

**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	4 December 2013
Subject:	County Council Application – (E)N31/1987/13

Summary:

Planning permission is sought for a North Sea Observatory and Cafe at Chapel Point, Chapel St Leonards.

The development is part of a coastal regeneration project known as “Structures on the Edge” which promotes structures on the Lincolnshire Coast and is backed by Lincolnshire County Council and the Arts Council England.

There are a number of key considerations to be taken into account in the determination of this application including the impacts on flood risk, the highway network, the surrounding area, the adjacent Chapel Point to Wolla Bank Site of Special Scientific Interest and the historic environment.

Overall, it is concluded that whilst the development would have a significant visual impact on the surrounding area, subject to conditions to secure appropriate mitigation and compensatory measures, the development would not cause demonstrable harm.

Recommendation:

It is recommended that planning permission be granted.

Background

1. The proposed development is part of a coastal regeneration project known as “Structures on the Edge” which promotes structures on the Lincolnshire Coast and is backed by Lincolnshire County Council and the Arts Council England. The “Structures on the Edge” project aims to realise permanent installations and interventions to enable visitors to enjoy, understand and interact with the natural environment of the UK coastline. A 10 mile stretch of coast between Chapel St Leonards and Mablethorpe has been identified for this project.

2. A Sound Tower at Chapel Six Marshes, approximately 1km north of the current application site, was granted planning permission on 10 June 2013 following consideration at the meeting of the Committee on the same date. This is a public viewing platform / art installation also forming part of the “Structures on the Edge” project. The “Cloud Bar” and “Round and Round House”, both located at Anderby Creek, are also part of this project and have both been installed.
3. The North Sea Observatory is proposed to be the centrepiece of the “Structure on the Edge” project, which has a main function to:
 - facilitate observations, understanding and appreciation of the North Sea and the marine environment;
 - create an iconic focal point and visitor hub to engage visitors and local residents in socio-economic activities;
 - make available an ‘off season’ attraction extending the short summer tourist season into the spring, autumn and early winter; and
 - provide access and educational opportunities for all.

The Application

4. Planning permission is now sought for a North Sea Observatory and Cafe at Chapel Point, Chapel St Leonards.
5. The footprint of the building is proposed to be approximately 44 metres long at its longest, by 12.5 metres wide. It is proposed to have a gentle curved shape, reflecting the curve of the sea wall. The windows facing out towards the sea are proposed to be set at an angle towards the sea, such that the top of this element of the building would protrude approximately a further 3.3 metres from the base of the building.
6. The roof of the building is proposed to be constructed of a series of triangular shaped pitches and the Design and Access Statement states that in this regard the building is reflecting the row of beach huts which lie to the south of the application site. The proposed roof would stand to a maximum of 5.4 metres above the upper ground floor level of the building. A total of seven skylight windows are proposed.
7. The building is proposed to encompass a cafe seating area and associated kitchen, a gallery, an observatory area and a dedicated area for the National Coastwatch Institute (a voluntary organisation who keep a visual watch along the coastline). At a lower ground floor level toilet facilities and storage rooms are proposed. To the south, east and west elevations of the building an external terrace area is proposed, with ramped access from the car park.
8. The seaward facing elevation of the building is proposed to be heavily glazed to allow wide sea views. It is proposed to clad the walls of the building in zinc with timber and glazed inserts and the roof is proposed to be clad with zinc, which the Design and Access Statement describes as the most sustainable of all building materials.

9. The existing car park is proposed to be used in association with the development and an additional eight car parking spaces are proposed to the south of this. This would result in a total of 78 car parking spaces.
10. The Design and Access Statement states that sustainability measures would be incorporated into the development from the following range: biomass; solar-thermal; solar photovoltaic; and air source heat pump. However, no specific details or commitment to any one of these measures is provided in the application.
11. The following documents have been submitted in support of this proposal, some of which have been subject to revisions during the processing of the application:
 - Design and Access Statement (received 7 November 2013);
 - Flood Risk Assessment (received 7 November 2013);
 - Transport Statement (received 10 October 2013);
 - Heritage Impact Assessment (received 25 September 2013); and
 - Sand Dune Assessment Survey (received 8 November 2013).

Site and Surroundings

12. The application site is divided into two areas, one of which lies on a raised area of ground at the sea front at Chapel Point, Chapel St Leonards and the other lying 50 metres to the south west of this beyond the existing car park. The smaller site area beyond the existing car park currently forms part of an area used as open green space associated with the existing cafe at this site. To the south of this lie residential properties, one of which adjoins the overall open space, although not directly the application site.
13. The existing car park provides 70 car parking spaces and has an existing cafe and toilet facilities associated with it. Adjacent to the car park is a coast guard station.
14. To the west of the car park is St Leonards Drive to the south and Anderby Road to the north. Both of these roads are lined with residential properties, many of which are single storey bungalows, particularly those closest to the application site.
15. To the north, south and east of the application site is the beach at Chapel Point. On the northern side there are sand dunes behind the beach, leading down to Anderby Road. Immediately to the north of the site of the proposed North Sea Observatory is a World War II gun emplacement. To the south are a row of beach huts and the beach leading towards Chapel St Leonards. It is believed that beneath the site of the proposed Observatory is a World War I pillbox. At present a wooden shelter stands on the site of the proposed Observatory.
16. The application sites lies immediately adjacent to the Chapel Point to Wolla Bank Site of Special Scientific Interest, notified for its geological interest.

The site also lies within Flood Zone 3a. The proposed Observatory part of the application site lies on top of the existing sea defences at Chapel Point.

17. The site lies at the south eastern tip of the Lincolnshire Coastal Country Park which covers the area between Sandilands and Chapel St Leonards and contains five established nature reserves managed by the Lincolnshire Wildlife Trust.
18. To the south east of the application site is an off-shore wind farm.

