

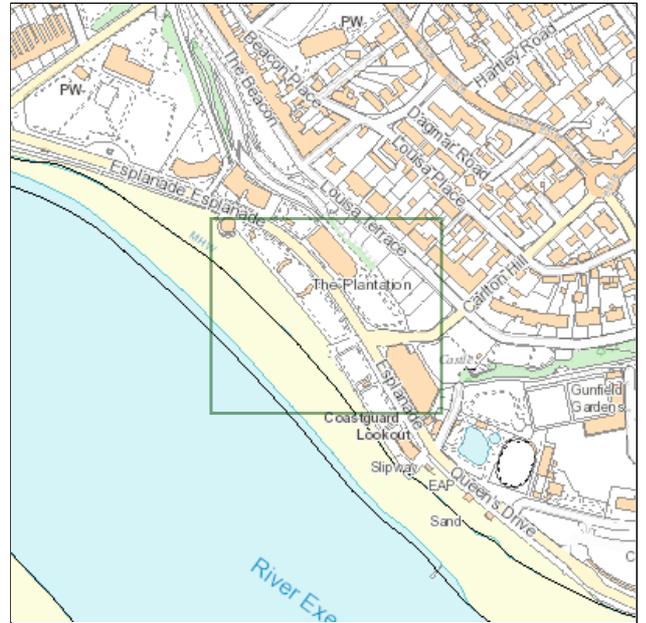
**Ward** Exmouth Town

**Reference** 22/0216/COU

**Applicant** Miss Caitlin Davey (EDDC)

**Location** Beach Gardens Exmouth

**Proposal** Temporary change of use of land for siting of 28m observation wheel for three years.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 14<sup>th</sup> June 2022</b>
<b>Exmouth Town (Exmouth)</b>	<b>22/0216/COU</b>	<b>Target Date: 20.05.2022</b>
<b>Applicant:</b>	<b>Miss Caitlin Davey (EDDC)</b>	
<b>Location:</b>	<b>Beach Gardens Exmouth</b>	
<b>Proposal:</b>	<b>Temporary change of use of land for siting of 28m observation wheel for three years.</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is before Committee as it is made by East Devon District Council land owned by East Devon District Council, and objections have been received to the proposal.**

**Members will recall that a temporary consent was previously granted to site an observation wheel measuring 28m in height on Exmouth seafront. It is now proposed to site the wheel for three separate temporary periods during the summers of 2022, 2023 and 2024.**

**It is again considered that the wheel is located in a prominent position close to the conservation area of Exmouth. However, as demonstrated when the wheel was in-situ, it is considered that the proposal does not detrimentally harm the appearance of the site and the surrounding area. It demonstrated economic benefits as it is understood that around 12,000 people used the wheel during the previous temporary consents. Whilst concerns have been raised about noise and music from the wheel, these can be controlled through Environmental Health legislation.**

**In light of the lack of permanent visual harm, as the use is temporary, and given the tourism and economic benefits from the proposal, it is considered that a temporary use will again be acceptable.**

### **LOCAL CONSULTATIONS**

#### **Parish/Town Council**

No objection in principle subject to restrictions on use of strobe lighting and music being conditioned, however Members expressed concerns about the use of a diesel generator in the context of the climate emergency. Members also voiced concerns

about the residual damage to the grass and whether alternative sites could / should be investigated.

Ward Member – Cllr E Wragg

I support this application.

Ward Member – Cllr O Davey

No problem from me either. I've seen one of the objections and it seemed to totally overstate the case.

Ward Member – Cllr J Whibley

I am in favour of this recommendation.

Adjoining Ward Member – Cllr N Hookway

I am in favour of this application as well.

Adjoining Ward Member – Cllr B De Saram

Approve in line with the recommendation.....

It is considered in visual terms that there is some impact on the character of the conservation area given its height and form of the wheel. However, the impact would not be harmful as it would only be in the short term, it is clearly a temporary structure by nature, and is the type of structure would be compatible with the tourism nature of this area of Exmouth. There would be no harm to the setting of the listed buildings within the Conservation Area given their considerable distance from the proposed observation wheel.

## **TECHNICAL CONSULTATIONS**

Devon County Highway Authority

Observations:

Exmouth has many public car parks as well as sustainable travel options such as the train, bus and Exe-estuary cycle trail to deal with the trip generation from this attraction.

