

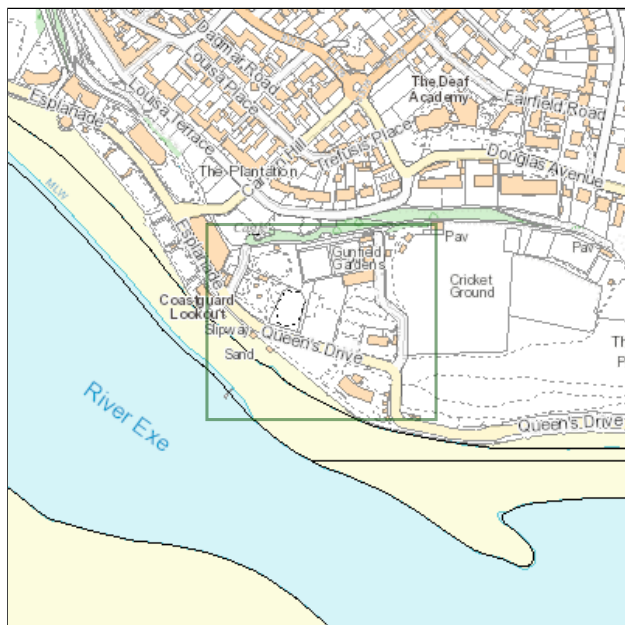
Ward Exmouth Littleham

Reference 23/0504/FUL

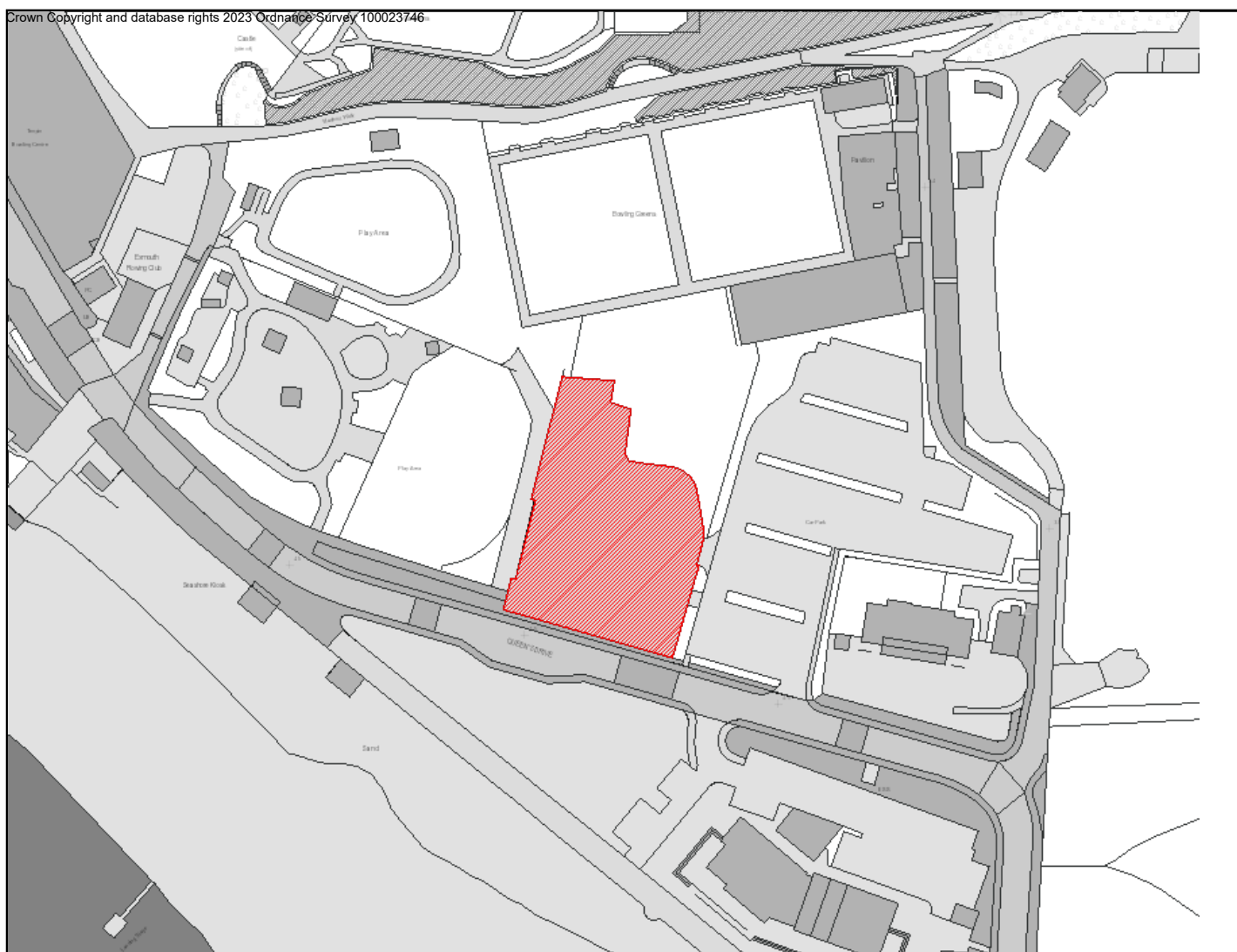
Applicant Mr Gerard Mills

Location Queen's Drive Space Queens Drive Exmouth
Devon EX8 2AY

Proposal Use of land for outdoor sport and recreation purposes, specifically for external hire for the running of exercise classes



RECOMMENDATION: Approval with conditions



		Committee Date: 25.04.2023
Exmouth Littleham (Exmouth)	23/0504/FUL	Target Date: 05.05.2023
Applicant:	Mr Gerard Mills	
Location:	Queen's Drive Space Queens Drive	
Proposal:	Use of land for outdoor sport and recreation purposes, specifically for external hire for the running of exercise classes	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members of the Planning Committee because the applicant is East Devon District Council.

This application effectively seeks a renewal of a temporary planning permission that was granted in 2021 (ref 21/1196/FUL) for a change of use of land for outdoor sport and recreation purposes, specifically for external hire for the running of exercise classes. This planning permission was granted for two years and expires in July 2023.

This site forms part of a wider regeneration area identified in Strategy 22 of the Local Plan, and has been the subject of previous applications and public consultations seeking to secure long term uses. The Watersports Centre and temporary uses have been constructed, with Phase 3 (within which the site sits) expected to be part of further public consultation.

The proposal would continue to support the re-use of the land which would benefit the wider community and complement the recreational uses in this part of the town. It would be a temporary permission and therefore reversible and is considered to be acceptable in planning terms until the site's long-term future is decided. In addition, the grant of temporary planning permission does not prevent further application for leisure uses from being submitted, and in the absence of other uses being submitted for planning permission, and given that Phase 3 remains unresolved, it is difficult in planning terms to resist the use of a vacant site for sports and recreation that will provide some benefits to the local community. A condition is recommended to ensure the use ceases after the required two year period.

It is considered that the proposal complies with all the relevant policies in the

East Devon Local Plan and the recently 'made' Exmouth Neighbourhood Plan, as it would not be detrimental to highway safety, the visual amenity of the area, heritage assets, and wildlife or flood risk. Consequently, it is considered that the proposed use of the site for the running of exercise classes is acceptable, and in the absence of any significant planning harm, is recommended for a further temporary approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Meeting 27.03.23