Main Planning Considerations

National Guidance

19. The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's planning policies for England. It is a material consideration in the determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs of the NPPF are of particular relevance to this application:
 - paragraph 17 promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - paragraphs 29 to 41 promote sustainable modes of transport;
 - paragraphs 56 to 68 require good design in new development. In particular, paragraph 61 states that the connections between people and places and integration of new development into the natural, built and historic environment should be addressed; and paragraph 63 requires that great weight should be given to outstanding or innovative design which help raise the standard of design more generally in the area;
 - paragraphs 99 to 103 seek to ensure that flood risk is not increased as a result of development, either on the development site itself, or off-site and directs development to those areas with the lowest flood risk wherever possible. They also set out the requirement for development to comply with the Sequential Test and Exception Test, where appropriate;
 - paragraph 106 seeks to protect coastal areas from inappropriate development and to reduce the risk of coastal change;
 - paragraphs 109, 117 and 118 seek to protect and enhance the natural environment, with specific protection afforded to Sites of Special Scientific Interest to prevent direct or indirect adverse impacts;
 - paragraphs 120 to 125 protect the general amenities of surrounding land users, including from light and noise pollution;

- paragraphs 128 to 141 seek to ensure that any heritage assets associated with development sites are appropriately addressed and sets out the need to protect these assets wherever possible;
- Paragraph 186 states that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development. This relationship between decision taking and plan making should be seamless;
- Paragraph 187 encourages planning authorities to look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible; and
- paragraph 215 states that 12 months after the publication of the NPPF (2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. This is of relevance with regard to the East Lindsey Local Plan.

The Technical Guidance to the National Planning Policy Framework (2012) sets out in more detail the requirements to be met in relation to flood risk. It establishes the requirements for the sequential and exception tests in relation to development in areas at higher risk of flooding and also provides a classification of flood risk vulnerability.

Local Plan Context

20. The development plan in relation to this application is the East Lindsey Local Plan (1999). The following policies are of relevance in this case:

Policy A4 “Protection of General Amenities” states that development which unacceptably harms the general amenities of people living or working nearby will not be permitted.

Policy A5 “Quality and Design of Development” seeks to improve the quality of the environment and ensure that development does not detract from the distinctive character of the locality, retains and incorporates features which are important to the local environment and is integrated within a landscaping scheme appropriate to its setting.

Policy ENV3 “Foul and Surface Water Disposal” seeks to ensure that appropriate measures are put in place in relation to the disposal of foul and surface water.

Policy ENV20 “Protection of Habitats” seeks to prevent damage to, or the loss of, important habitats such as dunes.

Policy T1 “Tourism Strategy” states that development proposals for leisure and tourism uses will normally be permitted subject to a number of criteria,

including where they reinforce existing visitor facilities, at an appropriate scale, in Chapel St Leonards.

Policy TR4 “Protection of Existing Car Parking Spaces” seeks to ensure that new development does not result in the loss of any visitor car parking spaces in coastal resorts.

Policy TR8 “Tourist Parking Facilities” states that the development of land for tourist car parking facilities on the coast will normally be permitted provided that it would not harm the character of the area, cause adverse impacts on general amenities or natural features and would not cause traffic problems.

Results of Consultation and Publicity

21. (a) Local County Council Member, Councillor C Davie – the application represents a progressive development proposal for the locality and has my full support. It will enhance the local area whilst contributing to the visitor economy, in and out of the traditional holiday season. In providing a base for coast watch it will also provide additional safety cover for visitors to our coastline. I urge the Committee to support this application and grant permission.
- (b) Chapel St Leonards Parish Council – supports this application.
- (c) Environmental Health Officer, East Lindsey District Council – no comments to raise.
- (d) Environment Agency – the development will be acceptable provided the recommended mitigation measures are secured by way of a planning condition. Recommend that if permission is granted it is subject to a condition requiring the development to be carried out in accordance with the Flood Risk Assessment submitted on 7 November 2013, in particular:
- The existing profile of the dune to be unaltered by the works and any necessary reseeded undertaken to restore vegetation to the dunes on completion of the building works.
 - The building to be erected on piled foundations to reduce any impact on the structure in the event of a failure of the coastal defences.
 - Upper ground floor to have finished floor level set no lower than 7.7m above Ordnance Datum (AOD).
 - Lower ground floor to have finished floor level set no lower than 5.062m AOD; uses to be in accordance with those shown on drawing 2024_GA_110_200 Revision 001 of WCs and store; resilient construction techniques to be employed.

Also include informative advice regarding the requirement for a Flood Warning and Evacuation Plan.

Note that the ground source heat pump which was originally proposed is no longer included in the proposals and request to be reconsulted should this change.

- (e) Natural England – this application is in close proximity to Chapel Point to Wolla Bank Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted.

Recommend a condition is imposed if planning permission is granted relating to suitable measures to be taken to ensure the protection of Chapel Point to Wolla Bank SSSI during construction of the observatory to ensure that it does not impact on the features of special interest for which the SSSI is notified.

Also expect the LPA to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity);
- local landscape character; and
- local or national biodiversity priority habitats and species.

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or priority habitat appropriate surveys should be undertaken and Natural England Standing Advice for Protected Species should be used.

- (f) Anglian Water Services – consulted on 15 October 2013 but had not responded at the time of writing this report.
- (g) Lindsey Marsh Internal Drainage Board – no objections subject to the requirements below being satisfied. If planning permission is granted it is recommended that the final surface water drainage strategy is approved prior to development commencing as the applicant has highlighted various options. The site is within the Board's district although there are no Board maintained watercourses immediately adjacent to the site. The Board's consent will be required for any alteration of flows to watercourses in this location.
- (h) Historic Environment Officer, Lincolnshire County Council – there are two historic environment issues being affected by this application. One is the impact on specific archaeological sites and the other is the impact on the character of the historic landscape.

As regards the historic landscape the character of the proposed development site currently relates to the seaside community of the early and middle years of the twentieth century when defensive structures relating to the two World Wars were constructed. They are an integral part of the character of the landscape and have been retained in the landscape since then with varying degrees of change. This defensive landscape character is important both to the Lincolnshire coast and the wider area of England it was designed to protect. The two main sites within the area of the proposed development are a gun emplacement erected as part of the World War II defences, which is of local historic importance, and a pill box erected as part of the World War I defences which due to lack of survival is of more significant regional and national importance, as described in the Heritage Impact Assessment.

Given the size and proportion of the new building it is inevitable that this historic landscape will be affected.

