

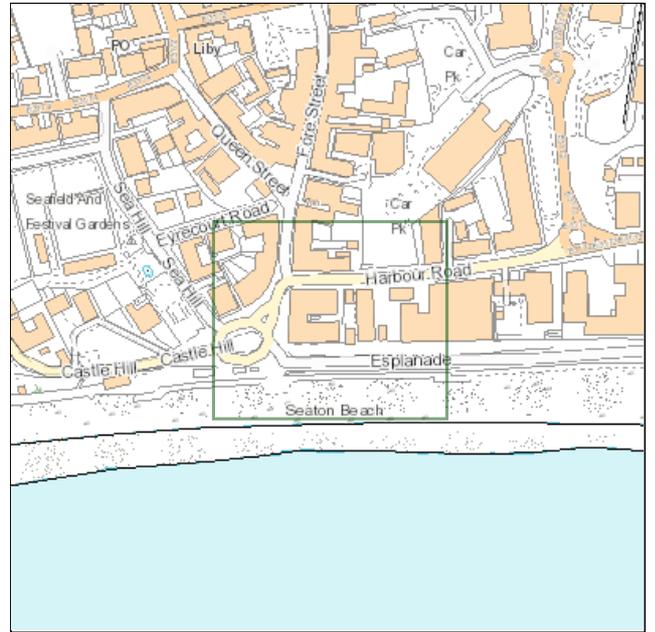
Ward Seaton

Reference 21/0891/FUL

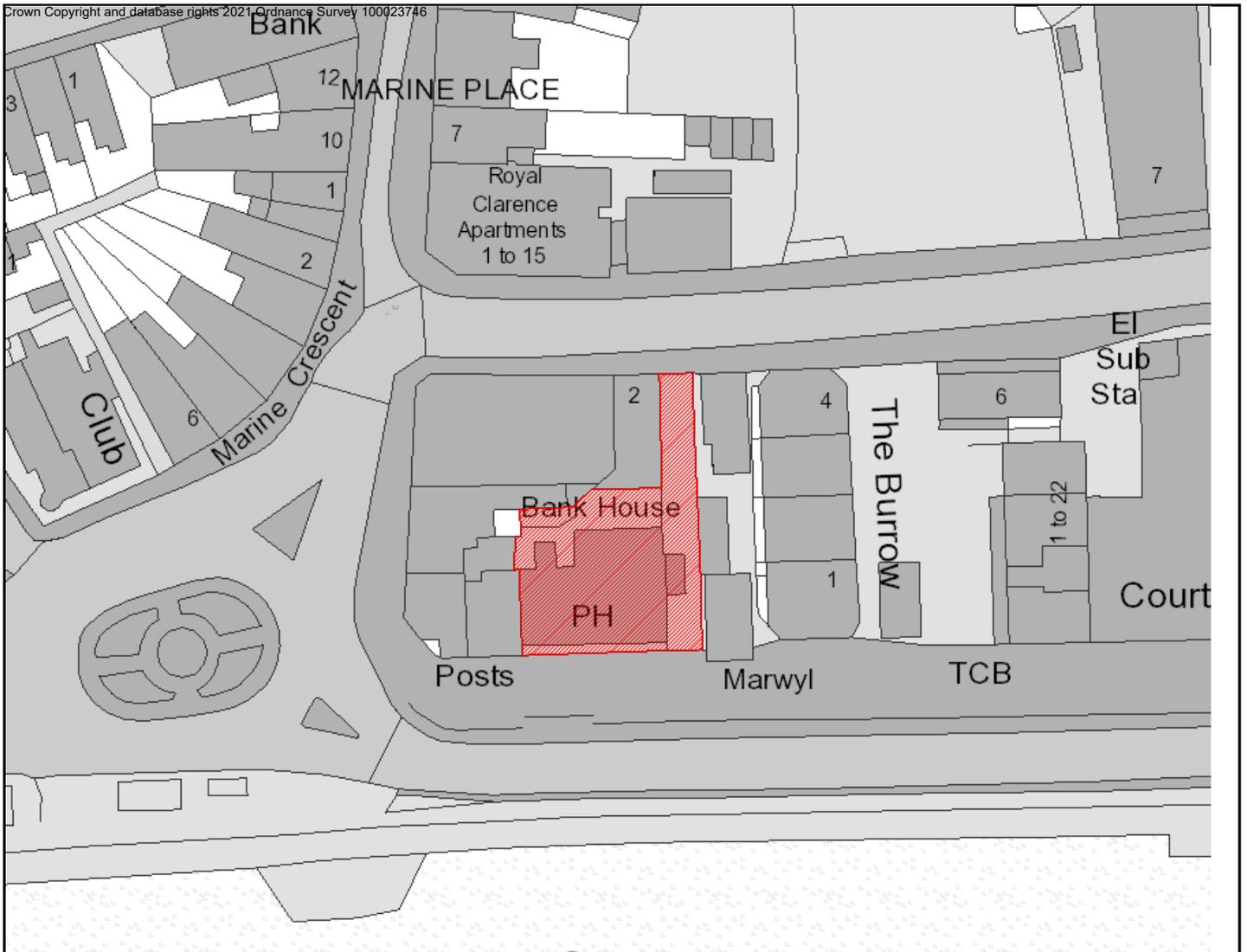
Applicant Wilkins

Location Hook And Parrot Inn East Walk Seaton EX12 2LN

Proposal Demolition of existing public house and 3 residential apartments and construction of replacement bar/restaurant and 9 apartments.



RECOMMENDATION: Refusal



		Committee Date: 4th August 2021
Seaton (Seaton)	21/0891/FUL	Target Date: 11.06.2021
Applicant:	Wilkins	
Location:	Hook And Parrot Inn East Walk	
Proposal:	Demolition of existing public house and 3 residential apartments and construction of replacement bar/restaurant and 9 apartments.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

The application is before committee because the officer recommendation differs from that of one of the wards.

The proposal seeks permission for the demolition of the existing building housing a public house and 3 no. residential flats with a 4 storey building comprising of a basement parking area, ground floor commercial use and 9 no. residential units arranged over the upper floors.

The proposal site occupies a prominent position on the Esplanade and within the designated conservation area. The proposal scheme would be visible from views along the seafront from the east and west as well as, due to its height, views from the public car park and other viewpoints to the north. The site lies within the town centre shopping area.

The conservation officer has raised concern with regard to the loss of the existing building as well as the impact of the proposed replacement building on the conservation area. Those concerns relate to the loss of architectural and community value that the existing building holds as a traditional Victorian building and one of the first on the Esplanade, as well as its role as a drinking establishment serving the town for well over a century. Whilst the building has been extended and altered over the years it retains many of its historic features and there is concern that proposals for its retention and refurbishment do not appear to have been considered.

In relation to the proposed replacement building the design, both in terms of the impact on the conservation area and in more general terms, is found to have little contextual relevance; to be out of scale (in both height and massing) with and dominating of surrounding development and seeks to utilise materials that are

both austere and out of keeping. Taken as a whole the proposal is considered to result in substantial harm to the significance of the conservation area and to result in an inappropriate and over powering building that would fail to take the opportunity available for improving the character and quality of the area.

In other regards the proposal fails to consider the potential impact of the development on the amenity of adjoining occupiers both in terms of overshadowing/loss of light and loss of privacy and where as a result harm would arise due to the increased height and massing of the building and the increased opportunities for overlooking from the rear elevation of the building.

