

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: South Milton **Ward:** Salcombe and Thurlestone

Application No: 1648/16/FUL

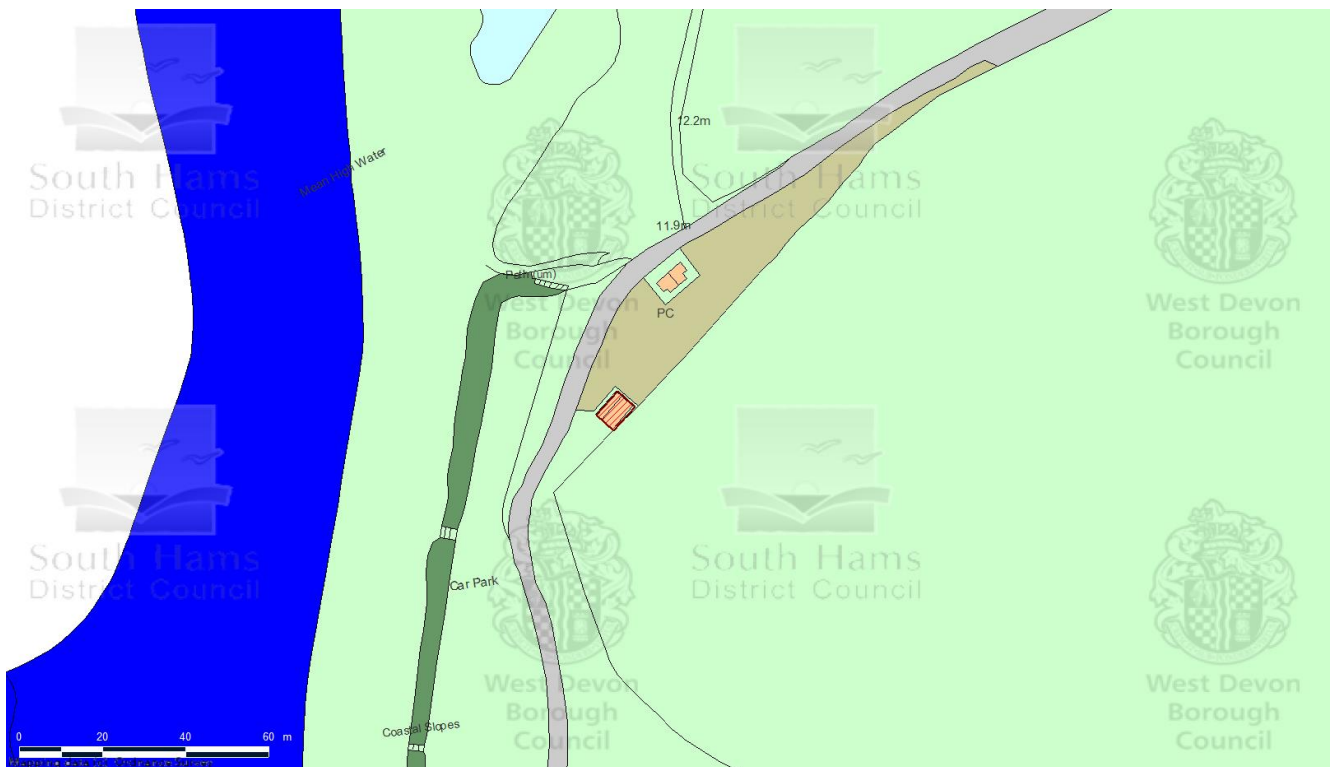
Agent/Applicant:

The National Trust,
Killerton House
Broadclyst
Exeter
EX5 3LE

Site Address: Beachhouse Cafe South Milton Sands, South Milton, Devon

Development: Application for small extension to existing beach cafe building to provide storage and toilet facilities for staff.

Reason application has been put before Committee: The application has been brought to Committee by the Ward Members due to concerns regarding impact on the SSI and AONB, unsatisfactory clarity regard toilet facilities and drainage and access.



Recommendation: Conditional Approval

Conditions

1. Time limit
2. Accord with plans
3. Foul drainage
4. Surface water drainage
5. Removal of structures within yard

Informative re potential need for Environmental Permit

Key issues for consideration:

Principle of development, design, visual impact, drainage, highways.