No specific collision or traffic disruption can be pinpointed to this attraction during its previous use, therefore the County Highway Authority has no objection to this proposal. Though we would appreciate that any strobe lighting (though not proposed) is turned off into the night to avoid potentially dazzling drivers.

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 and do not anticipate any environmental health concerns

### Other Representations

A total of eight comments from third parties have been received. Of those, six are objections, one is support and one neutral comment.

The concerns raised in the objections are:

- Impact on the Park Run.
- The site is used for recreation.
- Damage to grass.
- Light pollution.
- Noise pollution.
- Other sites could be used.
- Impact on historic buildings.
- Loss of privacy.
- Detrimental to the character of the area.

The comment in support states that the author has noted the proposed opening times, the use of a silent generator, no strobe lighting proposed and no music proposed. The author of that comment supports the proposal due to those factors.

The author of the neutral comment poses some questions/queries about the proposal. Some of those are not planning matters, but those which are relate to:

- That the proposal could set a precedent for a longer term/proposal.
- A condition relating to the removal of the wheel should be included.
- Parts of the application are vague.

### PLANNING HISTORY

Reference	Description	Decision	Date
17/1668/FUL	Temporary change of use of land for siting of 28m observation wheel.	Approval with conditions	06.09.2017
17/2948/FUL	Temporary change of use of land for siting of 28m observation wheel for two years (between periods 24 March 2018 and 6 September 2018 and 15 April 2019 and 8 September 2019)	Approval with conditions	07.03.2018

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

EN8 (Significance of Heritage Assets and their setting)

EN10 (Conservation Areas)

RC4 (Recreation Facilities in the Countryside and on the Coast)

TC2 (Accessibility of New Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

### Exmouth Neighbourhood Plan 2018 – 2031.

Policy EN1

Policy EE1

## **Site Location and Description**

The site is located on land opposite Carlton Hill, Exmouth and is currently used as part of the gardens area of Exmouth Esplanade. As such the site forms a discrete grassed area between the main seafront road, Carlton Hill Slipway and the seawall and beach. The site lies outside of the Exmouth Conservation which is located to the north and east of the site behind The Pavilion and contains a number of listed buildings.

## **Proposed Development**

The proposal is for the temporary siting of the observational wheel. It can be sited on the land for 56 days without the need for planning permission under permitted development rights. However, through this application, the applicants are seeking an additional temporary time period over a space of three years. The application form states that it is intended for the wheel to be in place from spring to September 2022, 2023 and 2024.

## **ANALYSIS**

The wheel in question has been in place during the main tourist months for a number of years now, although it was not in place during the worst of the Covid-19 pandemic.

The previous permissions have now expired, so this new application has been submitted. Whilst the previous permissions are clearly relevant in the determination of this application, the proposal must again be considered against all the relevant factors and policies. Given this, it is considered that the main issues to consider relate to:

- Whether the principle of development is acceptable and will harm the character or appearance of the conservation area or affect the setting of any adjacent listed buildings or character of the designed landscape;
- Whether residential amenity will be adversely affected;
- Whether there are any traffic or road safety concerns.

### **Principle and impact**

Tourism is a key sector in the East Devon economy. The coastal towns of East Devon form one of the focal points for tourism but the draw to visitors extends beyond these resorts into the stunning coastline between them, the wonderful countryside and the picture postcard villages that East Devon has to offer.

Strategy 33 of the East Devon local plan says that:

*"The Council will support and facilitate high quality tourism in East Devon that promotes a year-round industry that is responsive to changing visitor demands. Tourism growth should be sustainable and should not damage the natural assets of the District but aim to attract new tourism related businesses that can complement the high quality environment of East Devon"*

The wheel would be visible from a wide area given its overall proposed height. It would be dominant in the locality being clearly visible from the gardens, seafront and beach. There are views from the conservation area to the east of the site and these views are identified as a key viewpoint within the conservation area appraisal. However, as evidenced from when the wheel was operational last year, it is considered that substantial views are still achievable from Louisa Terrace given that its lattice structure does not completely block views. Representations have been received raising concern over the loss of private views, but this cannot be considered as a planning matter of any significant weight.

It is considered in visual terms that there is some impact on the character of the conservation area given its height and form of the wheel. However, the impact would not be harmful as it would only be in the short term, it is clearly a temporary structure by nature, and is the type of structure would be compatible with the tourism nature of this area of Exmouth. There would be no harm to the setting of the listed buildings within the Conservation Area given their considerable distance from the proposed observation wheel.