It is acknowledged that the proposal would bring the site back into active use and would give rise to a number of not insignificant direct and indirect economic benefits including the creation of an estimated 30 full/part time jobs in the restaurant. This weighs in favour of the proposal as does the moderate benefits arising from the creation of 6 additional residential units. However these benefits when balanced against the harm that would arise to the conservation area are not considered to outweigh that harm.

As a result of the harm to the conservation area in particular and the wider area more generally and the impact on the amenity of neighbouring occupiers the proposal is recommended for refusal.

CONSULTATIONS

Local Consultations

Seaton - Cllr Marcus Hartnell

I have no objection to the application and agree with the comments raised by the Town Council.

Parish/Town Council

Seaton Town Council have no objections to the principle of development of the site and support the application.

There are a few points which the Planning Committee raised which they would like the district council to take into consideration when making a decision on this application and any conditions applied to the granting of planning permission as are necessary. These points are:

' The Planning Committee thought the proposed colours of the development were too dark and would like to see materials of a lighter colour used which reflects the sites position on the seafront. This would soften the image of the building and make it appear less tall .

' The Planning Committee would like to be certain that the balconies on the southern elevation of the building do not encroach across the building line and would like this checked by the Officers at the district council.

' In light with the Town Council's Environmental Policy the Council would like to see more information with regards to the environmental credentials of the building and particularly the apartments.

' With regards to the opening hours of the bar/restaurant the Council are concerned that any noise generated by the business does not have a negative impact on the residents of neighbouring dwellings and apartments. They noted that Environmental Health mentioned in their submission for the application that construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays, but do not mention what they consider are reasonable opening hours for the bar/restaurant so as to not have a negative impact on the occupiers of neighbouring properties.

' Concerns were raised about the provision of car parking to the rear of the development. It was noted that the access to the parking area is down a very narrow driveway which exits onto Harbour Road. The Police state on <https://www.askthe.police.uk/> 'It is not illegal to reverse into a main road but it is not advisable - this is for safety reasons'. Some measures should be put in place to prevent a vehicle having to reverse onto Harbour Road if there is another vehicle trying to exit the car park at the same time or having to reverse out due to the fact there is not enough room to turn around safely in the car parking area. The Council would like clarification on what measures will be taken to ensure vehicles can safely enter and exit the car parking area.

' On the plans submitted with the application it shows that in Units 1, 2, 5, 4 & 8 Bedroom 2 does not have any obvious means of escape. Bedroom 2 in Units 1 & 4 appear to be adjoining the wall of the neighbouring apartment with no window or means of escape and with Units 2, 5 & 8 being in between units, again there appears to be no window or means of escape and all units have no natural light coming into them. The Council would like this clarified and any amendments made to the plans if necessary.

Technical Consultations

Environmental Health

I have considered the application 21/0891/FUL and I recommend approval with conditions:

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

Noise data will need to be submitted for the lift and for any kitchen extraction system.

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

Conservation

The significance of this site is by virtue of its archaeological value as evidenced by the numerous records held within the Devon Historic Environment Record (HER) and elsewhere. It has historical value by virtue of the former uses e.g. salt, fishing of the site and then the later change in the late 19th century with the town becoming more of a tourist destination with the arrival of the train line. The Architectural value is through its architectural style. A traditional Victorian building with sash windows with a vertical emphasis. Typical features are the main roof, in this case the main ridge line follows the others in a West-East linear form. These main roofs have a distinctive secondary gable feature as well as the chimneys on the ridge. This is further enhanced by the traditional materials such as the natural slate roofs, painted render, timber doors and windows and timber (projecting) fascia's. There is an additional communal value as it is evidenced that this has been a drinking establishment (of different types) that has been enjoyed for well over a century to the present. The setting makes a positive contribution by virtue of its group value of the Victorian architectural aesthetic that share common features such as the windows, main roof, chimneys and the smaller gable feature. The setting of the conservation is severely compromised by the modern developments to the East of the site, however these are rightly outside of the conservation area boundary and are considered to be of no value within some degree of harm to the setting of wider and distant historic landscape.

The existing building retains many key historic features that identifies it as being of Victorian origin. It has the main, natural slate roof, chimneys, decorative projecting fascias (as seen in the East gable end), the smaller gable feature on the front (South). Vertical timber sash windows (as found on the upper floors and rear main section). The ground floor has lost all of its pleasing symmetry with its former central doorway, however, if there has been sufficient photographic evidence submitted to inform some degree of reinstatement.

The rear lower ground and ground floor extensions are of no value and there is scope to remove these to better reveal the historic main construction. The current condition of the building has not been considered as a suitable justification for any loss (as per section 16 of the NPPF, para 191). It is always beneficial to maintain regular maintenance of any building.

There seems to be insufficient justification for the total demolition of the existing building. It is not supported by a robust condition survey. Demolition is contrary to meeting the government's target of being carbon neutral by 2050. Current research shows that sympathetically upgrading and reusing existing buildings, rather than demolish and build new, could greatly improve a building's energy efficiency. It would also make substantial energy savings with its CO2 emissions as they are already embodied within the existing building and not lost through demolition. Historic England state that; " Demolishing buildings also not only produces millions of tonnes of waste (one third of all waste produced in the UK every year comes from construction and demolition), but building new has high energy costs, guzzles resources and accounts for 26% of the world's plastic consumption".

The proposal has been designed out of context to the local vernacular (i.e. Victorian aesthetic), albeit in a sympathetic 21st century response. The small gable feature has been taken to an extreme to the detriment of the character of the roofscape of the town and its conservation area. The roof height overwhelms the setting and nearby historic buildings. There are principle views to and from this site, in part due to its seafront location. The materials although the natural slate for the roof is welcomed, it makes no reference to re-using any existing materials from site. The black brick built constructions has no relevance at all to the setting and am at a complete loss to comprehend its use in this way for this traditional East Devon site. There is some vertical emphasis to the fenestration, however this is to the detriment by its proportion to the boiling as a whole.

The Seaton Conservation Appraisal makes reference to the impact of harm on character (section 10), "The character and appearance of the conservation area is considered to be suffering as a result of the following detracting features..... instances close to or on the seafront where original frontages are being unduly compromised by barely restrained seaside commercialism introducing a cocktail of contemporary artificial materials, intentionally eye-catching, but that can be judge as having little regard to the historic context, to original architectural detail".

The red boundary line seems to have changed from the location plan to the proposed drawings, with the front (South) elevations and the balconies protruding forward of the adjacent building frontages. There is great concern that should there be a recommendation for approval, that there is no certainty of any development after total demolition of this historic building.

In conclusion, taking into consideration the lack of justification to retain the historic building (although there is scope for some change), being contrary to the government's targets to achieve carbon neutral, a design that is entirely out of context, its size and massing, the proposed unsympathetic materials, the singular black dominant colour of the building, it has a negative, cumulative impact on the significance of the conservation area. It is considered that the development would lead to substantial harm to the designated heritage asset.

Environment Agency

Environment Agency position

We have no objection to this proposal.

Reason

The Flood Risk Assessment (FRA) prepared by RMA Associates (ref. RMA-C2121, dated 04 March 2021) has been reviewed. The Environment Agency can agree with the conclusions and recommendations of the report.

Advice - Flood risk

Going forward, we advise that the proposals look to specify more definite flood resistance and resilience measures to account for potential flood risks, in extreme events, to the basement/lower ground floor. It is felt that the provision of a flood barrier would be appropriate to prevent the entry or flood water at this level.

Similarly, finished levels on the basement/lower ground floor should allow for flood waters to drain in the event of inundation.