Site Description:

The site is located on the north eastern side of the public car park, situated directly above Thurlestone Sands. It lies approximately 1.2Km south of Thurlestone, 2.5Km south west of South Milton and approximately 1.8Km west of South Huish. The existing beach hut is a relatively small timber structure which has a floor area of approximately 34.1 square metres having had its external terrace enclosed in 2010.

The site is located within the South Devon Area of Outstanding Natural Beauty.

The Proposal:

The application seeks permission to add an extension to the north east end of the hut to provide storage and staff toilet facilities. The proposed extension would have a footprint of approximately 24 square metres, with the roof clad in felt to match the existing building. The walls of the extension would be clad in timber left to weather naturally. Existing external storage within the yard area would be removed.

A revised red line plan was submitted during the life of the application to show the full extent of development proposed as part of the current application within the red line in the interests of clarity.

The application has been submitted by the National Trust (NT), with the premises currently being managed by a tenant.

Consultations:

- County Highways Authority – No highways related issues
- Environmental Health – “We are not aware of any complaints in relation to the ventilation for the Beachhouse, neither has it been negatively assessed by a Food Officer during a visit. Should there be a substantial increase in covers and this means that the ventilation becomes unacceptable then we can require improvements under the food safety legislation or Environmental Legislation. In relation to drainage, they were using the Council’s public conveniences for the purposes of public provision, this application seems to be improving this matter by providing a toilet in the building.”
- Drainage – No objection subject to conditions regarding foul and surface water drainage
- Environment Agency – Any non-mains foul drainage system will require an Environmental Permit.
- South Milton Parish Council – Objection – Concerns regarding the following:

- No temporary structures to be allowed by NT
- Keep the site tidy
- Not to expand the premises further
- Make tables available for picnickers
- NT not to expand the car parking area
- Fat waste issues with the Council's septic tank
- Signage to confirm National Trust is responsible for the café

Representations:

One letter of objection has been received and cover the following points:

- Will create further commercialisation of a once unspoilt beach
- National Trust has badly let the village down since 2010 planning approval

Relevant Planning History

- 46/0594/10/F Enclosure of terraced area to provide inside seating space for existing café and extension of opening hours. – Approved 2010
- 9/47/0732/83/3 Replacement of timber building with new prefabricated timber building – Approved 1983

ANALYSIS

Principle of Development/Sustainability:

The beach hut in its present form was approved in 1983 and the external terrace enclosed in 2010. Policy DP12 of the Development Policies DPD supports the expansion of tourism facilities in the countryside where they relate to an existing facility, as is the case. The principle of extension to the existing café is therefore supported in policy terms. Due regard must still be had to all other relevant planning considerations including detailed design, with special regard had to the location of the site within the AONB.

Design/Landscape:

The proposal to add an extension of a very similar appearance to the existing structure by virtue of its scale and appearance is considered acceptable. The application is accompanied by a detailed Landscape and Visual Impact Assessment. The proposal would not detract from the special qualities of the immediate and wider landscape (and arguably provides an opportunity to improve the appearance of the site as the existing café building would clearly benefit from investment). Existing external storage is shown to be removed (as it storage space would be provided within the proposed extension), and a condition is recommended to ensure that this takes place.

Neighbour Amenity:

There are no residential properties in close proximity to the proposed development.

Highways/Access:

The proposal seeks to improve the existing café facility rather than increase the trading area. As the current application does not seek to extend the area of the café which would be directly accessible to the public, it would be quite difficult to quantify exactly how much of an impact the proposal would have on vehicle movements associated with the site. Clearly the number of customers being served would be restricted by the space available, which the current application does not seek to increase. In reality an improved facility (which the application is seeking to achieve) is likely to generate more customers

wanting to use the café. Officers do not they are any substantive highways reasons to refuse the current application.

Drainage:

Concern had been expressed by the Parish Council regarding the café business using the Council's septic tank and causing blockages with fat deposits. The Council's Assets team have advised that this has been an issue in the past, but since the café operator was alerted to the issue the matter has not persisted.

The Council's Drainage Specialist has agree that the final foul and surface water drainage details associated with the development proposed can be appropriately dealt with by condition. The Applicant has confirmed that they are not proposing to install a new septic tank to serve just the café.