The World War II gun emplacement is nearby, slightly to the north of the footprint of the proposed building and inward views of the gun emplacement from the seaward side will be radically affected from both the structure and the proposed landscaping shown in the Design and Access Statement which suggests the landscaping will encompass the existing gun emplacement resulting in a much diminished character of the surviving emplacement, in fact it is possible that the current landscape will not be able to be read in terms of the remains of the war defences it contains.

The World War I pillbox is currently not visible due to build-up of sand resulting from the strengthening of the sea defences after the 1953 gales, but its site is directly beneath the footprint of the proposed building, as shown in the Heritage Impact Assessment. As it is not currently visible any landscape impact would not be as great as it would be on the gun emplacement.

It is not clear from the application what landscaping is proposed. Should planning permission be consented it is recommended that prior to any development details of landscaping should be submitted which enhance rather than detract from the existing war structures.

It is also recommended that to mitigate the impact of the new structure on the landscape that a public information display on the nature of the historic landscape being lost is an integral part of the proposals for the site, the content and design to be submitted and agreed.

The World War II gun emplacement is outside the footprint of the proposed new building and as such will not be physically impacted by the new structure, though it is noted that details of the landscaping have not been submitted (see above).

It will also be necessary to ensure that the structure is not impacted by building operations, therefore arrangements will have to be made to fence this area off and ensure that operating instructions are put in place which ensure the current integrity of the structure is protected. The World War I pillbox has a potential to be directly impacted by both the foundations of the structure proposed above it and the installation of ground source heat pumps, of which no details are included.

Should any consent be forthcoming it is recommended that prior to any development archaeological investigation should be undertaken to define the location and extent of the World War I pillbox in order that any ground works associated with the development can be designed not to impact on the structure. This investigation should not be a full archaeological excavation which might have the potential to destabilise the sea defences and the scheme should be designed with advice from the Environment Agency. This scheme should be secured by a written scheme of investigation which should be submitted and approved on the lines of the standard conditions recommended for protecting archaeological remains.

Once these investigations are complete; prior to commencement of development the designs of all ground works should be submitted in writing and approved in order to ensure the protection of the archaeological remains of the World War I pillbox.

- (i) Marine Management Organisation – consulted on 15 October 2013 but had not responded at the time of writing this report.
- (j) Highways, Lincolnshire County Council – recommend a condition requiring the arrangements for the parking / turning / manoeuvring / loading / unloading of vehicles as shown on the submitted drawings to be available at all times the premises are in use to enable calling vehicles to wait clear of St Leonards Drive and allow vehicles to enter and leave in a forward gear, in the interests of highway safety.
- (k) Accessibility, Lincolnshire County Council – no Travel Plan is needed for this development as the proposed building is below the threshold whereby a travel plan would be required for its use class.
- (l) Lincolnshire Wildlife Trust – application site is located adjacent to the Chapel Point to Wolla Bank Site of Special Scientific Interest (SSSI) and therefore Natural England should be consulted on whether they consider there could be any impacts on the SSSI.

Does not appear that an ecological survey of the site has been carried out. It is unclear whether the site is dune habitat, but it is described as such in the Heritage Impact Assessment and appears to be dune on aerial photography. Coastal sand dunes are a Lincolnshire Biodiversity Action Plan (BAP) priority habitat and have a target of no net loss. Lincolnshire County Council are a signatory of the Lincolnshire BAP 3rd

Edition. In addition, all coastal sand dunes meeting BAP definitions and over 0.5 ha in size automatically qualify as Local Wildlife Sites (LWSs). Whilst recognise that the site taken in isolation is smaller than the 0.5 ha limit, the habitat should be viewed as a whole in combination with adjacent areas of dune habitat.

Strongly recommend that an ecological survey is carried out by suitably qualified ecologists to assess the habitats on site. The report should evaluate whether the habitats meet the BAP definition of coastal sand dune and also consider whether the site would qualify under the LWS criteria. The ecological report should also include an assessment of the potential for the presence of protected or priority species and recommendations for mitigation or compensation which may be necessary and biodiversity enhancements which could be included in the proposals.

Wish to register a holding objection until further details relating to ecology have been submitted and we are satisfied that there will not be any significant negative impacts on BAP priority habitat and / or LWS quality habitat.

Further to the submission of a Sand Dune Assessment Survey on 8 November 2013 responded to state the following:

Note that the habitats on site have been identified as meeting the definition of coastal sand dune Priority Habitat and they are therefore covered by the Natural Environment and Rural Communities (NERC) Act 2006 as appearing on the Section 41 list of Habitats and Species of Principal Importance in England. This means that Lincolnshire County Council has a duty to have specific regard to the conservation (which includes protecting and enhancing) of this habitat whilst exercising their normal functions under the NERC Biodiversity Duty. In Biodiversity 2020: A strategy for England's wildlife and ecosystem services, the government committed to no net loss of priority habitat (outcome 1B) and also stated that '*The planning system will continue to facilitate coherent and resilient ecological networks in association with local partners and reflect the value of natural systems*' (paragraph 2.19). These aims are embedded within the National Planning Policy Framework under paragraph 109 and paragraph 118.

As recognised within the survey report, coastal sand dunes are also a Lincolnshire Biodiversity Action Plan (BAP) priority habitat with a stated target of no net loss at a county level. Lincolnshire County Council are a signatory of the Lincolnshire BAP 3rd Edition. Should this site be developed without compensation provided, this would result in a net loss in total area of coastal sand dune habitats which is contrary to the NPPF, the Biodiversity 2020 strategy, the NERC Act and the Lincolnshire BAP. If an alternative site is not available which would not result in the loss of Priority Habitat then an area of compensatory sand dune habitat should be provided of at least double the area to be lost.

The Lincolnshire Wildlife Trust would consider removing our holding objection conditionally upon the production of a satisfactory method statement detailing the measures to be taken for mitigation of damage to the sand dune habitats and compensation in the form of new areas of habitat. We would strongly recommend that consideration is also given to the area surrounding the red line boundary which may also be affected by construction activities.

Additional information was provided by the applicant on 14 November 2013 relating to mitigation and compensation measures and on the basis of this Lincolnshire Wildlife Trust responded to state that they were satisfied with the principle of the detail of mitigation and compensation to be provided under a planning condition. In relation to mitigation, recommend that further detail be provided under advice from an ecologist to ensure that impacts of construction and operational activities on the sand dune habitats are minimised.