It is understood that in a previous temporary period more than 12,000 people used the wheel. The proposal will, therefore, aid tourism whilst having a short term visual impact that is not considered to cause harm to the amenity of the area.

The proposal will therefore aid tourism whilst having a short-term visual impact that is not considered to cause harm to the amenity of the area whilst preserving the

character and appearance of the adjoining Conservation Area and setting of listed buildings.

### **Residential amenity**

In terms of neighbouring amenity there are residential properties to the east of the site which face towards the wheel. Given the separation distance it is not considered the proposal would overbear the occupiers.

In terms of noise and lighting, concerns have been raised regarding these factors. Environmental Health have stated that they do not object to the proposal. The lights and music can be addressed directly with the operator when they arrive, so the lights don't need to flash and the music can be turned down under their own powers. Given this it is not considered that a planning objection is raised. It is again considered reasonable to allow the wheel to operate between the hours of 10am and 9pm as has previously been considered acceptable.

### **Highway safety**

The proposal is temporary with no objection received from the Highway Authority. The site is close to parking facilities, and as such there are no traffic or road safety concerns.

### **Other matters**

Representations have been received regarding why a different site could not be used. However, we can only assess the application submitted and considered whether this is acceptable.

It is accepted that part of Beach Gardens would be lost so that the wheel could be sited on the land. However the proposal is for a temporary period only and therefore the gardens would be available for the remaining period of the year. The use would still be recreational, there are public gardens adjacent, and it is not, therefore, considered that an objection on the loss of the garden could be raised. There is no known reason why the Park Run cannot take an alternative route if required,

Comments relating to noise and lighting are noted. Such matters can be controlled by condition, should this application be approved. It is noteworthy that the Council's Environmental Health Department has not objected to the proposal, or raised any concerns relating to noise and lighting.

Whilst National Planning Guidance states that it will be rarely justifiable to grant more than a couple of temporary consents, given the on-going wider regeneration of the seafront, it is considered that there is suitable justification for granting a further temporary consent.

### **CONCLUSION.**

Temporary planning permission is again being sought for an observation wheel during the summer period for three years.

Whilst there will be a short term and temporary change to views out of the nearby Conservation Area, these are not considered to be harmful given the temporary nature of the proposal, its lattice design, and the distance from the Conservation Area. In addition, the tourism benefits that the proposal brings outweighs any change to the temporary views out of the Conservation Area. There would be no harm to nearby listed buildings.

The proposal is considered to comply with the relevant elements of the East Devon local Plan. The 'made' Exmouth Neighbourhood Plan also contains policies which support the proposal. Therefore, given that the wheel is temporary in nature, and given the wider tourism benefits from the proposal, it is again supported subject to conditions controlling its time of use.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The use hereby permitted shall only operate between the following dates:

17th June 2022 and 11th September 2022.  
27th March 2023 and 10th September 2023.  
18th March 2024 and 14th September 2024.

Outside of the dates the use shall be discontinued with the wheel and apparatus permanently removed.

(Reason - The permission is for a temporary period only and to ensure the site is restored in the interests of the appearance of the site and surrounding area in accordance with Policies D1(Design and Local Distinctiveness) and EN10 (Conservation Areas) of the East Devon Local Plan 2013 – 2031, and Policy EN1 of the Exmouth Neighbourhood Plan 2018 – 2031).

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 wheel hereby approved shall only be operated between the hours of 9am to 10pm.  
(Reason - In the interests of neighbouring amenity in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031), and Policy EN1 of the Exmouth Neighbourhood Plan 2018 - 2031).
4. A silent generator shall be used to operate the wheel hereby approved.  
(Reason - To ensure that the proposal does not result in noise pollution to the surrounding area, to the detriment of residents, in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031), and Policy EN1 of the Exmouth Neighbourhood Plan 2018 - 2031).

5. No strobe lighting or music shall be used in association with the wheel hereby approved.  
(Reason - To ensure that the proposal does not result in noise and light pollution to the surrounding area, to the detriment of residents, in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031), and Policy EN1 of the Exmouth Neighbourhood Plan 2018 - 2031).
6. The wheel hereby approved shall not exceed an overall height of 28 metres above ground level.  
(Reason - To define the permission, and to ensure that the wheel is not overly dominant in the area, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031), and Policy EN1 of the Exmouth Neighbourhood Plan 2018 - 2031).

#### 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](mailto: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:

Location Plan	25.03.22
Proposed Site Plan	25.03.22

##### List of Background Papers

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