

**Ward** Exmouth Town

**Reference** 20/2834/COU

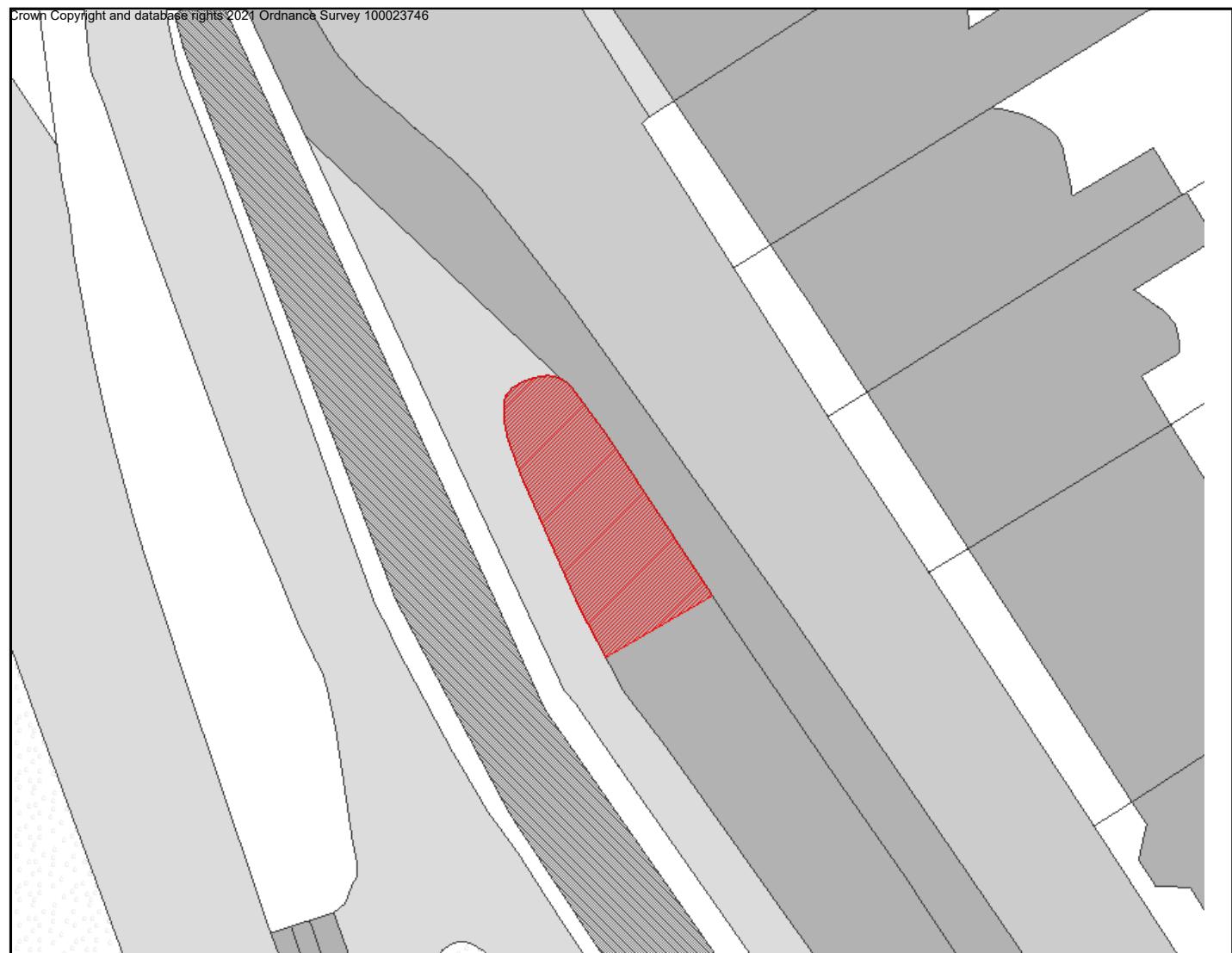
**Applicant** Nick Christo (EDDC Streetscene)