Contaminated Land Officer

I have considered the application 21/0891/FUL and I recommend approval with conditions in relation to contaminated land.

Where there's a risk of pollution/contamination being caused by the demolition of structures from the development site the developer must undertake a risk assessment identifying the potential risks for airborne nuisance, additional land/water contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors. The demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors.

Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

DCC Flood Risk SuDS Consultation

Recommendation:

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

Observations:

We are delighted that a rainwater harvesting tank is being proposed as part of the surface water management strategy for this site. Attenuation will take the form of underground attenuation and permeable paving to limit runoff to 1.39 l/s for the design storm event.

The applicant should submit a plan indicating how exceedance flows will be managed at the site. The applicant should indicate who is likely to be responsible for maintaining the surface water drainage at the site and provide maintenance schedules for all components proposed within the surface water network.

EDDC Urban Designer

Key points:

- For its context within this particular urban block within the Seaton conservation area the proposal has too great a scale and massing

- The apparent precedent is not quite right for the location but the interpretation of it is also not right
- The materials chosen do not fit with the context or apparent precedent. If the black brick continues to be used in any re-design there should be a clear explanation for their use that follows a design logic
- The structural solution to the building is not apparent though the design appears to present significant challenges, particularly with unsupported overhangs and significant clear spans at ground and lower ground floor levels. This may force a redesign
- The parking area does not afford much manoeuvring space. Reversing either in and out of it is not an option.

Key recommendations:

- Reduce the height by 1 storey
- Find a more appropriate precedent either through clearer reference to the physical surroundings or by closer research of the history of the site and the town. Would suggest not recreating a gun-battery
- Provide evidence that the structural solution for the building is workable or revise the design to be structurally sound
- Provide evidence that the parking area provides adequate space for manoeuvring or redesign.

Introduction

The comments made here will be largely structured around the National Design Guide and will use this document and other current design guidance as the basis on which to consider this application. I will not make any exhaustive descriptions of the site or proposal where this has already been covered by the applicant. However, I will provide additions or corrections where this is appropriate and relevant to the proposal and the comments made.

Context

The site is part of the sea-front at Seaton running between the old town and the harbour at Axmouth. This area of land is within the estuary of the river Axe that over the course of centuries has silted up. This was historically used as salt pans before the building of the railways opened up the area to travel and ultimately to tourism. Seaton catered for a less wealthy visitor than those in Exmouth. Up until this point Seaton was largely dependent on salt production, fishing and coastal shipping of goods and passengers. Tourism has never had the same success at Seaton as for other nearby towns such as Exmouth.

The existing building on the site was one of the first buildings to be developed on this seafront along with the Beach Hotel about 200m to the east. It was originally a single storey café with owner's accommodation attached within a two storey bay-fronted house. A cluster of other buildings, also primarily for tourists, developed around it soon after to form a small urban block of late Victorian and Edwardian buildings all of which are between two and three storey as are most of those in the rest of the conservation area. The café building had an additional floor added in the 1920's to form the building that is there today, though windows and front façade have been altered. This block is the only part of the seafront within the Seaton Conservation Area, reflecting the age

of the buildings, their history as part of the earliest development on the seafront, and the fact that their massing has remained largely unchanged since the early 20th century, although the facades have suffered a lot of unsympathetic changes in the same way as the building on the site.

Since that time, development of holiday accommodation, care homes and individual homes has taken place along the whole seafront between Seaton and Axmouth. The buildings are all 2-3 storey apart from one that reaches 4 but within a mansard. The three exceptions to this are the three closest apartment blocks of 7, 4 and 6 storeys. The nearest, the 7 storey tower, was designed in the 70s to reflect its seaside location by being the architectural equivalent of a bag of smashed crabs. The two others complete a trilogy of mediocrity that work hard to reduce the attractiveness of the seafront. These should not be taken as precedent and should not be taken as a context with which to fit.

Response to context

The Design and Access Statement correctly notes that there has been a recent change in design quality and ambition of buildings in this part of Seaton. The proposal wants to continue this trend and in some respects does so.

It clearly aims to demonstrate ambition on the part of the designer and client. The proposal makes a break from the appearance of the buildings around it to both positive and negative effect.

The proposal replaces the existing buildings with one of 4 storeys with a deep plan compared to the existing building and the rest of the block. Those in the block it sits within are two and three storey, as are most in the rest of the conservation area.

To work with the conservation area context the design of anything new here needs to create a design narrative that references either the physical surroundings or the history of the site. In this case it appears that the design references bonded warehousing to provide a 'back-story' explaining a building of this scale where everything else is much smaller. This precedent would be appropriate in a maritime, river or canal-side location with an industrial-era mercantile history but this is not the case for Seaton. Before tourism the town's economy was based on fishing and fish tend not to respond well to being warehoused. In a maritime environment this form of warehousing also tends to be set back from the seafront to reduce exposure to the weather and the sea and the risk of materials and goods being spoiled. If the warehousing were for salt this would still be the case, given the affinity that salt has for water. This makes the precedent inappropriate for this location.

The choice of colour for most of the elevations may have been chosen to reflect the warehouse or industrial-era precedent but the material itself, black brick, does not lend itself to this. If elevations appeared black on this style of building at this time it would have been because they used hung-slates as weather protection or creosoted timber planks. Black bricks were rare, relative to standard red bricks, and used sparingly only where their harder wearing properties were needed.

Design identity and form

The proposed building has a distinct identity that sets it apart from its neighbours. This is not in itself a bad thing though an identity needs to be appropriate to the building and the area around it even if to contrast with it.

The enclosed balconies are a good feature but the design needs attention, especially the materials, more on which below. Design could change if a different precedent or other design language is used in any redesign that addresses other issues.

The material choice of brick is puzzling, especially for the enclosed balconies. A particular quality of bricks is that they are heavy. This becomes very noticeable when trying to support a lot of them stacked on top of each other. Overhanging structures were seldom made of brick for this reason and lighter materials were used, such as timber. Given that it is not just the balconies but the whole of the front façade above ground floor level that overhangs this is a significant break from any historic precedent. This brings up the puzzling structure of the building. The ground and lower-ground floors have large clear spans, no apparent structural frame and standard thickness perimeter walls. This would suggest either great structural ingenuity or that the building might become much shorter all of a sudden. It would be good to understand what is going on so there can be some confidence in the structural solution for this building as otherwise this in itself is going to force a redesign that will certainly change the appearance overall.

Movement

The parking does not appear to be enough space for manoeuvring into and out of the spaces at the western end. Tracking diagrams would be helpful to see whether the space works and whether there is enough space for cars to turn and avoid having to reverse in or out.

Providing charging to each space is good to see.

Nature and public space

There is no natural or green space on the site at present and the proposal does not change this. It would be good to incorporate some planting or other landscaping to the front of the building.

Homes and Buildings

Floor plans of the flats:

- Balconies are a usable size so that is good. Bi / tri-fold doors are also good to enable good links between indoor and outdoor space.
 - o The flats are very deep, following the footprint of the building. This results in several bedrooms having no - Natural light which, although not a deal breaker, is not particularly attractive either. It also means there is a question over the supply of fresh air and ventilation to these rooms.
- Can't understand why the bathroom and entrance hall is different between the eastern flats on the floorplate and the other two. This seems a needless waste of space. It would be good to understand this design decision as on the face of it there

is a loss of space and increased external wall surface, increasing costs and decreasing thermal performance.

- The design point above also increases the amount of space where there is a degree of uncertainty over ownership and management. This could be easily avoided so some reasoning behind this decision should be provided.

