

Ward Exmouth Littleham

Reference 22/0067/FUL

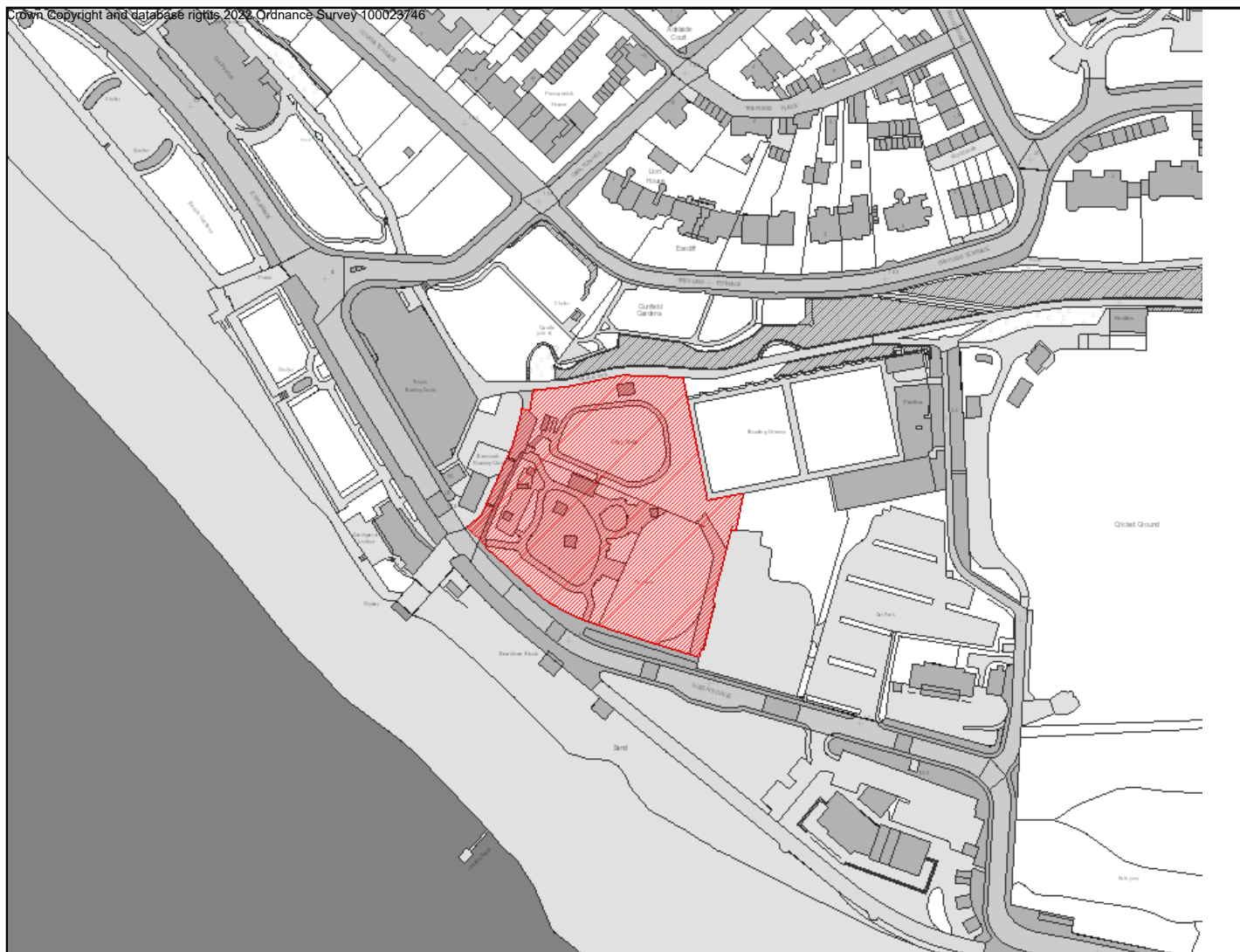
Applicant Mr Tim Child (East Devon District Council)

Location Land At Queen's Drive Exmouth

Proposal Permanent use of land, buildings and structures for the purposes of entertainment, recreation and leisure.



RECOMMENDATION: Approval with conditions



		Committee Date: 13th April 2022
Exmouth Littleham (Exmouth)	22/0067/FUL	Target Date: 10.03.2022
Applicant:	Mr Tim Child (East Devon District Council)	
Location:	Land At Queen's Drive Exmouth	
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EXECUTIVE SUMMARY

This application is before Members as East Devon District Council is both the applicant and the land owner and an objection has been received to the proposal.

