

Ward Exmouth Littleham

Reference 18/2842/FUL

Applicant Ms Alison Hayward

Location Land At Queens Drive (East Of Ocean Buildings) Exmouth

Proposal Temporary use of land, buildings and structures for a thirty six month period for the purposes of entertainment, recreation and leisure.



RECOMMENDATION: Approval with conditions



		Committee Date: 12th February 2019	
Exmouth Littleham (EXMOUTH)	18/2842/FUL	Target	Date:
		07.02.2019	
Applicant:	Ms Alison Hayward		
Location:	Land At Queens Drive (East Of Ocean Buildings)		
Proposal:	Temporary use of land, buildings and structures for a thirty six month period for the purposes of entertainment, recreation and leisure.		

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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.

Temporary planning permission is sought for a further 36 months for the use of the former recreation area as an activity area. 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.

This application has been submitted to ensure that the site has remains in a recreational use until the more comprehensive redevelopment proposals take place.

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. These issues have been assessed and are considered to be acceptable, subject to appropriate conditions.

As the application is supported by local plan policies and seeks consent for a further 36 months for the existing temporary uses that have been successful, and in the absence of more comprehensive proposals for the short-term, the application is acceptable and supported.

CONSULTATIONS

Local Consultations

Exmouth Littleham - Cllr M Williamson

I support this application. It has already been Approved for a shorter period and the only issue now being one of the duration of the temporary permission. It is generally hoped that a new scheme for this seafront area will be put forward and approved before the expiry of three years but such a period allows time for a scheme to be developed which meets the aspirations of the Exmouth community and visitors.

In the event that this application comes to committee I would reserve my position until I am in full possession of all the relevant facts and arguments both for and against.

Parish/Town Council

Meeting 07.01.19

No objection subject to no 'A' boards on the pavement outside the site. The food & drink provision used recyclable containers only. Consideration be given to provision of play areas for older children, more affordable healthy food and facilities for people with disabilities.

Noise and pollution from performance area should be monitored.

Technical Consultations

Environmental Health

I have considered this temporary use of land, buildings and structures for a further 36 months and with continued compliance with conditions 3, 4, and 9 of planning approval 17/2944/MFUL I have no further comments to make.

Economic Development Officer

We have reviewed all associated documents in relation to planning application 18/2842/FUL. It is recognised that the application relates to temporary uses that are to ensure that this key seafront site remains active during the transition to Phase 3 of the Queen's Drive Redevelopment; particularly during peak visitor times. It is also noted that temporary uses were approved and introduced for a twelve month period during 2018. In terms of the proposed permanent redevelopment of the site (Phase 3); Outline Planning approval and Reserved Matters applications have been approved.

The mix of temporary uses (Queen's Drive Space) was very popular during 2018 and a User Survey, undertaken by The South West Research Company, showed that the core user market consisted largely of day visitors to the town and local residents who made up 88% of users (46% and 42% of users respectively). Users typically fell into

the younger to middle age brackets (30% were aged 25-44 and 43% were children aged under 16 years) with 85% visiting the site with children. 27% of local users however were visiting the site without children.

The findings revealed that the feedback from users of the space was overwhelmingly positive. Headline results included:

- o Queen's Drive Space was the main reason for visiting Exmouth for 58% of all users. 59% of day visitors said it was the main reason for their visit.
- o The quality of the children's play area and overall enjoyment of the site received the highest satisfaction scores amongst users.
- o 77% of users said their expectations of Queens' Drive Space were exceeded including 81% of day visitors.
- o Nearly all visitors said they would use a similar type of site at Queen's Drive Space if it was provided again next year.

The application includes proposals for the temporary provision of, entertainment, recreation and leisure including play, seating, food kiosks and entertainment space. The proposal also includes provision for lighting so that the area can remain active into the evening. These are proposals that will have a positive impact on the appearance of the area and ensure that it remains active during the transition to the permanent redevelopment in Phase 3.

The East Devon Local Plan recognises and supports Exmouth's regeneration and economic development ambitions of which these proposals form part.

Conclusion

This application represents a further progression towards Exmouth's ambition to become a year round tourism destination and to update the town's offer and appeal for visitors and residents. It is recognised that the proposed temporary uses are an important measure to ensure a smooth development transition and provide an exciting temporary leisure offer for this key site and indeed the success of the temporary uses during 2018 gives us absolute confidence that this is an appropriate and successful 'meanwhile' use for the proposed timeframe.

Conservation

At the time of writing the report no consultation response has been received, however no objection was received in terms of the impact of the proposal on the conservation area in respect of the withdrawn application (18/2496/FUL).