Floor plans of the restaurant and parking:

- The restaurant floor area seems ambitious. Either that or it is designed specifically for people suffering claustrophobia, which if true is laudable but perhaps a bit too niche.

- Good to see electric car charging for all parking spaces.

- The parking area appears to have limited manoeuvring space so may force people in some spaces to reverse in and out. Tracking diagrams would be helpful to provide assurance that space is indeed adequate

- There does not seem to be adequate structure on these floors that explains how the rest of the building will stay up. Perhaps structural engineering has moved on a bit recently but some evidence for how this is going to work would be very helpful. Otherwise there is going to be a substantial redesign.

Lifespan

The structure of the building does not look convincing so the lifespan could be very short. The materials indicated are durable but not suited to the context.

Conclusion

It is good to see that the design approach is quite crisp and modern while still referencing the past. The way this building relates to the immediate context demonstrates that some thought and consideration has been given as a way of explaining the scale and massing. However, the precedent does not work in this location as it does not fit with any part of the history of site or of Seaton. A better precedent would be to work with the tourism background of the area and a more light-hearted appearance; either that or a more in depth study of the history of the area and Seaton could suggest another design approach that would work and create interest.

The scale and massing as presented is too great relative to surroundings. A reduction of one storey would be an easy way to make any design fit better with the context but otherwise a half-storey with accommodation in roof-space may work better. Floor to ceiling heights should remain as they are so they continue to line through with the other buildings in the block.

The structure of the building does not fill me with confidence but I may be overly pessimistic. However, some reassurance that the lack of apparent structure on the ground floors does not have an untoward effect on the ability of the building to stay upright would be very welcome.

The materials choice needs to be revised to better follow the design language of the building. This will hold true for any redesign following a more suitable precedent. At

present this will sit very awkwardly amongst the rather more domestic and comfortable buildings either side of the site.

I would not support the building in its current form for the reasons above. However, there is clearly a will to produce a good, attractive design that I hope will be applied to any more suitable redesign.

Devon County Archaeologist

I refer to the above application. The proposed development lies in an area of archaeological potential on part of the Esplanade shown on the mid-19th century Tithe Map as being occupied by a coal yard and adjacent to an area identified in the county Historic Environment Record as containing the site of a possible WWI military coastal defences. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the 19th century and later military activity in this area. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2019) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Devon County Highway Authority

Observations:

The site will utilise the existing vehicular access. Two bollards on either side of the vehicular access will warn pedestrians on the Harbour Road of the chance of exiting vehicles of which due to the nature of Harbour Road will be slow moving.

The proposed layout allows for one parking space per dwelling which together with the secure cycle storage, bus services, public car parks, services and facilities of Seaton, I believe will be sufficient to avoid on-carriageway parking and help promote sustainable travel and reduce a high increase in vehicle trip generation.

A 6m gap between the parking rows allows for vehicles to turn off-carriageway and re-enter the carriageway in a forward facing motion.

Overall the County Highway Authority, has no objection to this planning application.

Recommendation:

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

Police Architectural Liaison Officer - Kris Calderhead

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

My only concern with the design of the scheme is in relation to the 'open' nature of the under-croft parking area. The space is somewhat concealed and lacks surveillance opportunities, therefore unrestricted access can contribute to crime, misuse and anti-social behaviour (ASB) such as rough sleeping, drugs use etc. particularly in a town centre location.

To ensure that such a risk is minimised, I respectfully ask that the following planning condition is considered should the application progress:

Condition: An access control system should be applied to vehicular and pedestrian entrances to the under-croft car park to prevent unauthorised access and casual intrusion.

Reason: To reduce the opportunity for crime and anti-social behaviour.

Further recommendations in relation to the under-croft parking area to ensure that criminal opportunity is minimised and the safety of legitimate users maximised include:

- Any potential gates (inward opening automatic) or roller grilles should be located at the building line to avoid the creation of a recess. They should be capable of being operated remotely by the driver whilst sitting in the vehicle.
- Lighting should be at the levels recommended by BS 5489:2013.
- Walls and ceilings should have light colour finishes to maximise the effectiveness of the lighting as this will reduce the luminaires required to achieve an acceptable light level. Reflective paint can reduce the number of luminaires needed to achieve the desired lighting level and reduce long term running costs.
- Any internal door that gives access to the residential floors should have an access control system.
- It would also be preferable if access to the lift and external stairs leading to residential flats and communal areas, was restricted to legitimate users, through the use of access control and a visitor entry system. Any potential system should not have a tradesperson or timed-release mechanism as they have been proven to contribute to crime, ASB and unlawful access to communal developments.
- External letterboxes that meet the requirements of the Door and Hardware Federation standard Technical Standard 009 (TS009) could be considered for mail delivery.
- Emergency egress from the flats and car park must also be facilitated.

Further Recommendations

- The bin store and bike parks must be robust and secure in order to protect against theft, damage and arson. They are located in a vulnerable area with little surveillance opportunities therefore measures should be taken to adequately secure them.
- All external doors and accessible windows are advised to be tested and certificated to an appropriate nationally recognised security standard.
- Consideration should be given to installing a monitored intruder alarm covering the restaurant area. For police response, the system must comply with the requirements

of the Security Systems policy, which can be found at www.securedbydesign.com under the 'Group Initiatives' tab.

- The development would benefit from CCTV, particularly the north elevation and the under-croft parking area. However, I appreciate that any system is unlikely to be monitored and would therefore only be effective as a possible deterrent and aiding in the detection of an offence. I am happy to discuss further if needed.

- An effective light scheme should be in place to reduce the fear of crime and increase surveillance opportunities for legitimate users.

Other Representations

A total of 78 representations have been received to the application of which 51 are considered to be in support of the scheme and 22 to raise specific objections to it. The reasons for support and objection can be summarised as follows

Reasons for Support

- Current building is 'an embarrassment to the town'
- Replacement of building with a 'quality pub/restaurant in a prominent location
- The seafront requires investment and improvement which this well designed building will bring.
- The proposal will provide job opportunities and income for the town.
- The design will provide a precedent to follow for further redevelopment
- Destination restaurant of benefit to locals and visitors
- The residential development provides further high quality options for seafront living
- The proposal is the most realistic way of retaining and thriving and viable Real Ale outlet in the town (CAMRA)
- The proposal will add vibrancy and activity to the sea front
- Fantastic modern design to help smarten up sea front
- Proposal will support the night time economy

Objection reasons

- The proposed development is too tall and should be reduced by a storey
- The materials/colour are inappropriate
- Loss of public house
- Seaton does not need another apartment block
- The design lacks architectural merit is too tall and is out of keeping with surrounding buildings
- The existing building should be preserved.
- Impact of any redevelopment works on the use/enjoyment of the seafront and other local businesses.
- Redevelopment should be timed to avoid disruption to the main tourist season
- Extension beyond existing building line and provision of projecting balconies is inappropriate

- Loss of light to adjoining residential flats/businesses
- The proposal will result in an extremely dominant structure on the sea front.
- Loss of privacy resulting from proposed balconies
- Overbearing impact of development on adjoining developments
- Consideration should be given to providing residents parking bays on the sea front to compensate for the disruption caused.
- Design out of keeping with surrounding vernacular style and scale will dominate surrounding properties
- A reduced height building with fewer apartments would be more appropriate
- Will result in more second homes unaffordable to locals.
- Safety concerns related to increase use of vehicular access
- Proposal restricts rights of access to surrounding properties
- Lack of bin storage for residents

PLANNING HISTORY

There are a number of historical planning applications relating to the building concerning matters such as fenestration changes, advertisement signage, external seating etc. none are considered to be particularly relevant to the current proposal.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 25 (Development at Seaton)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

Strategy 38 (Sustainable Design and Construction)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

EN21 (River and Coastal Flooding)

E2 (Employment Generating Development in Built-Up Areas)

E9 (Town Centre Vitality and Shopping Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Procedural Note

The submitted location plan does not include the ground floor external terrace area or projecting gabled elements above. As such the proposal as submitted appears to include development outside of the application site and where it has not been demonstrated that the applicant has control over the land required to build this part of the development.