In relation to the provision of compensatory habitat, the measures put forward would provide enhancement of existing habitats only rather than creation of new habitats. The area identified is likely to be existing fixed dune habitat and therefore new sand dune habitat will not be provided by the management of the footpaths in this area. Also have some concerns that this method of closing footpaths may lead to the creation of new desire lines and therefore indirectly impact other areas of dune. Access is an important issue in relation to this development and the area generally and should be considered alongside the ecological issues when drawing up plans for the open space.

Given that the proposed actions would provide enhancement rather than compensation, there would still be a net loss of sand dune priority habitats and therefore strongly recommend that further consideration is given to the provision of alternative compensatory habitat, which does not need to be provided within or adjacent to the development site but should deliver creation of sand dune habitat in an appropriate location that does not already have value for wildlife. Wish to see a carefully thought out scheme of mitigation, compensation and enhancement which provides the best possible outcomes for both people and wildlife.

22. The application has been publicised by two site notices and neighbouring residential properties were individually notified on 16 October 2013. As a result of this four representations objecting to the proposals have been received, with one stating that it is representing a number of local residents and holidaymakers, although it is only signed by the author of the letter. These representations raise the following points:

- Chapel Point is one of the very few unspoilt village locations of natural beauty with easy access to the beach on the Lincolnshire coast and the development would spoil this and dominate the natural landscape;

- would be totally out of scale and character with the surrounding area and look out of place;
- already a perfectly adequate cafe at Chapel Point and an award winning Roadside Toilet, both within easy access of the beach and natural amenities;
- development would ruin Chapel Point;
- request that members of the Committee undertake a site visit;
- no evidence of local need and the money would be better spent on a cycle route in the Country Park;
- it will not enhance the lives of everyone, extend the holiday season or provide job security as has been claimed;
- it is not the gateway to the Country Park;
- there is very little coastal wildlife to observe from the observatory other than the wind turbines;
- the existing, award winning toilet block should not be demolished;
- additional car parking is not required and this area is only used as overflow car parking in the busy August weeks;
- concerns regarding traffic on Anderby Road and the state of the surrounding roads, including queries as to whether these will be regenerated;
- if planning permission is granted a 6 foot wide wooden walkway should be erected to link the end of the existing seafront promenade to the project to allow pedestrian and mobility scooter access;
- concern that LCC may not be able to provide “gallery” activity annually;
- concerned that plans presented at meetings in the village show the demolition of the toilets and creation of car parking to the north of the toilet block and concerned regarding levels of noise and air pollution from this car park, should extend the car park instead to the area behind the cafe;
- concerns regarding devaluing of residential properties;
- concerns regarding impacts of noise from development and during construction;
- concerns regarding security;

- consider that the existing sand at Chapel Point should be cleared to enable access by mobility scooters;
- concerns regarding the impacts of traffic and parking;
- concerns regarding the provision of off street parking for coaches;
- query regarding any renovation of the World War II gun emplacement; and
- concerns regarding unstable ground as the sea already undermines the defences and whether this has been taken into consideration.

District Council's Observations

23. East Lindsey District Council raised no objection, subject to the Environment Agency supporting the proposals, but do recommend that the materials used in the development should be good quality and reflect the modern contemporary design.

Conclusions

24. Planning permission is sought for a North Sea Observatory and cafe and associated car parking at Chapel Point, Chapel St Leonards. The proposed development would be a visitor facility on the coast and is intended to be an iconic focal point. It is inevitable therefore, that such a development would have a significant impact on the landscape and character of this area. In the determination of this application, it is necessary to consider whether the impacts on the surrounding area are acceptable, particularly in light of the sensitive historic and natural environment within which it would sit and also taking into account any impacts on flood risk given that it is proposed to be located on top of the existing sea defences at Chapel Point.
25. Policy T1 "Tourism Strategy" of the East Lindsey Local Plan states that development for leisure and tourism uses will normally be permitted, subject to a number of criteria, the most pertinent of which in this case is that it reinforces existing visitor facilities, at an appropriate scale, in Chapel St Leonards. The proposed development would enhance the existing visitor facilities of a cafe, wooden lookout shelter and toilets at Chapel Point and in this respect is in accordance with Policy T1. The appropriateness of the scale of the proposals is considered below.

Flood Risk

26. Paragraphs 99 to 103 of the NPPF seek to ensure that flood risk is not increased as a result of development and directs development to those areas with the lowest risk of flooding wherever possible. The Technical Guidance to the National Planning Policy Framework provides more detail in relation to flood risk.

27. The application site lies on top of the existing sea defences at Chapel Point and as such is within Flood Zone 3a, which is defined as areas with a high probability of flooding. A Flood Risk Assessment (FRA) has been submitted with this application and has been subject to a number of revisions to take into account the advice of the Environment Agency. The final FRA was submitted on 7 November 2013. The FRA states that the proposed development is classified as “Water Compatible” in reference to the Technical Guidance to the NPPF flood risk vulnerability classification. Further to discussions with the Environment Agency, it is concluded that the proposal contains elements which can be classed as “Water Compatible”, as viewing the sea and learning about the habitat require the proposed coastal location, however elements are also considered to be more appropriately classified as “Less Vulnerable” development, a classification which includes cafes, assembly and leisure. In terms of the Technical Guidance’s approach to this type of development in its “Flood risk vulnerability and flood zone compatibility” table, both “Water Compatible” and “Less Vulnerable” development are stated to be appropriate in Flood Zone 3a. This does not, therefore, alter the findings and conclusions of the FRA.
28. The FRA states that the proposed building would be securely mechanically fixed to protected screw piles into the existing dune system and that this approach removes the vulnerability of a rafted or stripped foundation. It also states that the on-going coastal defence initiatives, such as LincShore, would ensure that the dune is maintained and strengthened where needed and that this would protect the proposed development.
29. In light of the probability of flood risk being high, the FRA states that the following measures would be employed to protect the users of the facility:
- the building would be closed down during adverse weather conditions;
 - the building would be evacuated if a Flood Warning is issued by the Environment Agency; and
 - an Evacuation Plan would be agreed with Lincolnshire County Council.
30. The finished floor levels of the development are proposed to be set at levels to minimise flood risk. It is proposed that the lower ground floor level, where the toilets and store room are proposed, would be set at 5.062 metres Above Ordnance Datum (AOD) and the upper ground floor level, where the main observatory, cafe and Coastwatch area are proposed would be set at 7.7 metres AOD.
31. The EA have confirmed that the proposed development would be acceptable, subject to a condition requiring the mitigation measures set out in the FRA received on 7 November 2013 being implemented, relating to the existing profile of the dune to remain unaltered; the building to be erected on piled foundations and specific requirements in relation to the setting of the upper and lower ground floor finished levels.
32. Overall, it is therefore concluded that subject to conditions being imposed to secure the above measures to minimise flood risk, the proposed