Permission is sought to continue the use of the former recreation area as an activity area on a permanent basis following four years of temporary permissions. Three activity zones are again proposed - a food and drink area with outside bar and seating area together with the siting of catering stalls and cabins; a children's play area with associated equipment; and an events space, with a temporary marquee which would host a number of organised events. 4 flag poles are also proposed.

The site is located adjacent to Queens Drive to the north of the seafront, and is within the built up area boundary of Exmouth. There is a long established history of more traditional recreational uses associated with the land, but these have ceased in recent years. The site forms part of the wider regeneration area identified within the Local Plan under Strategy 22, and which has been granted planning permission for comprehensive redevelopment proposals albeit that on this site those permission have now lapsed, other areas of the seafront including the water sports centre have been built out.

The East Devon Local Plan supports the provision of tourist and visitor attractions under Policy E20 subject to a number of criteria, including the impact on heritage assets, the character and appearance of the area, residential amenity, highway safety and ecology. The continued use of the site as a mixed activities area remains an appropriate and suitable use of the site, despite initial objections during the determination of the temporary use of the site, this application has only generated one objection and it has been accepted by many in the community as providing a beneficial area for social gathering and controlled events, without

detrimentally impacting upon the character and appearance of the area, residential amenity or highway safety.

CONSULTATIONS

Local Consultations

Parish/Town Council

No objection subject conditional approval as recommended by Environmental Health to protect the amenity of local residents.

Exmouth Littleham – Cllr Bruce De Daram

This proposal from a purely a strategic point of view is a disappointment in that after 4 years EDDC is now applying to make what was intended to be a temporary use permanent. I also declare for accuracy an interest namely that I sit on the Queens Drive Delivery Group which will make further recommendations on the use of this site and I duly point this out.

However from a Planning perspective I see that it has policy support specifically:

1. The East Devon Local Plan supports the provision of tourist and visitor attractions under Policy E20 subject to a number of criteria, including the impact on heritage assets, the character and appearance of the area, residential amenity, highway safety and ecology. The continued use of the site as a mixed activities area remains an appropriate and suitable use of the site,
2. Clearly the use has been applied for on two occasions, albeit on a temporary basis rather than permanently as now applied for so the impact has already been assessed, this impact was found to have no harm on the character and appearance of the area, thereby preserving its character such that the proposal remains acceptable to serve the wider community into the future. No harm is raised by the Conservation Officer. The proposal is therefore considered to be acceptable in relation to Policy EN10 of the EDDC Local Plan.

Therefore to quickly conclude having read the report I would be able to support the recommendation of approval as per the report which has been presented but note as I stated earlier that it is my belief that the site's use could be changed by EDDC in the future if required depending on the outcome of the review conducted by EDDC **Gerry Mills** Project Manager Place and Prosperity (Exmouth) and the future recommendations of the Queens Drive Delivery Group.

As it will come to Committee to determine due to it being on EDDC land I will retain an Open mind in case new information is presented and will not come to the meeting with any pre-determined views.

Technical Consultations

Environmental Health

I recommend approval with conditions:

The site shall only be operated between the hours of 9:00hrs to 23:00hrs

Between 09:00hrs to 23:00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the event site, as measured at monitoring point 1 (the western entrance to Gunfield Gardens opposite the property known as Execliff, 1 Trefusis Terrace, Exmouth, EX8 2AX) over any 15 minute period with entertainment taking place, must not increase by more than +5 dB when compared against the agreed comparable LAeq 15min, with no entertainment taking place. Event organisers shall undertake regular off-site subjective monitoring throughout the event in order to determine that this requirement is met. The results of monitoring shall be kept in a log and made available for inspection by the Local Planning Authority on request. (Reason - to protect the amenity of local residents from amplified noise during activities other than music concerts in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan).

Conservation

This application has been assessed on the potential for impact on the setting of the designated heritage assets. It is concluded that there is little to no harm, however, it is recommended that formal arrangements are made with regards to signage. This has been referenced in the planning statement, but requires further clarity.

Other Representations

Two letters of representations have been received as a result of this application, one in support and the other raising the following concerns:

- Impact of generator on the playing conditions of the adjacent bowling green due to fumes from exhaust across green;
- Reduction in the amount of parking spaces following removal of overflow car parking making parking difficult for visiting teams, the majority of which are elderly and have to walk some distance to the club with their bowls equipment.