In the event members were minded to approve the scheme, as a minimum, the applicant would need to amend the red line plan and where necessary serve notice on any other party with an interest in the land, giving them opportunity to comment.

Site Location and Description

The Hook and Parrot public house occupies a traditional pitched roof building of two storey form. There is additional accommodation within the roof and a lower ground floor set below the street level of the Esplanade. The principal (south) elevation and roofline run parallel with the Esplanade but there is a lower projecting gable fronted element on the west side. At ground floor level there is a full width projecting bay and there are 2 no. flat roof dormers to the front roof slope. The elevations are rendered and painted and the roof covered in slate. To the rear the original building has been variously extended with later additions including a full width 2 storey flat roof extension.

There is pedestrian access direct from the Esplanade and to the rear pedestrian and vehicular access via a private road from Harbour Road. This access road leads to a service yard area between the rear of the building and adjoining properties.

The building is currently vacant but the ground and lower ground floor of the building have previously been in A4 use as a public house with 2 no. residential flats to the first floor and a further flat at second floor level.

The site occupies a prominent location on the sea front in area of mixed residential and commercial development and where there is some variation in the form, age and design of buildings. The site lies within the defined town centre area and also falls with the Seaton Conservation Area and land designated as Flood Zone 3.

Proposed Development

The application proposes the demolition of the existing public house and the redevelopment of the site in the form of a 4 storey building (plus lower ground floor level). The proposed building would occupy the same part of the site as the existing public house but the footprint would be extended slightly to the east and north sides. Vehicular access would continue from Harbour Road to the north and would lead to a basement parking area providing 9 no. parking spaces (1 no. for each of the residential units).

At (upper) ground floor level a restaurant use is proposed with an elevated dining terrace on the front elevation set above the level of the adjoining pavement.

The 3 floors above the ground floor would each house 3 no. 2 bed apartments, providing 9 no. apartments in total. The upper floors would be accessed via an external staircase and lift on the rear elevation of the building.

The building would have a recti-linear plan form with the building mass contained within a single block punctuated by the projecting gabled elements on the front elevation.

In terms of materials, the principle material is black brick which would be used on the rear and side elevations and for the projecting gable elements on the principal elevation, the recessed areas between the gables and the rear lift shaft are proposed as cream brick. The areas of pitched roof would be covered in slate. Fenestration is proposed as aluminium units with the principal elevation of the ground floor of the unit fully glazed.

ANALYSIS

The main issues for consideration are the principle of development, visual impact/impact on the conservation area, flood risk, impact upon amenity and highway safety.

Principle and policy compliance

The site lies entirely within the built-up area boundary of Seaton where under Strategy 6 of the Local Plan the principle of development is accepted subject to; compatibility with the character of the site; not adversely affecting flood risk or coastal erosion; it would not damage (and where possible promote) wildlife, landscape, townscape and historic interests; would not result in loss of land of local amenity or recreational importance; would not impair highway safety or traffic flows and would not prejudice the development of an adjacent site.

Strategy 25 of the Local Plan deals specifically with development proposals for Seaton. It seeks to support Seaton's 'green' tourism role and specifically mentions the esplanade in relation to the strategy for the town centre which seeks, "The enhancement of the existing fabric and character of the town, including design improvements and expansion of commercial opportunities in waterfront areas (sea wall and esplanade and harbour and estuary) will underpin Seaton's developing role

as year-round destination.” In relation to new homes there is also specific reference to allocating land for new housing within and adjoining the town.

The proposal lies within the defined town centre area where policy E9 of the Local Plan seeks to ensure that the vitality and viability of the town centre is maintained. It permits both retail and non-retail uses which would add variety and increase activity subject to a number of criteria relating to impact on the character, visual amenity and viability and viability of the town centre. In this instance the proposal would constitute a change of use from a sui generis use as a public house (formerly A4) to an E class commercial/business use (formerly A3). However, in terms of impacts on the vitality and viability of the area, on residential amenity and on issues such as traffic generation the impacts are considered to be similar. At present the site is vacant and there is no business trading from the premises. The proposal would introduce a new employment generating use to the site which would have the potential to provide similar (and potentially greater) employment and wider economic benefits to those provided by the former public house use. It would also reintroduce an active use to the ground floor of the building in this prominent sea front location and as such add to the vitality and viability of the town centre.

In addition, Strategy 32 seeks to resist the loss of existing employment, community uses and states permission will not be granted for the change of use of current premises where it would harm employment, business of social/community gathering purposes in the area. Unlike the former public house use there is unlikely to be the same level of community involvement/use of the restaurant as may have been the case with a public house, nonetheless there are other public houses and community gathering venues within the town and the site has not been nominated as an Asset of Community Value. Its loss on community grounds would therefore be hard to substantiate.

In relation to the proposed residential uses on the upper floors of the development this reflects the current use of the first and second floors of the existing building. Policy E13 of the Local Plan also supports in principle the residential use of the upper floors of premises within Town Centre Shopping Areas.

In terms of national planning policy para. 85 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities and take a positive approach to their growth, management and adaptation, Sub paragraph c) seeks to retain and enhance existing markets and where appropriate introduce new ones and f) recognises the role residential development can play in ensuring the vitality of town centres.

Impact on the character and appearance of the area/Conservation Area

The site lies within the designated town centre conservation area and as such the general duty of care set out at Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area, is engaged. This requirement to preserve or enhance conservation areas and their ‘...setting or views in or out of...’ such areas is also set out within policy EN10 (Conservation Areas) of the East Devon Local Plan 2013-2031.

Para. 193 of the NPPF states that, when considering the impact of development, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It goes on to confirm that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para. 194 goes on to state that, any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paras. 195 and 196 of the NPPF set out how the degree of harm resulting from a proposed development, be this substantial or less than substantial, should be weighed against the public benefits of the scheme. Policy EN9 of the Local Plan reflects the requirements of the NPPF in this respect. Where substantial harm is considered to occur para. 195 advises that consent should be refused unless such harm is necessary to achieve substantial public benefits that would outweigh that harm, or all of the following criteria would be met:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use

Where the proposal is considered to result in less than substantial harm para. 196 states that the harm should be weighed against the public benefits of the proposal.

Advise in the Planning Practice Guidance (Paragraph: 019 Reference ID: 18a-019-20190723) in relation to the assessment of degree of harm in conservation areas states:

“An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building. If the building is important or integral to the character or appearance of the conservation area then its proposed demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 195 of the National Planning Policy Framework. Loss of a building within a conservation area may alternatively amount to less than substantial harm under paragraph 196. However, the justification for a building's proposed demolition will still need to be proportionate to its relative significance and its contribution to the significance of the conservation area as a whole.”