development would be in line with the NPPF and the Technical Guidance to the NPPF and would not result in increased flood risk elsewhere.

Impact on the Historic Environment

33. Paragraphs 128 to 141 of the NPPF seek to protect the historic environment. The application site lies within a historically sensitive area and a Heritage Impact Assessment has been submitted with the application. A World War II gun emplacement is located to the north of the application site and it is believed that a World War I pillbox is located beneath the area where the observatory building is proposed.
34. The Heritage Impact Assessment submitted with this application considers the proposed development in the context of the historic environment. The Heritage Impact Assessment highlights the military importance of this stretch of coast during the first and second world wars and notes that there is little doubt that the existing concrete remains to the north of the application site are the World War II gun emplacement. The Assessment does, however, indicate that the location and survival of the World War I pillbox is much less certain. It is thought that if this has survived that it is likely to be located where a coastguard hut was subsequently constructed and latterly where the existing wooden shelter is located. The coastguard hut was located on a concrete base which is considered to be the same concrete slab on which the existing wooden shelter is sited.
35. The Assessment states that World War I pillboxes are much more scarce and less well documented than World War II ones and in this respect the significance of the pillbox in this location is enhanced. As such it is considered that the presence of this should be considered as archaeologically very significant.
36. It is considered that the proposed development would allow for the in situ preservation of the pillbox and the proposed building would be located on top of the site of it. The construction of the building is proposed to use pile foundations and so aims to avoid direct damage to it. There would, however, be no direct access to the pillbox during the lifetime of the building. The Assessment states that construction activities would need to be carefully controlled and monitored to minimise the risk of accidental damage. Lincolnshire County Council's Historic Environment officer has raised concerns regarding the impacts of the proposed development but has recommended that if planning permission is granted, it should be subject to a condition requiring archaeological investigation prior to the commencement of development to ascertain the location and extent of the pillbox, but notes that this must be carried out in such a way as to not cause any damage or disturbance to the existing sea defences. In order to achieve this, it is recommended that if planning permission is granted it is subject to a condition requiring the submission of a scheme for undertaking these works, to be agreed in consultation with the Environment Agency.

37. The gun emplacement is part of the historic landscape of this area which would be impacted upon by the proposed development due to its scale and proximity. The Heritage Impact Assessment considers that the “legibility” of the gun emplacement as a wartime structure is fairly low and describes it as little more than a raised concrete platform which is the only wartime structure still visible on the Chapel St Leonards coastline. Its potential for promoting a better understanding of the role of Chapel Point in the Second World War, is however, acknowledged. The Heritage Impact Assessment asserts that its survival is in part attributed to its bulk and usefulness as local strengthening of the sea defences. This heritage asset would not be directly affected by the proposed development but the proposed building would have a significant impact on its setting. Lincolnshire County Council’s Historic Environment officer has raised concerns regarding the impact on the setting of the gun emplacement and of any landscaping, together with the need to protect this feature during the construction phases of the development. No landscaping details have been included with this application but this is a matter which can be addressed through a condition if planning permission is granted.
38. Whilst the proposed development would impact in the setting of the Second World War gun emplacement, it is not considered that the degree of harm is sufficient to justify refusal of planning permission on these grounds. Rather, the proposed Observatory presents an opportunity to further the understanding of the historic interest of this part of the Lincolnshire coast.
39. In addition to the requirement for archaeological investigation in relation to the pillbox, it is recommended that in order to protect both the pillbox and the neighbouring gun emplacement, a condition requiring full details of the measures to be employed to protect these features during the construction phase of the development is secured if planning permission is granted. Providing these measures are put in place, the proposed development would not be contrary to the provisions of the NPPF.

Impact on the Natural Environment

40. The NPPF and Policy ENV20 of the East Lindsey Local Plan seek to protect the natural environment, with the NPPF highlighting the need to afford specific protection to Sites of Special Scientific Interest (SSSI). The application site adjoins the Chapel Point to Wolla Bank SSSI which lies to the north and east of the site. This SSSI was notified due to its nationally important geology for its inter-tidal sediments which have importance in the understanding of sea-level change across eastern England.
41. Natural England have confirmed that the proposed development is unlikely to have an adverse impact on the SSSI but have advised that if planning permission is granted appropriate measures should be employed during the construction phase to ensure that the interesting features of the SSSI are not harmed and that this should be secured through the use of a planning condition. Natural England also recommend that advice be sought in relation to potential impacts on local sites, habitats and species.