**Location** Land Adjacent To Manor Hotel The Beacon  
Exmouth

**Proposal** Change of use of area of land adj. Manor Hotel  
for the siting of tables and chairs until 30  
September 2021



#### **RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 7<sup>th</sup> April 2021</b>
<b>Exmouth Town (Exmouth)</b>	<b>20/2834/COU</b>	<b>Target Date: 02.04.2021</b>
<b>Applicant:</b>	<b>Nick Christo (EDDC Streetscene)</b>	
<b>Location:</b>	<b>Land Adjacent To Manor Hotel The Beacon</b>	
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**EXECUTIVE SUMMARY**

This application is brought before Members as the application is submitted by East Devon District Council (EDDC), is on land owned by EDDC and as the Officer recommendation is contrary to the views of the Town Council and local residents.

Planning permission is sought for the siting of up to twelve tables with a seating capacity of twenty four on land at The Beacon in Exmouth. A temporary consent is sought for a period until the end of September 2021, with hours of operation limited to between 09:00 hours and 21:00 hours.

The application site comprises part of an open space area located within the Exmouth Conservation Area and opposite a terrace of Grade II listed properties in The Beacon.

Whilst there would be concerns about the grant of permanent consent for this type of application given the sensitive nature of the site and location close to residents, the proposal would facilitate a temporary external seating area for patrons of The Manor Hotel to meet the current social distancing requirements and Environmental Health have raised no object to this temporary consent.

In addition, it is considered that given the exceptional circumstances currently being faced as a result of the Covid-19 pandemic, a short term temporary consent would support a local business in times of crisis and not cause undue harm to local residents subject to an hours of operation restriction and consent being limited until the end of September 2021.

**CONSULTATIONS**

**Local Consultations**

## Parish/Town Council

Meeting 15.02.21

Objection; members recognised the need to support businesses at this difficult time, however, this should not be to the detriment of residents. This proposal for the siting of tables and chairs in a quiet residential Conservation Area was not considered appropriate. The proposal would set a precedent for other hotels along The Beacon and Louisa Terrance to do the same. The location description was not accurate and missing leading as the land is approximately 30 metres away from the property and therefore not adjacent to the hotel.

## **Technical Consultations**

### Devon County Highway Authority

Observations: NONE

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

### Environmental Health

I have considered the application 20/2834/COU and do not anticipate any environmental health concerns.

## **Other Representations**

11 representations have been received, all raising objections to the proposed development, summarised below

- Inappropriate in conservation area
- Land is uneven and sloping
- Not adjacent to the hotel
- Additional noise and disturbance
- Will set a precedence for other similar proposals
- Danger to highway safety
- Loss of public amenity space
- Inappropriate use of land in residential area
- Additional traffic and pressure on parking
- Increased waste and littering

## **PLANNING HISTORY**

None relevant to the proposal

## **POLICIES**

## Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

## Exmouth Neighbourhood Plan

EB1 Conserving Heritage Assets

EB2 Design

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

## Site Location and Description

The application site comprises an area of grassed land to the south and west of The Beacon, an attractive terrace of Grade II listed town houses of various styles and sizes. The majority of the properties within the terrace are residential in nature, generally flats, although there are a few individual dwelling houses.

The site lies within the Exmouth Conservation Area.

## Proposed Development

Planning permission is sought for the temporary change of use of the land to allow the siting of tables and chairs to provide an external dining area associated with the operation of The Manor Hotel, located to the north of the site.

Whilst the hotel is not directly opposite the site, it is seeking the use of part of the green area to offer an outside area where patrons of the hotel, both those staying at the hotel and other casual diners can enjoy their facilities. The application suggests that 12 tables with up to 24 chairs could be accommodated within the licenced area. Permission is sought for operational hours from 9am to 9pm, Monday to Sunday, until the end of September 2021.

The application seeks consent to use the area until September of this year, to enable outside seating as a result of the social distancing arising from the current Covid-19 pandemic.

## CONSIDERATION AND ASSESSMENT

The main issues to be considered in the determination of this application relate to the principle of the development and impact on the character and appearance of the Exmouth Conservation Area within which the site is located, and on residential and other amenity.