The application is accompanied by a Heritage Statement that describes the site and its history, considers the significance of the site and assesses the impact of the development on the designated heritage asset. It describes how Seaton has grown over time from a small fishing village, through its mid 19th Century expansion as a seaside resort, following the development of the railways. The Hook and Parrot forms part of the Victorian development of the town and was one of the first buildings to be

built along the Esplanade, appearing on the 1889 Ordnance Survey map. It is suggested the building was originally a coffee tavern later changing to public house. In terms of assessment of impact the statement considers the contribution the existing building makes to the conservation area to be minimal, reference being made to it having been 'heavily altered'. In terms of the proposed replacement building the increased height and scale of that proposed is acknowledged but it is suggested the design approach/quality of design elements would mitigate the impact to a degree. Overall it concludes that the proposal would result in 'less than substantial harm' and that this harm should therefore be weighed against the public benefits of the scheme (See below.)

To determine the degree of harm resulting from the development it is necessary to consider the impact both from the loss of the existing building and from its replacement. The existing building is unlisted and is not identified as a key building in the Seaton Conservation Area Appraisal, however, it is within a block that is the only part of the seafront within the Seaton Conservation Area, which reflects the age of the buildings, their history as part of the earliest development on the seafront, and the fact that their massing has remained largely unchanged since the early 20th century. Whilst it is recognised that the building has had a number of unsympathetic additions over time, it nevertheless retains many key historic features identifying its Victorian origins including, its form and layout, traditional roof form, fenestration and materials. There is an additional communal value derived from the historic use of the building as a drinking establishment (of different types) for well over a century to the present. It would be possible to better reveal the building's significance through the removal of the harmful later additions and some degree of reinstatement, particularly on the front elevation.

It is acknowledged that the building's appearance and condition requires attention, but there is no condition survey to allow a full understanding of the building's current state or the extent of work required to bring it back into its lawful or another similar commercial use. It has not therefore been identified that the proposed development in terms of demolition of the existing building is necessary or that an alternative proposal including potentially conversion and extension of the existing building could not achieve similar benefits.

In relation to the proposed replacement building, this would result in a considerably taller building of greater massing in this highly prominent seafront location. Views of the building would be afforded from Castle Hill to the west of the site and along the Esplanade to the east, as well as from land to the north (including the public car park north of Harbour road. In such views the building would be seen projecting above the roofline of surrounding buildings and others in the conservation area. Reference has been made to Fosse Way Court, and Seaton Beach developments further to the east of the site. Both of these lie outside the conservation area boundary. In relation to Fosse Way Court this is generally considered to be a poor example of later 20th century development and not an appropriate template for subsequent development. Seaton Beach much further to the east is considered in a different context to the application site and is not directly comparable.

The site's immediate context is the surrounding development to the north, east and west and includes the buildings to the west that front onto Marine Place and which are

identified in the Conservation Area Appraisal as a key building group which makes a significant contribution to the townscape. These surrounding buildings and others in the conservation area, including the existing building on site are characterised by, amongst other things, the use of painted stone or render to the elevations under slate roofs, although there are some examples of brickwork this is red/orange in colour. In contrast to this the proposed development proposes a black brickwork finish to the majority of the building with some areas of cream brickwork, neither of these materials appears to have any precedence in the conservation area.

In terms of the form and massing, the replacement building at four stories (above basement level) is a storey higher at least than all of the adjoining buildings and others in the conservation area. There are examples of taller buildings elsewhere along the seafront but these lie outside the conservation area and are viewed in a different context. In several cases those buildings themselves appear too tall in relation to adjoining properties and are not seen as setting any appropriate precedent for the development of the application site to follow. Whilst it is clear that there is ambition to provide a statement building that looks to lift the quality of design in the area and as a standalone the design has some merit, it is considered to have little contextual relevance. In addition, to the use of materials and overall height, the depth and plan form of the building results in a bulky building which the trio of gabled projections only disguise to a limited extent. In views from the east and west the depth of the building will be clearly visible where it will appear out of scale with adjoining development and where the building would dominate those to either side.

It appears that the design seeks to reference bonded warehousing but there is no historical reference for this in this location and similarly no reference to suggest the choice of elevation materials and colour has any contextual relevance. The use of brick to the enclosed balconies is also considered to be a poor choice as they would be heavy both visually and literally and as such would appear to work against the 'lighter' more open character evident on surrounding buildings. These elements which form part of an overhanging projection on the front elevation are also at odds with surrounding properties where the buildings display a common building line. The projection would assist in making what is likely to already be a very prominent building even more so. On the rear elevation the lift shaft in contrasting brickwork and external access stairs would present a more functional side of the building which would be visible from the north rising above the surrounding development. The D&A Statement at para. 10.4.7 refers to the rear of the building being 'more industrial', it is not clear why this is considered to be appropriate.

Taken as a whole the loss of the existing building and its proposed replacement is considered to represent substantial harm to the significance of the designated heritage asset (Seaton Conservation Area). This harm is as a result of the loss of the existing building and lack of justification for this and the impact of the proposed replacement where the design is considered to be entirely out of context, in terms of its height, massing, detailed design elements and use of materials. As such, the requirements of para. 195 of the NPPF and criteria a) to d) of policy EN9 of the Local Plan are engaged. The application is not supported by any evidence to demonstrate that alternative uses of the site would not be possible, indeed a public house has been run from the site until relatively recently and other commercial uses would also be suitable. Furthermore, no evidence of marketing of the site for a continued commercial or other

viable use has been provided and there is no evidence that such alternative uses would be unviable. Similarly, no evidence of other means of securing funding to enable retention of the building have been shown. The impact of the proposed development as a whole can therefore only be assessed against the public benefits arising from the scheme which themselves need to be shown to be substantial. These benefits are set out in a separate section below followed by an assessment of these against the harm identified.

Setting aside the need to undertake the balancing exercise in relation to harm and benefits, in terms of impacts on the conservation area the proposal is considered contrary to policy EN10 of Local Plan in that it would affect the setting of the conservation area and views in and out of the area and would fail to preserve or enhance the appearance and character of the area. In addition, the proposal would fail to, *“Respect the key characteristics and special qualities of the area”* or *“Ensure that the scale, massing... height...and materials of buildings relate well to their context”* and it is therefore contrary to the requirements of policy D1 (Design and Local Distinctiveness) of the Local Plan.

In addition para. 127 c) of the NPPF whilst not preventing or discouraging appropriate innovation or change requires planning decisions to be, ‘...sympathetic to local character and history’, it is not considered the proposal meets this requirement.

Flood Risk/Drainage

The application site lies on Seaton seafront located to the north side of the Esplanade on the opposite side of the Esplanade from the public walkway and beyond this the sea wall and beach. The site and indeed the entire seafront and much of the land to the north (with the exception of the regeneration site) is classified as Flood Zone 3 - High Risk. The main flood risk to the site arises from the potential for overtopping the sea wall in extreme weather events.

The application is accompanied by a Flood Risk Assessment (FRA) which examines the potential flood risks in more detail and which considers that the development can be made safe from a flood risk point of view. The FRA takes in to account existing flood defence measures including the sea wall and concludes that the development, including its access from Harbour Road would be safe from flooding events during the lifetime of the development. The FRA suggests that taking into account the topographical data for the site that it would not be at risk of flooding during the design flood event (even taking into account climate change) and that the site should be considered to be in flood zone 1. In terms of mitigation it is proposed to set the internal FFL of the building significantly above all modelled flood levels. It is also proposed that a Flood Evacuation Plan (FEP) would be produced to ensure users of the building were made aware of forecast flood events and to provide appropriate egress/refuge provision in any unpredicted flood events.