No objection though members were concerned that there was restricted scope of use for sport and recreation due to the uneven ground. Members also cited their concern regarding the suitability/useability of the site for sports due to its tendency to become saturated with rainwater.

Exmouth Littleham Parish - Councillor De Saram 6/4/23

Many thanks for this report. I would agree with the Town Councils comments as shown below:

No objection though members were concerned that there was restricted scope of use for sport and recreation due to the uneven ground. Members also cited their concern regarding the suitability/useability of the site for sports due to its tendency to become saturated with rainwater.

I also note that as the report says "It would be a temporary permission and therefore reversible and is considered to be acceptable in planning terms until the site's long-term future is decided.

So as its a temporary use I see no reason not to support it until the site is in the next 4 years sorted out. So I say yes to the application which is before us

Technical Consultations

None

Other Representations

1 letter of objection has been received at the time of writing this report raising concerns which can be summarised as:

- Site should be used for overflow parking to addressed increased traffic on the seafront
- Should be used for EV charging
- Loss of revenue to the Council

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

D1 (Design and Local Distinctiveness)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

E20 (Provision of Visitor Attractions)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Exmouth Neighbourhood Plan (Made)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Government Planning Documents

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 various structures associated with, or part of, the adjoining outside amusement park. The site is relatively flat and laid to grass and is defined by a post and rail fence which forms the boundary. There is an existing pedestrian and vehicular access to eastern side accessed via the adjacent car park.

The site is currently subject to a planning permission for temporary change of use to recreational space and the erection of a storage shed which expires in July 2023.

The site forms part of the Phase 3 regeneration for the area. The land to the west of the site is now occupied under the previous temporary consent as an events and entertainment space.

To the south of the site lies Queens Drive (where works to realign the road have taken place), with the beach and sea beyond. To the north, there is an escarpment

with residential properties on top that fall within the Conservation Area, to the east a car park and, beyond that, there is an arcade and crazy golf course. The bowling club lies to the north-east of the site.