42. The application site lies on a ridge formed by sand dunes and concrete reinforcements. At the request of Lincolnshire Wildlife Trust, an ecological survey of the site was carried out on 4 November 2013 and a Sand Dune Assessment Survey was submitted on 8 November 2013. The Sand Dune Assessment Survey acknowledges that November is not the optimum time to carry out such a survey but concludes that due to the habitats involved it is unlikely that main plant species would have been missed. No nationally rare or nationally scarce plant species and no UK Biodiversity Action Plan (BAP) Priority Species were recorded from the survey area, although it is noted that sand dune habitats within parts of the site are both UK and local BAP habitats. The Survey does however, state that the application site is small and that the quality of the habitat is low due to extensive trampling by the public and by nutrient enrichment from dog waste. There is also a lack of some key sand dune species which are found in the larger expanse of dunes to the north of the site. The Survey concludes that the site does not qualify as a Local Wildlife Site due to its size, however, it recommends that compensation would be required for the direct loss of sand dune habitats as the Lincolnshire BAP states that there shall be no net loss of sand dune habitats between 2010 and 2020.
43. Following the submission of the Sand Dune Assessment Survey, Lincolnshire Wildlife Trust responded stating that if no alternative site is available for the development which would not result in the loss of priority habitat then an area of compensatory sand dune habitat should be provided of at least double the size of the area to be lost. They also stated that there is a requirement for a satisfactory method statement detailing the measures to be taken for mitigation of damage to the sand dune habitats, including areas affected during the construction activities.
44. On 14 November 2013 the applicant submitted an outline of mitigation and compensation measures proposed to be delivered. Lincolnshire Wildlife Trust did not find these proposals to be wholly acceptable but were sufficiently content with them, and the commitment to deliver mitigation and compensation, that they stated that they are satisfied that the package of measures for mitigation, compensation and enhancement could be secured through a condition if planning permission is granted, in order to meet the Lincolnshire BAP requirement of no net loss of sand dune habitat.
45. The impact of the proposed development in relation to nature conservation needs to be addressed very carefully and measures need to be put in place if planning permission is granted to protect the adjoining Chapel Point to Wolla Bank SSSI and the remaining sand dune priority habitat, and to provide appropriate compensatory measures for the loss of the area of sand dune habitat which would occur through the siting of the observatory in this location. Policy ENV20 of the East Lindsey Local Plan seeks to prevent the loss of important habitats such as sand dunes and states that where development is permitted, the retention and protection of wildlife habitats will be protected through planning conditions, legal agreements or unilateral undertaking. It is therefore recommended if planning permission is granted, that it is subject to a condition requiring the submission of schemes to make

the above provisions which would be required to be approved prior to the commencement of any development and that the compensatory measures are delivered before the development becomes operational. Providing these measures are put in place, the proposed development would be in accordance with the NPPF and Policy ENV20 of the East Lindsey Local Plan.

Highways

46. The NPPF seeks to promote sustainable modes of transport in relation to all new developments. In addition, Policy TR4 “Protection of Existing Car Parking Spaces” and TR8 “Tourist Parking Facilities” of the East Lindsey Local Plan seek to protect car parking spaces associated with tourism and permit new spaces where no undue harm would be caused.
47. This application was accompanied by a Transport Statement which was produced in consultation with Lincolnshire County Council as Highway Authority. The Transport Statement notes that the application site is adjacent to an existing 70 space car park which has a cafe and toilet facilities associated with it. It also states that there are north and southbound bus stops within 400 metres of the application site and that these are served by a variety of buses operating at different frequencies. The site is stated to be well served by a number of public rights of way in the vicinity which provide routes from the nearby holiday and caravan parks through to the local beaches.
48. The Transport Statement states that it is anticipated that the majority of visitors to the proposed observatory would already be visiting the area and therefore the potential increase in vehicular traffic is considered to be relatively low, with what is described as an exceptionally robust trip generation to the observatory equating to 37 arrivals per day. It also states that the existing car park, together with the additional eight spaces proposed, would more than adequately cater for the existing and proposed demand. The Transport Statement concludes that the proposed development would not have a detrimental impact on highway capacity or on the operation of the junction of the car park entrance with St Leonards Drive.
49. In the representations from local residents, concerns are raised regarding the impact of the proposed development on the surrounding highway network. Lincolnshire County Council’s Highways officer has raised no objections to the proposed development but has recommended that if planning permission is granted it is subject to a condition ensuring that the arrangements proposed to enable the parking / turning / manoeuvring / loading / unloading of vehicles are available at all times the development is in use. The County Council’s Accessibility officer has confirmed that a Travel Plan is not required for a development of this scale and nature.
50. One local resident objected to a proposed new area of car parking to the north of the existing toilet block, however, this does not form part of the

current planning application and therefore is not considered as part of these proposals.

51. Overall, it is concluded that the proposed development can be accessed by a range of modes of transport and that it would not have a detrimental impact on highway safety or capacity. As such, it is in accordance with the NPPF and with East Lindsey Local Plan policies TR4 and TR8 in this regard.

Impact on the Surrounding Residential Area

52. Policies A4 “Protection of General Amenities” and A5 “Quality and Design of Development” of the East Lindsey Local Plan seek to protect the amenities of neighbouring land users and protect the character of the locality in relation to proposed new development. These issues are also reflected in the provisions of the NPPF.
53. The proposed observatory building is of such a size and in a prominent location that it will inevitably be viewed from a number of nearby residential properties. However, it would be located over 75 metres from the nearest dwelling and would not have a detrimental impact in terms of loss of amenities at any of the neighbouring properties. The proposed additional eight car parking spaces would be approximately 40 metres away from a residential property on St Leonards Road and although this land is currently used as open space associated with the cafe, it is not considered that the use of this area as a car park will result in any loss of residential amenity to this property. The proposed observatory would result in a significant change to the landscape of Chapel Point, with the introduction of a large structure, but this would not lead to the loss of amenities enjoyed by local residents.
54. As stated in the Transport Statement, it is not anticipated that the proposed development will result in large increases in visitor numbers to the site, rather it is likely to mainly serve existing visitors to the area. As such, there is unlikely to be a loss of residential amenity suffered due to increases in visitors to the area.
55. Overall it is concluded that the proposed development would not have a detrimental impact on the amenities of the nearby residential properties and is therefore in accordance with Policy A4 of the East Lindsey Local Plan and the NPPF in this regard.

Design and Sustainability

56. Sustainable development is the core theme running through the NPPF and paragraph 17 in particular highlights the importance of high quality design in achieving this. Policy A5 “Quality and Design of Development” of the East Lindsey Local Plan also seeks to secure good design and to improve the quality of the environment.
57. The Design and Access Statement states that the building would be highly insulated whilst allowing for it to be naturally ventilated. The roof and

external walls are proposed to be clad in zinc shingle (although the walls are also proposed to have timber and glazed inserts). Zinc is described in the Design and Access Statement as being “the most sustainable of all building materials” as it is resistant to corrosion and has a low energy consumption during its manufacture.