Residential development is classified as more vulnerable development, in accordance with flood risk vulnerability classification set out in the National Planning Practice Guidance (NPPG) which accompanies the National Planning Policy Framework (NPPF). As such, any such proposals within High Risk Flood Zones are required to pass two tests prior to them being considered acceptable in flood risk terms. These

tests are known as the 'Sequential' and 'Exceptions' Tests. The submitted FRA however considers that topographical data actually demonstrates the site to be within Flood Zone 1 and therefore the sequential and exceptions tests need not to be applied

In response, the Environment Agency (EA) has advised that they have no objections to the proposal and that they agree with the conclusions and recommendations of the submitted FRA. On this basis it is taken that the EA share the view that the site should be considered to fall within FZ1 and that the sequential and exceptions tests need not be applied. They have however, suggested that the proposals look to specify more definite flood resistance and resilience measures to account for potential flood risks, in extreme events, to the basement/lower ground floor.

Aside from the Flood Risk relating to the proposals, as considered above, it is also necessary to consider the proposal for the management of surface water run-off related to for the scheme. Policy EN22 of the Local Plan requires that new development fully considers run-off implications of new development; includes appropriate remedial and maintenance measures, and; where there are potentially significant surface water runoff implications includes a Drainage Impact Assessment. In relation to major developments there is an expectation that surface water would be managed by sustainable drainage systems.

A drainage strategy is included as part of the submitted FRA and sets out how surface water drainage would be managed, it includes provision for increased rainfall resulting from climate change. In order to reduce the rate of surface water run-off it is proposed to install an attenuation tank below the building and for all hardsurfacing areas outside the footprint of the building to be permeable. Flows to the existing public combined sewer will thus be attenuated to ensure that flows to the public sewer are within acceptable levels, as set out by South West Water. Devon County Council responding in their Flood and Coastal Risk Management capacity has advised that they have no objections to the proposal in principle but that additional information should be provided in the form of a plan indicating how exceedance flows will be managed at the site and setting out how and by whom the surface water management infrastructure would be managed. If the development were otherwise found to be acceptable these details could be required by condition.

Economic Impact/Public Benefits

The proposal would result in the loss of the existing public house use from the site, albeit this is not currently operating as such. The principle of such a change is discussed above but in terms of economic benefits and setting aside the ability to refurbish and re-open the building as a public house and as such whether the proposed development is necessary to achieve, it is recognised that there are clear potential benefits to bringing the site back into an active commercial use.

The application is supported by a Public Benefits Assessment Statement which seeks to identify the key economic, social and environmental benefits that could arise from the development.

In terms of economic benefits these can be direct, indirect or induced. Direct benefits would be those arising from jobs created in the construction and operational phases

of the development as well as wage income and profit. Indirect benefits would arise from the benefits of the development to businesses in the supply chain (again both at the construction and operational phase). Finally, induced impact relates to the benefits that may derive from increased spending as a result of increased income and spending within the wider economy. The applicant's figures suggest that for each £1 invested this creates an increase in Gross Domestic Product of £3.08, extrapolating out those figures they consider that the construction investment required of approx. £1.5 million would result in an estimated increased of £4.62 million in GDP.

Relating directly to increased expenditure from new residents (based on a minimum of 2 no. additional residents per unit) it is suggested that the overall annual expenditure on convenience, comparison and leisure spend would be between £117,144 and £175,716 p.a. However, it should be recognised that not all of this spend would be focussed on Seaton (or even East Devon). It is further suggested that as a destination restaurant the proposed business would also attract visitors to Seaton and increase visitor spend in the town.

In terms of job creation it is suggested that the proposal would support approximately 50 construction jobs for the duration of the build and following this the restaurant would support an estimated 30 full/part time posts.

Further benefits would potentially accrue through New Homes Bonus payment and increased council tax/business rates. Finally, in terms of economic benefits it is suggested that investment in the construction industry is one of the best ways to help aid the economic recovery from the effects of the COVID-19 pandemic.

In terms of social benefits it is acknowledged that the proposal would provide a small number of additional homes and would provide a continued social gathering space within the town centre, albeit at the loss of an existing one.

Notwithstanding the concerns expressed above in relation to the impact of the development on the conservation area and the appropriateness of the design it is acknowledged that the proposal would reintroduce an active use to the seafront.

Overall in terms of potential benefits it is acknowledged that the proposal has the potential to provide fairly significant economic benefits to the town both during the construction and operational phases of development and that these weigh in favour of the scheme. The proposal would also provide some limited but positive social benefits. These benefits though need to be weighed against any environmental impacts, this balancing exercise is undertaken in the conclusions section below.

Highways and Access Issues

The proposal seeks to utilise the existing vehicular access that serves the site, this access leads from Harbour Road to the north of the site and runs between neighbouring developments to the main part of the site. At present there is limited parking provision on site, the area to the rear of the public house acting as a service yard.

The scheme looks to provide a parking area at basement/lower ground floor level providing 9 no. car parking spaces and a similar provision of cycle parking spaces (1 per residential unit), in this town centre location such provision is considered to be appropriate.

Seaton Town Council has sought some reassurance that the proposal would not result in vehicles having to reverse onto the public highway. Devon County Council as the Local Highways Authority has confirmed that they are satisfied that on-site turning can be achieved and that they are otherwise satisfied with the proposal from a highways perspective, as such the proposal is considered to be acceptable in this regard and to meet the requirements of policy TC7 of the Local Plan.

Amenity Impact

The application site is surrounded on three sides by existing development and which include residential uses and therefore development on the site, particularly on the scale proposed, has the potential to impact adversely on adjoining occupiers.

The existing building on site is ostensibly of two storey form, albeit with additional accommodation within the roof and at basement level. The building sits within a block of buildings of similar height and where there are similarly commercial uses at ground floor level with residential above. Whilst there is an existing tight knit grain to the development in the area there is a degree of 'breathing space' around the building particularly to the east and north sides where the yard area provides separation from adjoining properties to the north and where the upper floors of existing building are set back due to the narrower span of the original building. In contrast to this, the proposed building would be significantly taller, wider (extending further to the east) and whilst the depth of the lower floors would be similar to the existing building depth this would be extruded out over the full height of the building. As a result, the building would be of significantly greater massing which together with the use of building materials proposed has the potential to have an oppressive and overbearing impact on the amenity of adjoining occupiers. There is also the potential for increased overlooking and overshadowing/loss of light.

Consideration is given below to potential impacts on neighbouring properties as follows:

West of site

To the immediate west of the site is a building with a café at ground floor level and maisonette above. The proposal would introduce a taller building immediately adjoining this and extending back deeper into the site above ground floor level. The projecting gables to the front of the proposed building would extend forward of the building on the boundary line. The maisonette has a projecting first floor balcony with openings onto this and 2 no. dormers in the roof slope above. Although the orientation of the building is such that any direct loss of light would be minimal the projecting black brick gabled element has the potential to have an oppressive impact on the use of the adjoining balcony. There are also windows to the rear of the property that would be directly blocked by the proposed development. The submitted information indicates that this area has not been surveyed and there is no supporting information to

demonstrate that amenity impacts of the development have been assessed and found to be acceptable.

Further to the west windows in the rear elevation of properties fronting Marine Place view east over the site and rear yard area the increased height and depth of the building over the upper floors has the potential to reduce light to the upper floor windows of some units.