Planning History:

Reference	Description	Decision	Date
21/1196/FUL	Change of Use of unused land to recreational space and erection of storage shed	Approval with conditions	20.07.2021
19/0836/FUL	Overflow car park of approximately 50 vehicles	Approval with conditions	15.07.2019

Proposed Development:

This application seeks planning permission for a further temporary change of use of land for outdoor sport and recreation purposes, specifically for external hire for the running of exercise classes. Planning permission is sought for a further two years. This application is effectively a renewal of planning permission 21/1196/FUL.

Issues and Assessment:

The main issues to consider in determining this application are in terms of the principle, the impact on the character and appearance of the area and heritage assets, residential amenity, highway safety and flood risk.

ANALYSIS

Principle:

The application site is located in a key area for recreation in Exmouth, with the Queens Drive Space, the Maer, the watersports centre, Bowling Centre, the beach, as well as various other recreation facilities located close to the site. The site lies within the built up area boundary of Exmouth, and there has been a long and established history of recreational activities taking place on the site and within the vicinity of it. This area forms part of a wider regeneration area identified in Strategy 22 of the Local Plan, and has been the subject of previous applications and public consultations seeking to secure long term uses. The Watersports Centre and temporary uses have been constructed, with Phase 3 (within which the site sits) expected to be part of further public consultation.

In terms of the principle, the site is located within the built-up area boundary of Exmouth, but is within an area specified as being for entertainment in the master plan for the regeneration of the area.

Policy EE6 of the Exmouth Neighbourhood Plan states that in phase three of the regeneration scheme and any subsequent phases for the QDD area on the Seafront:

- Buildings and land use should be related to serving the tourism industry as well as local residents and to the provision of visitor facilities for the benefit to the community through job-creation.
- Any new buildings should be of a scale that is in sympathy with the immediate vicinity and to preserve the views of the existing backdrop of trees along Madeira Walk.
- All buildings should be of high quality design and the balance between buildings and open areas should be maintained.
- Development should have regard to the Maer local nature reserve and the nearby AONB and also to the adjacent sports facilities."

The proposed continued use of the site for the running of exercise classes would supplement and facilitate the use of the aforementioned recreation facilities before Phase 3 is finalised and implemented. The proposed change of use will ensure that the site, which is in a prime location in Exmouth, remains in use and accessible to the public whilst the wider Queen's Drive regeneration project continues to develop. The proposed use for running exercise classes is a recreational use and would complement the surrounding recreational uses for a further temporary period of two years before phase 3 is finalised and implemented.

The proposal would continue to support the re-use of the land which would benefit the wider community and complement the recreational uses in this part of the town. It would be a further temporary permission and therefore reversible and is considered to be acceptable in planning terms until its long-term future is decided. In addition, the grant of temporary planning permission does not prevent further application for leisure uses from being submitted, and in the absence of other uses being submitted for planning permission, and given that Phase 3 remains unresolved, it is difficult in planning terms to resist the use of a vacant site for sports and recreation that will provide some benefits to the local community. A condition is recommended to ensure the use ceases after the required two year period.

Character and Appearance & Heritage Assets:

The surrounding area is relatively flat, save for the escarpment to the north, which is tree covered. With this in mind, the use of the land for exercise classes, given the nature of the surrounding land uses, is considered to be consistent with the area 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 which is elevated to the north and provides a rhythmic roofscape 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. With the exception of the modest storage shed which is considered to be of a modest size and scale, this proposal would not alter this situation and as such it is considered that the proposal would have an acceptable visual impact, particularly bearing in mind the proposal is only for a further temporary

two year period. As such there would be no harm to heritage assets or the character and appearance of the area from a temporary consent.

The proposal would continue to comply with policy D1- Design and Local Distinctiveness and EN10-Conservation Areas of the Local Plan and the design policies in the Exmouth Neighbourhood Plan.

Highway Safety:

No comments have been received from the County Highway Authority in relation to highway safety. The site benefits from a suitable and safe access and location close to the town and a number of attractions. With a number of car parking options in the area coupled with the fact that people attending the exercise classes could walk, or cycle to the site it isn't considered that the proposed use would give rise to any significant highway safety or parking concerns. The proposal would continue to comply with the provision of policies TC7- Adequacy of Road Network and Site Access and TC9- Parking Provision in New Development of the Local Plan.