## **Principle of Development**

This application has been submitted as a very specific response to the current Covid-19 situation. It is proposing to offer a means of providing a service to patrons of the hotel to assist the owners to be able to function during a very challenging period.

In planning terms there is no policy support for the proposal, either through the East Devon Local Plan 2013-2031 or Exmouth Neighbourhood Plan, which would introduce a commercial activity within an open green space in the conservation area. However there is a clear emphasis within policies in the Local Plan and NPPF on supporting the economy, existing businesses and the vitality of the town. With this in mind and at the present time it is considered that, for a temporary period, it may reasonable to relax some of the restrictive planning policies in order to offer some support for local businesses.

## **Impact upon the character and appearance of the area**

Policy EN10 (Conservation Areas) of the Local Plan states that proposals for development, including alterations, extensions and changes of use, or the display of advertisements within a Conservation Area, or outside the area, but which would affect its setting or views in or out of the area, will only be permitted where it would preserve or enhance the appearance and character of the area.

The proposal is for the temporary siting of tables and chairs within a specific area of land for a limited period of time. This will inevitably alter the appearance of the area when in use, and will have a visual impact on the conservation area. In this respect the introduction of the seating and dining area may not be appropriate on a permanent basis, however at the present time it is recognised that in order for businesses to be able to function, it may be appropriate to compromise some of the more stringent policies. It is important to recognise, however, that this is a very temporary and exceptional situation, which does not provide any on-going justification for any more permanent development of this piece of land. It is further considered that any tables and chairs should not be left on the site when not in use, and should be removed outside the hours of operation in order to ensure that the integrity of the space is maintained.

Subject to this, the temporary visual impact upon the area and wider Conservation Area is considered to be outweighed by the public benefits of enabling the business to operate under current pandemic conditions for the temporary period proposed.

## **Impact upon residential amenity**

It is recognised that the proposed development will generate new activity where none exists at the present time, and it is considered appropriate to restrict the hours of operation to ensure that this does not become a nuisance to the occupiers of the residential properties in The Beacon early in the morning or late into the evening.

It is also noted that a number of objections have been received as a result of the proposal, with issues of noise and disturbance being raised. Whilst there is likely to be some increase in noise and disturbance from diners, it is relevant to note that the land

is a public space with no current restrictions on its use in terms of people using it to sit and talk. Whilst the concerns are appreciated as the application formalises the use of the area, it is not considered that the additional nuisance would be unacceptable for the temporary period proposed, and it is noted that no objection has been raised by the Council's Environmental Health Officer to this temporary proposal.

The Council would further control operating hours and numbers through licencing and through the grant or otherwise of a Sitting Out Consent, and it is considered that this, together with appropriate planning conditions, would be sufficient to ensure that the use does not operate at unsociable times resulting in an unacceptable impact on the amenity of neighbouring residents for this temporary period.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The use of the land for the siting of tables and chairs shall cease, and shall be removed and the land restored to its former condition on or before 30th September 2021.  
(Reason - The permission is only justified for a limited period due to the temporary nature and appearance of the proposal, the permanent retention of which would adversely impact on the character and appearance of the area and the wider Conservation Area contrary to Policies D1 (Design and Local Distinctiveness) and EN10 (Conservation Areas) of the adopted East Devon Local Plan 2013 - 2031.)
  2. The use hereby permitted shall not be open to customers outside the following times: 09:00 hours and 21:00 hours.  
(Reason – To protect adjoining occupiers from excessive noise in accordance with Policy D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.
  3. All tables and chairs should be removed from the site outside the permitted hours of operation and at other times when the business is closed and/or the tables and chairs are not required.  
(Reason – In the interests of visual amenity to protect the character and appearance of the area and to protect adjoining occupiers from excessive noise in accordance with Policies D1 (Design and Local Distinctiveness), EN10 (Conservation Areas) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.

### Plans relating to this application:

Location Plan 03.02.21

## List of Background Papers

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