North of site

The buildings here front onto Harbour road and are in commercial use at ground floor level. No. 2 to the immediate west of the site access is 2 storey with the Ocean View further to the west being 3/4 storey. The upper floors are in residential use, with windows/rooflight openings viewing toward the site as well as external terrace areas. At present, the upper floors of the building on the application site are set further away from the flats to the north and contain fewer windows whilst there is currently rear access to the upper ground floor level there is no external access above this level other than emergency escape routes. The proposal would introduce a new taller building to the south of these neighbouring properties and within between 4.5m and 11 metres of facing elevations, although the outlook from these adjoining properties is at present limited it would be further compromised and the introduction of an external access stairs/balconies to serve the proposed residential unit and windows in the rear elevation of the building have the potential to result in loss of amenity to neighbouring occupiers through overlooking/loss of privacy. The increased height and depth of the building together with its position due south of neighbouring residential properties also is likely to reduce levels of natural light to those properties at certain times.

East of Site

Marlwyl to the immediate east of the site is a 3 storey building but as a result of lower floor to ceiling heights has a lower overall height than the existing building on the application site. It is commercial use at ground floor level with 2 no. flats above. At present there is approximately a 4 metres gap between the main part of the existing building and this neighbouring building. The proposal would reduce the separation distance to approximately 2 metres. As with the properties to the immediate west of the site the proposed projecting upper floors of the building and increased height may have some impact but given the separation distance this would be less. Marlwyl has 2 no. windows on the west elevation at both first and second floor level and the outlook from and light to these would be reduced.

Further to the east The Burrow is a short terrace running perpendicular to the site, as with other neighbouring properties the ground floors are in commercial use and the upper floors residential with their principal aspect to the west. The rear of these properties face east viewing toward the site. These properties are set further away from the proposed site and their rear outlook is already compromised to varying degrees by Marlwyl nonetheless it is not considered that the amenity of any occupiers is likely to be significantly compromised by the proposed development.

Overall there are concerns that the proposed development has not properly assessed the potential impact of the development on the amenity of neighbouring occupiers,

indeed there appears to be no mention of such in the accompanying design and access statement. Given that the proposal includes a significant increase in height and massing and introduces an increased number of new openings and external walkways/balconies to the rear elevation it has the potential to result in loss of privacy/amenity and to have an overbearing and oppressive impact as well as resulting in loss of light/overshadowing of neighbouring properties. Further analysis of these impacts including lines of sight to existing windows and a sun path analysis are necessary to fully understand such impacts and in the absence of which the amenity impacts of the proposal weight against the proposal.

Other Issues

The proposed demolition of the existing building has the potential to result in the loss of or destruction of wildlife habitat and in particular bat roosts. The application is accompanied by a Bat and Protected Species report detailing survey work undertaken of the building. The report concludes that the building is not considered to '*...support a bat roost, and that the proposed works are unlikely to result in disturbance to bats or to significantly affect the distribution or abundance of local bat populations.*' Similarly no evidence of the use of the building by nesting birds were identified. In both respects precautionary recommendations are made in the event any bats or nesting birds were to be encountered. Subject to a condition requiring development to proceed in accordance with the recommendations of the report the requirements of policy EN5 of the Local Plan could be considered to be met.

In terms of biodiversity enhancement, encouraged by Stgy 47 of the Local Plan and para. 175 of the NPPF, measures are set out within the report to achieve this, again these measures could be conditioned.

Stgy 38 of the Local Plan seeks to encourage the use of sustainable design and construction in development schemes whether this be through conversion, or new development. Advice in the National Design Guide includes at para. 144 that, 'The re-use and adaptation of existing buildings reduces the consumption of resources and contributes to local character and context.' The proposal seeks the wholesale demolition of the existing building and as such would result in the loss of the embodied energy therein. Consideration as to the refurbishment and re-use of the existing building does not appear to have been given and there is insufficient information provided to understand whether this would be viable and what it might entail. Whilst there is no requirement to provide such information it would assist in understanding what alternatives might have been given consideration and the reasons for their dismissal. Invariably the proposal would create building waste and require higher energy consumption in construction of the new building, although the new building would be more energy efficient once completed. Whilst the D&A Statement makes reference to the use of solar photovoltaic panels there are no details of these and they are not shown on the submitted plans. There is therefore little demonstration of how sustainable design and construction methods have been incorporated into the proposal.

The Historic Environment Service of Devon County Council has identified the site as having archaeological potential. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and

artefactual deposits associated with 19th century and later military activity in this area. In order to mitigate the potential impact of development upon the archaeological resource should a Written Scheme of Investigation (WSI) is recommended, this would set out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. Such a scheme would be required to satisfy the requirements of paragraph 199 of the NPPF and Policy EN6 of the Local Plan. However, in the event that the proposal was otherwise found to be acceptable this could be secured by means of a pre-commencement condition.

CONCLUSION

The application seeks the comprehensive redevelopment of the site through the demolition of the existing building and construction of a new 4 storey building (plus basement level). The site lies within the designated conservation area and occupies a prominent position on the sea front. The conservation officer and urban design officer have raised concerns in relation to both the loss of the existing building, which represents one of the earliest developments on the Esplanade, as well as the impact of the new building on the conservation area. The proposal as a whole is considered to result in substantial harm to the conservation area and as such it needs to be demonstrated that such harm is necessary to realise substantial public benefits that would outweigh such harm.

In considering the benefits arising from the scheme it is acknowledged that the proposal would bring forward economic benefits both in terms of direct job creation but also indirect benefits to the wider economy – although a number of these could be achieved through refurbishment and alteration of the existing building. The provision of some additional residential units would also provide some modest social benefits. These benefits whilst not insignificant are not considered to outweigh the environmental harm that would arise through allowing a development that would result in the loss of the existing building; is considered to be out of scale with immediately surrounding development in terms of increased height and massing; fails to respond appropriately to its context in terms of both form and external appearance (in particular use of materials), and; which would also give rise to a loss of amenity to adjoining occupiers. In weighing the harm and benefits consideration has been given to whether amendments to the scheme could be brought forward that might allow the balance to weigh in favour of the proposal however such changes, setting aside the harm arising from the loss of the existing building, would need to be so significant as to represent a fundamentally different scheme.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed loss of the existing building combined with the incongruous scale, height, design features and materials proposed in the replacement building and its prominent position would result in a development which fails to respect the historic character of the designated conservation area. The harm which would arise to the irreplaceable heritage asset has been identified as 'substantial', and it has not been identified that such harm is necessary to achieve substantial

public benefits, or that any public benefits which would arise would outweigh this harm. Therefore the proposal would conflict with the requirements of policies EN8 (Significance of Heritage Assets and their Setting), EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas) of the Adopted East Devon Local Plan, guidance contained within the National Planning Policy Framework and the statutory provision of Section 72 of the Listed Building and Conservation Area Act, 1990.

2. The proposal, by virtue of the increased height and depth of the building and close relationship with neighbouring properties, together with the introduction of new openings and external staircase/walkways on the rear (north) elevation of the development would have an overbearing effect on the occupiers of neighbouring properties; would, in some cases, result in a loss of light, and; would increase the potential for overlooking/loss of privacy to the detriment of the private amenity of those occupiers. As such the proposal conflicts with the requirements of Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan and guidance contained within the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

087.63	Other Plans	26.03.21
087.62 REV A	Proposed roof plans	26.03.21
087.61 REV A	Other Plans	26.03.21
087.60	Proposed Site Plan	26.03.21
087.58	Sections	26.03.21
087.57	Sections	26.03.21
087.56	Proposed Elevation	26.03.21
087.55	Proposed Elevation	26.03.21
087.51	Proposed Floor Plans	26.03.21

087.50	Proposed Floor Plans	26.03.21
087.01	Location Plan	26.03.21

List of Background Papers

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