58. The Design and Access Statement also states that the sustainable energy strategy of the building will incorporate a number of the following methods of energy production:
- biomass;
 - solar-thermal;
 - solar photovoltaic; and
 - air source heat pump.
59. However, no details regarding any of these measures, how they would be utilised or where they would be installed, have been included with this application. It is therefore difficult to quantify the contribution of these measures in the determination of this application. It is recommended that if planning permission is granted it is subject to a condition requiring the submission and approval of details of any of these sustainable energy measures prior to their installation to ensure that they are appropriate and do not cause harm to this location.
60. In the representations from local residents, concerns have been raised regarding the impact of the proposed development on the surrounding area and the lack of any evidence of a need for it. The design of the proposed building is undoubtedly contemporary and quite different to any of the other structures in the immediately surrounding area. The Design and Access Statement states that the building design was informed by the existing beach huts to the south of the application site and this can be seen in the design of the roof. As previously stated, the purpose of the North Sea Observatory is to provide an iconic focal point on this stretch of the Lincolnshire coast. As such, the building needs to be clearly set out from its surroundings. The NPPF encourages innovative design and it is considered that the proposed development represents good design whilst meeting its objective of being an iconic focal point. Policy T1 “Tourism Strategy” of the East Lindsey Local Plan requires new tourism development in Chapel St Leonards to be of an appropriate scale. It is considered that the proposed development complies with this element of the policy both in terms of the physical scale of the building and the scale of visitors it is expected to generate.
61. East Lindsey District Council have stated that the choice of materials should be of good quality and reflect the contemporary design and it is recommended that if planning permission is granted it is subject to a condition requiring the approval of the materials.
62. It is considered that the proposed development is acceptable in terms of its design and sustainability, and that whilst the concerns of local residents are

noted, the building would fulfil its aim of being an iconic focal point at Chapel Point. In relation to the concerns raised regarding the potential loss of the existing toilet facilities at the site, the current application does not include any proposals regarding these toilet facilities.

Overall Conclusions

63. The proposed location of the North Sea Observatory building in relation to the existing sea defences and within a sensitive historic and natural environment presents a number of challenges. Following consideration of these issues, it is concluded that the proposed development would have a significant visual impact on the character of the surrounding area, however, in light of the intention for the building to be an iconic focal point, it is considered that it is appropriately designed, it would not be detrimental to the amenities of nearby residential properties and that the impacts on the natural and historic environment can be sufficiently mitigated or compensatory measures provided, such that overall the proposals would be acceptable and in accordance with the NPPF and East Lindsey Local Plan.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within seven days of such commencement.
2. The development hereby permitted shall be carried out in strict accordance with the submitted details and recommendations and the following drawings:
 - a) 2024_SP_101_200 Rev 001 "SITE PLAN / LOCATION PLAN" received 23 October 2013;
 - b) 2024_GA_110_200 Rev 001 "LOWER GROUND FLOOR" received 23 October 2013;
 - c) 2024_GA_111_200 Rev 001 "UPPER GROUND FLOOR" received 23 October 2013;
 - d) 2024_GA_112_200 Rev 001 "ROOF PLAN" received 23 October 2013;
 - e) 2024_ELE_110_200 Rev 001 "NORTH ELEVATION" received 23 October 2013;
 - f) 2024_ELE_111_200 Rev 001 "EASTERN ELEVATION" received 23 October 2013;
 - g) 2024_ELE_112_200 Rev 001 "SOUTHERN ELEVATION" received 23 October 2013;
 - h) 2024_ELE_113_200 Rev 001 "WESTERN ELEVATION" received 23 October 2013; and
 - i) 2024_SCT_130_100 Rev 001 "SECTION A-A" received 23 October 2013.

3. The development hereby permitted shall be carried out in strict accordance with the Flood Risk Assessment received on 7 November 2013, in particular:
 - The existing profile of the dune to be unaltered by the works and any necessary reseeded undertaken to restore vegetation to the dunes on completion of the building works.
 - The building to be erected on piled foundations to reduce any impact on the structure in the event of a failure of the coastal defences.
 - Upper ground floor to have finished floor level set no lower than 7.7m above Ordnance Datum (AOD).
 - Lower ground floor to have finished floor level set no lower than 5.062m AOD; uses to be in accordance with those shown on drawing 2024_GA_110_200 Revision 001 of WCs and store; resilient construction techniques to be employed.
4. Prior to the commencement of development a written scheme of archaeological investigation to establish the location and extent of the World War I pillbox in relation to the foundations of the building hereby permitted, shall be submitted to and approved in writing by, the County Planning Authority in consultation with the Environment Agency, and such approved investigation shall be undertaken.
5. Prior to the commencement of development a construction methodology shall be submitted to, and approved in writing by, the County Planning Authority in consultation with the Environment Agency, Natural England and Lincolnshire Wildlife Trust. This methodology shall include the following:
 - full details of the foundations of the building and the manner in which they will be constructed;
 - full details of how the interest features of the Chapel Point to Wolla Bank Site of Special Scientific Interest will be protected during the construction phase of the development;
 - on the basis of the findings of the archaeological investigation required by condition 4, full details of how the World War One pillbox will be protected during the construction phase of the development;
 - full details of how the World War Two gun emplacement will be protected during the construction phase of the development;
 - full details of the mitigation measures to be put in place to protect the sand dune habitat during the construction phase of the development; and
 - full details of the measures to be taken to protect the integrity of the existing sea defences.

6. Prior to the commencement of development a scheme for the provision of compensatory sand dune habitat shall be submitted to, and approved in writing by, the County Planning Authority in consultation with Lincolnshire Wildlife Trust. The scheme shall include compensation at a ratio of 2:1 of the loss of sand dune habitat incurred. The approved scheme shall thereafter be implemented prior to the development hereby permitted becoming operational.
7. Prior to the commencement of development samples of the materials to be used in the construction of the external surfaces shall be submitted to, and approved in writing by, the County Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
8. Prior to the commencement of development full details of a landscaping scheme shall be submitted to, and approved in writing by, the County Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
9. Prior to the commencement of development a surface water drainage scheme based on sustainable drainage principles shall be submitted to, and approved in writing by, the County Planning Authority. The scheme shall include details of the maintenance and management of the system after completion. The scheme shall be implemented in accordance with the approved details prior to the development becoming operational.
10. The arrangements shown on approved plan 2024_SP_101_200 Rev 001 "SITE PLAN / LOCATION PLAN" (received 23 October 2013) for the parking / turning / manoeuvring / loading / unloading of vehicles shall be available at all times when the premises are in use.
11. Prior to the installation of any biomass, solar-thermal, solar photovoltaics and / or air source heat pump energy measures, full details of the measures together with an assessment of their impacts and any necessary mitigation measures, shall be submitted to, and approved in writing by, the County Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development is carried out in an acceptable manner and for the avoidance of doubt as to the development that is permitted.
3. To reduce the risk of flooding to the proposed development and future occupants.
4. To establish the archaeological importance of the site.