Other Representations

At the time of writing the report 19 representations have been received, 17 raising objections and 2 in support which are summarised below:

Objections

- Uncertainty over redevelopment of the seafront
- 3 years will perpetuate delays in regeneration and increase costs

- Temporary attractions do not enhance the seafront
- Road realignment will increase danger to highway safety
- Concern regarding funding and governance
- Need facilities for all ages, not just very young play area and commercial eating and drinking site
- Unhealthy food offer
- Need more educational facilities
- Lack of vision and money resulting in poor facilities
- 3 years is tantamount to a permanent site
- No single use plastics should be used by the takeaways
- Alcohol should not be allowed on what should be a play park
- Inflated food and drinks costs
- Over provision of unhealthy food
- The site is not open throughout the year
- Concerns over litter and dog fouling
- Noise and light pollution

Support

- The space is welcoming and inclusive
- Consider that the space has a modern holiday environment
- Quality food and drink offers
- User survey feedback positive
- Area well used
- The space is in tune with the wishes/needs of today
- Supports Exmouth as an emerging and dynamic seaside resort
- Would like this cultural attraction and facility to stay

PLANNING HISTORY

Reference	Description	Decision	Date
18/2496/FUL	Temporary use of land, buildings and structures for a 12 month period for the purposes of entertainment, recreation and leisure	Withdrawn	17.12.2018
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 (12 months)	16.03.2018

17/0099/MRES	Reserved matters application pursuant to outline application 13/1819/MOUT seeking approval of access, appearance, landscaping and scale for the construction of new buildings including watersports centre, holiday accommodation, indoor leisure and retail uses.	Approval with conditions	13.04.2017
15/2487/MRES	Approval of access, appearance, landscaping and scale for the highway re-alignment and parking areas, demolition of cafe, selected beach huts and shelter as part of the reserved matters of outline application 13/1819/MOUT.	Approval with conditions	21.03.2016
13/1819/MOUT	Construction of new buildings on 3.6 hectare site for watersports centre with storage (1450m ²): holiday accommodation with parking and gardens (3000m ²); indoor leisure activity buildings (1165m ²) with external attractions and staff parking; new cafe, restaurant and retail use (1200m ²); a minimum 250 space car park: landscaping; realignment of Queens Drive and continuation of pedestrian promenade; improved connectivity to the Maer and beach; and the selected demolition of existing buildings. Outline planning application with all matters reserved except layout.	Approval with conditions	24.01.2014

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)
Strategy 22 (Development at Exmouth)
Strategy 33 (Promotion of Tourism in East Devon)

D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)

EN9 (Development Affecting a Designated Heritage Asset)
EN14 (Control of Pollution)
EN21 (River and Coastal Flooding)

E20 (Provision of Visitor Attractions)

TC7 (Adequacy of Road Network and Site Access)

Exmouth Town Centre and Seafront Masterplan 2011

Government Planning Documents

NPPF (National Planning Policy Framework 2018)
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 year has been occupied under the previous temporary consent as 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 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 for a further 36 month period beyond the expiry of the current permission which expires in March 2019. 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 there would be a seating area on top of the filled former boating pond. The boating pond has been filled with loose material and topped with sand, as approved under the previous consent, 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 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.

ANALYSIS

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 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 does not become unused during the interim period.

Temporary use of the site for the proposal was granted earlier this year 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 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. 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.

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 temporary 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 consent.

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 will 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.

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. 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 substantially more representations received in respect of the initial temporary use application, which raised a number of concerns during the course of the previous application, it is considered relevant that whilst objections have been received to this application these have not been on the basis of detriment to residential amenity

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.

Impact on Conservation Area

In considering the previously withdrawn application, the Conservation Officer raised no objection in terms of the impact of the proposal on the adjacent conservation area, concluding that

“In summary the proposed temporary use of the land for recreation, entertainment and leisure, would result in little more harm to the character of the conservation area as already agreed through application 13/1819/MOUT and the previous temporary permission 17/2944/FUL. No objections.”

Given that the only difference between the previous application and this one is the time period sought for consent it is considered to be reasonable to assume that there is no objection to this application from a conservation perspective.

Highway Safety

The highway and access arrangements remain the same as those existing during the previously withdrawn application to which no highway safety objections were raised, and there is therefore no reason to object to the continued use of the site for a further temporary period of time.

Other matters

Concerns expressed in the objections received regarding the healthiness of the foods being sold, litter and use of single plastics are beyond the control of the planning system and for the site operator to appropriately manage.

CONCLUSION

The concerns raised regarding the desirability to extend the temporary consent for a further three years are understood. However, it is considered that the continued use of the site as a mixed activities area is an appropriate and suitable use of the site until such time as the comprehensive redevelopment of the area is undertaken.

In addition, the inclusion of a marquee in the events space and flags are acceptable and will not harm the visual amenity of the area, neighbours amenity or highway safety.

In light of the above, and given that this application is for temporary consent for the existing uses for a further year to enable the site to be used through the summer in advance of more comprehensive proposals, the application is recommended for approval subject to appropriate conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The use of the land hereby permitted shall cease by 31 March 2022. Once the use has ceased all structures shall be 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 policy D1(Design and Local Distinctiveness) and EN10 (Conservation Areas) of the East Devon Local Plan.

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. Music and other noise emitted by speakers or tannoy systems during any event, including TV and Film screenings but other than a music concert, shall be inaudible above the prevailing background noise at the boundary of the nearest residential premises. For this purpose "inaudibility" shall be determined in the following way: the specific noise level measured as LAeq, 15 minutes shall not exceed the background noise level, measured as LA90,1 hour at the noise monitoring point. The noise monitoring point shall be located at the western entrance to Gunfield Gardens opposite the property known as Execliff, 1 Trefusis Terrace, Exmouth, EX8 2AX. 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 (received on 8th December 2017 in association with application 17/2944/FUL) 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:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

QD1	Location Plan	13.12.18
QD2	Location of Flagpoles/ marquee	13.12.18

(c) Festival
seating layout

Layout

13.12.18

List of Background Papers

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