon traffic generation associated with the new building or the availability of car parking to serve the proposed use. On-street parking presently exists along Coastguard Hill and Marine Parade and there are public car parks available at either end of the sea front.

### **Tourism**

Opinions upon the need for the new facility in terms of visitors to the town is similarly divided, between those that would prefer to see the town remain a quiet and peaceful resort and others that see the proposal as a means of attracting more visitors, for the benefit of the vitality and viability of the town and enhancing its visitor infrastructure. Members will note the views of the Economic Development Manager in terms of doing whatever we can to support proposals that seek to improve the quality of the facilities available to visitors and thereby help ensure that visitor expenditure has a direct local benefit and impact.

The applicant makes no secret of the fact that despite having a considerable degree of regular local patronage, his client base is and will continue to be largely drawn from existing visitors to the town or those that would visit should his scheme go ahead.

### **Other matters**

During consideration of the application some concerns have been expressed about the type of fume extractor system that might be needed to service the facility. The Environmental Health Officer has recommended that a condition should be imposed upon any permission requiring details of the system to be installed, whereas the view has been taken that to avoid any later misunderstandings or the introduction of works that might undermine the efforts taken to keep the appearance of the building crisp and clean, the applicant should supply as much information as possible at the pre-determination stage, rather than after the decision has been taken. In that

respect the kitchen is located on the ground floor of the building and the applicant's agent has advised that he has researched the use of a system which would have minimal external presence, with any venting exiting along the eastern elevation where the side of the building adjoins the cliffs to the east.

Another concern centred on the access into the first floor from the footpath along Coastguard Hill and whether or not it would have to be bridged across any gap. The agent has confirmed that the rear of the building would be set against the existing cliff and that there would be no need for a bridge with access being obtained directly off the pavement, similar to the existing entrance from the footpath into the enclosed viewing platform above the shelter.

## **CONCLUSIONS**

Very few planning applications for what on the face of it could be described as a relatively modest proposal can have provoked such a considerable amount of third party interest. Even less have given rise to such strong and diametrically opposed feelings about the proposal. That having been said the proposal needs to be looked at objectively, in the context of the location of the site and the likely impact of the proposed replacement building against the background of the Council having little control over the demolition of the existing building or its replacement with another building containing similar planning land use.

In this case the likely impact of the new building upon the prevailing physical and visual characteristics of this part of the town has been carefully considered and assessed, having regard to the relationship between the built environment that characterises this part of the sea front and the natural beauty of the cliffs at either end of the frontage that largely characterise the World Heritage Site, SSSI and AONB designations. Having undertaken that exercise and then sought amendments to the original submission to reduce the height and scale of the new building and improve its overall design, the balanced conclusion is that the development would not be so intrusive in the existing built environment of this part of the town to justify refusing permission, in terms of its impact upon the WHS, SSSI, AONB or the Budleigh Salterton Conservation Area. The building would have no adverse impact upon highway safety or the residential amenities of occupiers of any dwellings in the vicinity. The matter of providing a replacement shelter could and should be achieved through the Council's landlord interest.

Subject to exercising suitable controls over some of the detailed aspects of the development the recommendation is that planning permission should be granted in this particular case.

## **RECOMMENDATION**

APPROVE subject to the following planning 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. Before the development hereby permitted is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls, (including all glazing throughout), and roof of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area).

3. Prior to the commencement of the development hereby approved full detailed large scale (i.e. 1:5 for smaller areas and 1:20 for larger areas) typical elevation and associated working drawings of the details listed in the schedule below shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be constructed in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

- a) The proposed aluminium roofing incorporating, where proposed, all gullies, guttering, rainwater goods, flashings and soffits.
- b) Any extraction ducting and mechanical vents or grills, in addition to the details required to be submitted by condition 5 below.
- c) Soffits and underside details of all of the balconies throughout the development, together with hand rails and supporting framework.
- d) All modes of openings for the windows on the elevations leading out onto the first floor terraces and across the balcony along the southern side of the building.

(Reason -To ensure that the details of the design are acceptable to the Local Planning Authority in the interests of the visual amenities of the locality.)

4. Prior to the commencement of development full details of all internal and external lighting shall be submitted for the written approval of the Local Planning Authority. Such details shall include the siting and design of any light sources and levels of illumination from the proposed sources. The building shall thereafter only be internally and externally illuminated in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

(Reason - In the interests of the character and amenities of the locality.)

5. Before any work upon the proposed replacement building is first commenced, full details of the fume extractor system to be installed in the kitchen, including the precise location of the system and all ducting, fully detailed plans, manufacturers specification and noise data shall be submitted to and approved in writing by the local planning authority. The system shall thereafter be installed and permanently operated and maintained in accordance with the approved details.

(Reason – To safeguard the satisfactory appearance of the building and the visual and environmental quality of the surrounding area).

#### Reasons for approval

The proposal complies with the Devon Structure Plan 2001-2016 Policies CO3 (Areas of Outstanding Natural Beauty), CO6 (Quality of New Development) and CO7 (Historic Settlements and Buildings).

The proposal complies with the adopted East Devon Local Plan 1995-2011 Policies S4 (Development Within Built-up Area Boundaries), D1 (Design and Local Distinctiveness), EN4 (Nationally Important Sites – including Sites of Special Scientific Interest), EN1 (Developments Affecting Areas of Outstanding Natural Beauty) and EN11 (Preservation and Enhancement of Conservation Areas).

The proposal does not harm the natural beauty of the landscape designated as an Area of Outstanding Natural Beauty.

#### Approved plans

Site/location plan - 224 L 01.02.dated 22.06.09

Existing floor plans and elevations – 224 L 01.01 dated Sept 08  
Proposed ground floor – 224 L 02.01. dated 19.06.09  
Proposed first floor plan – 224 L 02.02 dated 19.06.09  
South elevation – 224 L 04.01 Rev P01 dated 19.06.09  
West elevation - 224 L 04.02 Rev P01 dated 19.06.09  
East elevation - 224 L 04.03 Rev P01 dated 19.06.09  
North elevation- 224 L 04.04 P01 dated 19.06.09  
General Arrangement - 224 L 02.01 Rev P02 dated 29.07.09  
Coastguard Hill – Elevations/views 224 L 02.02 Rev P02. Dated 29.07.09

#### List of Background Papers

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