5. To ensure that full protection is afforded to the Chapel Point to Wolla Bank Site of Special Scientific Interest, the World War One pillbox, the World War Two gun emplacement, the sand dune habitat and the sea defences during the construction phase of the development.
6. To provide appropriate compensation measures for the loss of UK and Lincolnshire Biodiversity Action Plan priority sand dune habitat.
7. In the interests of the visual amenity of the area.
8. In the interests of the visual amenity of the area and to ensure no adverse impacts on the historic landscape.
9. To prevent increased risk of flooding.
10. To enable calling vehicles to wait clear of the carriageway of St Leonards Drive and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.
11. In the interests of the visual amenity of the area, to assess any impacts in relation to the natural and historic environment and the sea defences and to protect the amenities of local residents.

Informatives

Attention is drawn to the information contained in the following consultation responses attached to the decision notice:

- (i) letter from Environment Agency dated 11 November 2013; and
- (ii) letter from Lindsey Marsh Drainage Board dated 12 November 2013.

Appendix

These are listed below and attached at the back of the report	
Appendix A	Committee Plan

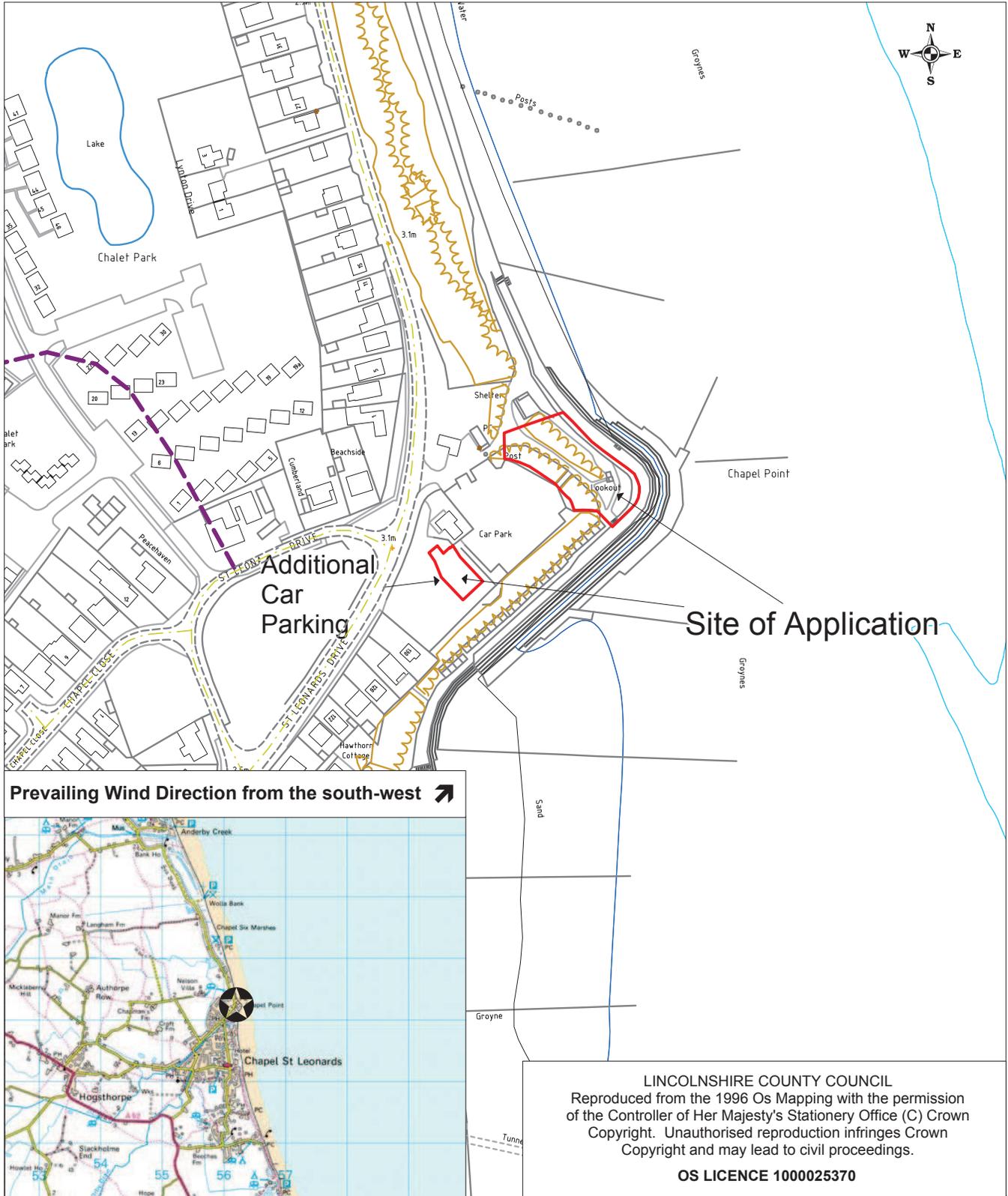
Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File (E)N31/1987/13	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance National Planning Policy Framework (2012)	Communities and Local Government website www.gov.uk
East Lindsey Local Plan (1999)	East Lindsey District Council website www.e-lindsey.gov.uk

This report was written by Natalie Dear, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL Appendix A PLANNING



Location:
Chapel Point
Chapel St. Leonard

Description:
For a North Sea Observatory and Cafe

Application No: (E)N31/1987/13
Scale: 1:2500

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