PLANNING HISTORY

Reference	Description	Decision	Date
17/2944/FUL	Temporary use of land, buildings and structures for a twelve month period for the purposes of entertainment, recreation and leisure to also include the permanent infilling of existing boating ponds plus all associated infrastructure and development	Temporary Approval	16.03.2018

18/2842/FUL	Temporary use of land, buildings and structures for a thirty six month period for the purposes of entertainment, recreation and leisure.	Approval with conditions	15.02.2019
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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 22 (Development at Exmouth)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

TC7 (Adequacy of Road Network and Site Access)

EN10 (Conservation Areas)

Neighbourhood Plan

Exmouth Neighbourhood Plan (Made)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Site Location and Description

The site lies within the built up area boundary of Exmouth, this part of which is recognised as a regeneration area; it lies close to the Exmouth Conservation Area to the north. It formerly comprised an outside amusement park, boating pond, children's play area, crazy golf course and kiosk. The site has been cleared and for the last three years and has been occupied under the previous temporary consents as a children's play area and an events and entertainment space.

To the south of the site lies Queens Drive with the beach and sea beyond, to the north an escarpment with residential properties on top, to the east is the Council owned car park, bowling club and further parts of the regeneration area and to the west lies the public toilets and Ocean Building.

Proposed Development

Planning permission is sought for the continuation of the use of the site on a permanent basis beyond the expiry of the current permission which expired at the end of March 2022. As with the previous consent, the uses are split into three broad areas, identified on the submitted site plan as red (food and drink), green (children's play) and blue (events space). This application also seeks consent for the siting of a marquee within the events space, and the installation of 4 flagpoles on the Queens Drive frontage.

The uses within each of the areas are as follows:

Red area - Food and drink - This area comprises the south western most part of the site, the details submitted with the application indicate that the seating area on top of the filled former boating pond would remain. The boating pond has been filled with loose material and topped with sand, as approved under the previous consents, and is accessed via wooden decking/boardwalks. The existing kiosk would continue to be used as a bar/office. Informal seating areas have been created, some of which are located under temporary canopies to provide shelter from the elements. The area around the seating would continue to be used for catering facilities, including temporary kiosks and mobile units. The maximum height of any structure in this area would be 5 metres in height. Festoon lighting is proposed so that the area can be used in the evenings. The informal layout and temporary nature of the seating and canopies allows flexibility in terms of use of the area, including the potential for live music and other entertainment.

Green area - Children's play - This area comprises the south eastern most part of the site. Various types of children's play equipment have been installed on the site for use by children and teenagers around a Jurassic Coast theme. The maximum height of any structure on this area would be 10 metres in height.

Blue area - Event space - This area comprises the northern most part of the site, the details submitted with the application indicate that a variety of different uses are proposed including outdoor theatre, circus, outdoor cinema, mini family festivals, ballet etc. The stage which has been constructed in this area is proposed to be retained, and permission is also sought for the siting of a marquee for some of the events. The maximum height of any structure on this area would be 10 metres in height.

Main considerations

The main considerations in the determination of this application relate to the:

- principle of the proposed development;
- the impact of the proposal on its surroundings;
- impact on residential amenity;
- impact on the Conservation Area; and
- impact on highway safety.

Principle

The site lies within the built up area boundary of Exmouth, where there has been along and established history of recreational activities taking place. This area forms part of a wider regeneration area identified in Strategy 22 of the Local Plan as a regeneration area and has been the subject of previous applications and public consultations seeking to secure long term uses. Whilst these now have been granted permission, on the wider regeneration area, and will be undertaken in due course, the continued occupation of this area for recreational purposes, as proposed by the application will ensure that the area remains in an active use that provides benefits to the tourism industry and for the local community.

Temporary use of the site for the proposal was granted in 2018 for an initial one year period and then renewed for a further 3 years in 2019 and as such the principle of the development has already been accepted - albeit only for the temporary period applied for.

The East Devon Local Plan supports the provision of tourist and visitor attractions under Policy E20 subject to a number of criteria. Each criteria will be set out below with a response on each specific to this application.

1. There is no significant adverse impact on the surrounding landscape and features or on any areas of natural, cultural or heritage interest.

The surrounding area is relatively flat save for the escarpment to the north which is tree covered, the use of the land for recreational uses next to the public beach and public promenade is considered to be consistent with surrounding uses and landscape features.

The heritage assets viewed from the area of the application site include Trefusis Terrace which although not listed does lie within the Exmouth Conservation Area. The terrace is elevated to the north and provides a rhythmic roof scape to the skyline. Furthermore the setting of the conservation area identified as the land between the raised ridgeline and the beach is presently very open and without any significant structures. This is quite indicative of Victorian seaside towns where pleasure gardens by the sea were the norm and map evidence from 1890 suggests that the site was used as a cricket and football ground. The restricted heights of structures and restricted opening hours/times respects the historic character of the area with the uses giving a nod to the former recreational uses on site, albeit with a more modern and useable sense of place.