Residential Amenity:

The closest residential neighbours are those to the north of the site in Trefusis Terrace. It is considered that the proposed land use for outdoor exercise would not have any significant impact on occupiers of those properties. A condition imposed on the previous temporary permission which it is recommended to be re-imposed to ensure that there is no amplified noise emitted from the site that exceeds a background noise level of 52dB by more than 5 dB between the hours of 0700 and 2100 and no amplified sound is played outside of these times as previously suggested by the Council's EHO to ensure that potential impacts on residential amenity would be minimised. The proposal would comply with policy D1-Design and Local Distinctiveness and EN14- Control of Pollution of the Local Plan.

Flood Risk:

The site is within Flood Zone 3a, and at high risk of flooding from extreme sea levels. The site has historically been used for less vulnerable uses and it is proposed to continue to use the site as an area for outdoor exercise and leisure purposes, a use classified as water-compatible and as such is suited to the flood risk associated with the site. It is proposed to continue to discharge surface water from the site into the ground, as per the sustainable drainage hierarchy. The proposal would continue to comply with the provisions of policies EN21- River and Coastal Flooding and EN22- Surface Run-Off Implications of New Development of the Local Plan.

Temporary Permission:

It is acknowledged that a temporary planning permission has already granted to the use the site for the running of exercise classes and that guidance within the National Planning Practice Guidance states that it will rarely be justified to grant a second temporary permission except in cases where changing circumstances provide a clear rationale. The NPPG does also state that temporary permissions may be appropriate to enable the temporary use of vacant land prior to any longer-term

proposals coming forward. This is the case with this site insofar as longer term plans are still being drawn up for the phase 3 regeneration of the site.

The proposal would continue to support the re-use of the land which would benefit the wider community and complement the recreational uses in this part of the town. It would be a temporary permission and therefore reversible and is considered to be acceptable in planning terms until the site's long-term future is decided. In addition, the grant of temporary planning permission does not prevent further application for leisure uses from being submitted, and in the absence of other uses being submitted for planning permission, and given that Phase 3 remains unresolved, it is difficult in planning terms to resist the use of a vacant site for sports and recreation that will provide some benefits to the local community. A condition is recommended to ensure that the use ceases after the required two year period.

Planning Balance & Conclusions:

This application effectively seeks a renewal of a temporary planning permission that was granted in 2021 (ref 21/1196/FUL) for a change of use of land for outdoor sport and recreation purposes, specifically for external hire for the running of exercise classes. This planning permission was granted for two years and expires in July 2023.

This application site forms part of a wider regeneration area identified in Strategy 22 of the Local Plan, and has been the subject of previous applications and public consultations seeking to secure long term uses. Phase 3 remains unresolved, and this proposal for a further temporary permission of two years would continue to support the re-use of the land which would benefit the wider community and complement the recreational uses in this part of the town. It would be a temporary permission and therefore reversible and is considered to be acceptable in planning terms until the site's long-term future is decided.

In the absence of any harm to the character and appearance of the area, the amenities of the occupiers of surrounding properties, ecology and highway safety, it is considered that on balance, the proposal remains an appropriate land use for the site and that the social benefits to be derived in health and fitness terms outweigh the fact that longer terms plans for this regeneration site have not yet been finalised.

The proposal complies with all the relevant policies in the East Devon Local Plan and the recently 'made' Exmouth Neighbourhood Plan such that it is considered that the proposed use of the site for the running of exercise classes is acceptable, and in the absence of any planning harm, the application is therefore recommended for a further temporary approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The use of the land hereby permitted shall cease on the 23rd July 2025.
(Reason - To clarify the permission and as it is for a temporary period only).
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 site shall only be used for outdoor sport and exercise and shall not be used for any other purpose (including any other purpose in Class F2 (c) of the Schedule to the Town and Country Planning (Use Classes) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
(Reason - To define the permission and to ensure the use is appropriate for the character and appearance of the area and to protect adjoining occupiers from noise, disturbance in accordance with the requirements of Policy EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031).
4. Between 0700 and 2100 hours there shall be no amplified noise emitted from the site that exceeds a background noise level of 52dB (LAeq 15min) by more than 5dB (LAeq 15min) when measured at the boundary of the nearest residential property. At all other times no amplified sound shall be broadcast from the site.
(Reason - To protect adjoining occupiers from excessive noise in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the East Devon Local Plan 2013-2031).
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no fences, gates or walls or other means of enclosure shall be erected within the site until such details have been submitted to and approved in writing by the Local Planning Authority.
(Reason - To retain the open character of the site in the interests of the character and appearance of the area in accordance with policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the East Devon Local Plan 2013-2031).
6. There shall be no flood lighting of the site.
(Reason - In the interests of the character and appearance of the area and to protect adjoining occupiers in accordance with the policies D1- Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031).

Plans relating to this application:

Block Plan	10.03.23
Location Plan	10.03.23

List of Background Papers

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