Other Matters:

In response to other matters raised in consultation/representation not addressed above:

- Temporary structures – this is not material to the consideration of the current application, which has to be considered on the basis of what is being applied for at this time. The café does not benefit from any permitted development rights in respect of ancillary structures. Any additional structures on the site would be a matter for planning enforcement unless approved under a subsequent application. A condition is recommended to secure the removal of structures within the yard area detailed within the current application.
- Untidy site issues – not material to consideration of current application, although the proposed extension would help facilitate the general improvement of the appearance of the site.
- Future expansion – this current application cannot be used as a method to prevent future expansion of the business. Any subsequent proposals for development requiring planning consent would be considered on their own merits (and the landowner would be within their rights to make any such applications).
- Make tables available for people having picnics – this is not material to the current application.
- Expansion of car park – this is not material to the current application.
- NT branding – this is not necessary to make the current development acceptable in planning terms and cannot therefore be a requirement of granting consent for the current proposal.

Whilst the issues above are largely not relevant to the consideration of the current application, the NT have advised they will consider the issues raised separately.

In relation to issues raised by the Ward Members prior to publication of this report:

- Consultation with Natural England - the site falls within the Impact Risk Zone (IRZ) for the SSSI, which means the potential for the development to impact on the SSSI needs to be considered. However, taking into account Natural England's guidance on when the types of development they want to be consulted on in IRZs, Officers have taken the view they do not need to be consulted. The Officer recommendation already includes conditions in respect of foul and surface water drainage which mitigate any associated impacts on the SSSI compared with the existing situation bearing in mind the scale of development proposed.
- Use of SHDC toilets by café customers – this matter is being considered by the Council's Assets team in discussion with Environmental Health separately from the determination of this application. There is separate legislation outside the remit of planning control covering the provision of toilet facilities for cafes including licencing.

Conclusions:

The proposed development provides an opportunity to improve the appearance of site without detriment to the wider AONB. A number of issues have been raised by the Parish Council which have been

addressed above. Subject to the conditions listed above the application is considered to accord with the relevant Development Plan policies and is recommended for approval accordingly.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

NPPF

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP7 Transport, Access & Parking

DP12 Tourism and Leisure

DP15 Development in the Countryside

South Devon AONB Management Plan

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed conditions in full:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers 2016/2 Rev B, Site Plan (Part) L.P.G. Base, Design & Access Statement, Landscape and Visual Impact Assessment received by the Local Planning Authority on 20/5/2016 and the Location Plan received by the Local Planning Authority on the 27/7/2016.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. **PRE-COMMENCEMENT CONDITION:** Notwithstanding the submitted details, no development shall be commenced until details of the works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority, and the extension shall not be brought into use until the approved works have been completed. Details to include confirmation that the existing septic tank can accommodate additional load. If the proposed development results in and changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need

to be provided. This will include a location plan, cross sections/elevations, specification and its capacity to hold additional load.

Reason: In the interests of the prevention of pollution.

4. PRE-COMMENCEMENT CONDITION: Notwithstanding the submitted details, the development hereby permitted shall not be commenced until:

1. Percolation testing in accordance with BRE digest 365 will be required to support the use of soakaways. The report should include the trial logs and calculate the infiltration rate.
2. SuDS to be designed for a 1:100 year event plus 30% for climate change.
3. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority

The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

5. The existing structures within the yard area shown in drawing reference 2016/1 received by the Local Planning Authority on 20/05/2016 shall be removed from the site within 2 months of the substantial completion of the extension hereby approved.

Reason: In the interests of the visual amenities of the site which lies within the South Devon AONB.

INFORMATIVES

1. This authority has a pro-active approach to the delivery of development and early pre-application engagement is always encouraged. As the Local Planning Authority we have endeavoured to work proactively and positively with the applicant to ensure that all relevant planning considerations have been appropriately addressed. This approach accords with the National Planning Policy Framework and with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

3. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £97 per request. Application forms are available on the Council's website.

4. Any non-mains foul drainage system associated with this development will require an Environmental Permit from the Environment Agency under the Environmental Permitting Regulations 2010, unless it satisfies the General binding Rules for small sewage discharges in England. Queries in this regard should be directed to the Environment Agency.