There are rare grasses on the site and the impact upon these has been mitigated as part of the current works on the site following assessment and mitigation in an Ecological Assessment. The site needs to be continued to be managed in a way that protects these grasses and the application include details of continued management that can be conditioned. Subject to the condition, the impact upon grasses is acceptable.

In assessing the current proposal for the continued temporary use of the land for recreation entertainment and leisure (including the new marquee and flag poles) this has been balanced against the uses and redevelopment approved under application 13/1819/MOUT. In this respect, the use of the land for similar activities as that agreed

through the 2013 application, would result no more harm than that already considered and accepted. In addition, the proposal will be no more harmful, and bring the same benefits, as the previous temporary permissions.

2. The proposal relates sensitively in scale and siting to the surroundings and includes appropriate landscaping to mitigate against adverse impacts.

At this part of the sea front the surroundings are relatively open in character, however, as the application states that no structure across the whole of the site would be more than 10 metres in height (5 metres in the food and drink area), consideration must be given to how structures of this height would impact on surroundings. On the basis of the submitted information, and from an assessment of the structures which have been sited as a result of the extant permission the play equipment and temporary structures are seen to be of a modest scale and appropriate within their setting.

In the northern most part of the site, again approval is sought for structures up to 10 metres in height including the erection of a marquee during events, however this is a large open area framed by mature trees to the north and hedgerows to the east and west, and any temporary structure up to 10 metres in height is not considered detrimentally impact on its surroundings or the character and appearance of the Conservation Area.

The application seeks consent for signage, banners and 4 flags around the site. The banners would be a maximum size of 3ft by 10ft and the flags 2m by 1m. Given the size of the site and other structures, the signage, banners and flags are considered to be acceptable.

3. The locality is capable of accepting increased numbers of visitors without giving rise to problems related to access, road safety or congestion.

The local road network surrounding the site is considered to be sufficient to accept the visitor numbers likely to be generated by this proposal, allied to this it must be remembered that there was previously a recreational use on the site. Furthermore, there are a number of pay and display car parks in the vicinity together with chargeable on-street parking and the promenade is a popular walking route from further afield. Devon County Highways Engineer raises no objections to the proposed development. Whilst the overflow car park immediately to the east of the play area proposed has recently closed and been grassed to use as an outdoor exercise area, this car park was seldom in use and the limited loss in spaces would not create a severe impact on the parking available both locally and within the resort as a whole.

4. The site may be accessed by a variety of means of transport.

Walking and cycling are popular with people using the promenade and seafront more generally, furthermore, the site is on a bus route and is served by the land train that has stops around the town, including outside the application site. It is therefore considered that there are a variety of modes of transport serving the site.

5. There is no significant detrimental effect on the amenity of nearby residents.

The foremost residential neighbours to be impacted as a result of this proposal would be those to the north of the site in Trefusis Terrace who could be impacted upon through additional noise and disturbance especially during unsociable hours. Whilst there were a substantial number of representations received in respect of the initial temporary use application and again when it was renewed for a further 3 year period, no letters of representation have been submitted by members of the public living close to the site (concerns raised by the bowling club will be addressed later in the report).

Notwithstanding the lack of objection on this ground however, and in consultation with the Council's Environmental Health Officer it is considered necessary to restrict the general hours of use of the site to between 9am to 11pm daily. Further as each individual event would have its own noise implications the Environmental Health Officer considers that bespoke controls through licensing applications is more appropriate in this instance given that it is an outside venue.

It is recognised that there will probably not be the need for large scale temporary lighting rigs to be erected given the hours of use restriction through the summer months, however, the bar and seating area together with the events space may need some form of lighting, and although some festoon lighting forms part of this application, it is considered necessary to impose a condition seeking details of any additional lighting to be erected through the submission of a lighting scheme.

In light of the above the proposal is considered to accord with Policy E20 and Strategy 22 of the Adopted Local Plan.

Impact on Conservation Area

There is a duty imposed on Local Planning Authorities, under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), whereby special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area when considering application which may affect it.

Clearly the use has been applied for on two occasions, albeit on a temporary basis rather than permanently as now applied for so the impact has already been assessed, this impact was found to have no harm on the character and appearance of the area, thereby preserving its character such that the proposal remains acceptable to serve the wider community into the future. No harm is raised by the Conservation Officer.

The proposal is therefore considered to be acceptable in relation to Policy EN10 of the EDDC Local Plan.

Highway Safety

The highway and access arrangements remain the same as those existing during the previous temporary permissions to which no highway safety objections were raised, and there is therefore no reason to object to the continued use of the site. Comments surrounding availability of parking and access by other modes of transport have already been addressed above.

The proposal is therefore considered acceptable in relation to Policy TC2 and TC7 of the EDDC Local Plan.

Other matters

The Madeira Bowling Club adjacent to the site have raised objections, not in principle to the use of the site, but the detailed position of any generator that might be required during temporary events given what has happened previously. As detailed earlier in the report the temporary events licence would be the appropriate arena for considering this level of detail on certain events, in addition, the applicant is encouraged to take on board these comments and to engage with representatives of the bowling club to ensure that these nuisances do not occur.

Comments regarding parking provision locally have been addressed in the report, on busy days in the summer it would not be possible to safeguard parking for the bowling club and in any event this is not directly a planning matter that arises from the events space but more generally due to Exmouth being a popular tourism destination.

The site lies in flood zones 2 and 3, however, being of less vulnerable uses and continuing on the former recreational use on site, it is considered that no mitigation measures are necessary with this application, it also forms part of a wider regeneration area where a strategic flood risk assessment has been carried out.

CONCLUSION

The continued use of the site as a mixed activities area remains an appropriate and suitable use of the site. Despite initial objections during the determination of the previous applications for temporary use of the site, this application has not received any objections from residents or general public and it has been accepted by many in the community as providing a beneficial area for social gathering and controlled events, without detrimentally impacting upon the character and appearance of the area, residential amenity or highway safety.

RECOMMENDATION

APPROVE 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 and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The use(s) hereby approved shall only be operated between the hours of 9am to 11pm.

(Reason - In the interests of neighbouring amenity in accordance with policies EN14 (Control of Pollution) and D1 (Design and Local distinctiveness) of the East Devon Local Plan.

4. Prior to installation of any lighting on site, other than that indicated on the approved plans, a lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable. The development shall thereafter be carried out in accordance with the agreed scheme.

(Reason - To ensure that light pollution levels are kept to a minimum in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan)

5. The heights of any structure in the zones specified below shall not exceed:

Food and drink - 5 metres

Children's play - 10 metres and no structure exceeding 4 metres in height shall be located within 5 metres of any boundary of the site

Event space - 10 metres and no structure exceeding 4 metres in height shall be located within 5 metres of any boundary of the site

(Reason - In the interests of the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

6. Other than that already existing, details of any additional movable or permanent structures or features (such as seating areas, children's play equipment, event space facilities or food and drink retail facilities) proposed on the site for a period in excess of 28 days, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of such equipment.

(Reason - In the interests of the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

7. The site shall only be operated between the hours of 9:00hrs to 23:00hrs

Between 09:00hrs to 23:00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the event site, as measured at monitoring point 1 (the western entrance to Gunfield Gardens opposite the property known as Execliff, 1 Trefusis Terrace, Exmouth, EX8 2AX) over any 15 minute period with entertainment taking place, must not increase by more than +5 dB when compared against the agreed comparable LAeq 15min, with no entertainment taking place. Event organisers shall undertake regular off-site subjective

monitoring throughout the event in order to determine that this requirement is met. The results of monitoring shall be kept in a log and made available for inspection by the Local Planning Authority on request.

(Reason - to protect the amenity of local residents from amplified noise during activities other than music concerts in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan).

8. Notwithstanding the details provided, no more than 25% of the food and drink area indicated on the temporary uses plan in pink shall be used for the actual sale of food and drink.

(Reason - To maintain the vitality and viability of the town centre in accordance with Policy E12 (Neighbourhood Centres and Shops) of the East Devon Local Plan and guidance contained in the National Planning Policy Framework).

9. The development shall be carried out in accordance with the scheme to mitigate the rare grasses and ecosystems as approved under Condition 6 of application number 17/2944/FUL, and in accordance with the details relating to the management of the rare grasses in the letter submitted to accompany the current application dated 29th October 2018.

(Reason - To ensure that the protected grasses/eco-system are protected during the proposed development in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan).

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

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 works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

QD1	Location Plan	13.01.22
Botanical Verification Survey Figure 2	Other Plans	13.01.22
3513964A-HHE- 2700-01 T1 :	Other Plans	13.01.22

Existing Statutory
Undertakers
Plant

Site Layout Plan Layout

13.01.22

List of Background Papers

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