

EXMOUTH  
(Town)

05/0534/FUL  
(FULL)

17/5/2005

Applicant: Stag Inns Ltd

Location:

Stag Inns Ltd, St Andrews Road  
(NGR: 9994780812)

Proposal: Change of Use to Public House and alterations

### **Consultations**

County Highway Authority  
No objection.

Crime Prevention Officer  
No Objections

Environment Agency  
No comments.

Environmental Health  
No adverse comment to make.

South West Water  
No objections

### **Representations**

13 letters of objection:

- Very large pub located adjacent a densely populated residential area.
- Create considerable noise and disruption will need to be sound proofed.
- Already seven pubs in the vicinity.
- Noise and bad behaviour at closing time.
- Produce litter
- Create vandalism, fighting and compound the problems caused by Samantha's Night Club.
- There are already 16 pubs in the town centre which is enough, 13 premises within 150 yards, cause crime, urinating in the street, over-stretch the police and disturbance at night.

### **Town Council**

Objection on the grounds of Local Plan Policy E4 (Bad Neighbour Uses), that it would affect the amenity of the neighbouring residents particularly in the evening and late into the night, it brings public houses in the town closer to a dense residential area.

The committee requested that a letter be sent to the EDDC asking it to consider adopting a saturation policy in view of all the concerns regarding the change of use to public house.

9 letters of representation reported.

### **Ward Member**

Councillor Mrs Wragg: Recommends Refusal:-

1. There is already considerable noise disturbance from patrons leaving the adjacent premises, which include a night club, pub and private members club.
2. If this application is allowed, it would push the existing problems even closer to a densely populated residential area away from the town centre. The residents in St Andrews Road already have to sleep with their windows closed.
3. Therefore I believe that policy E4 (Bad Neighbour Uses) of the local plan should apply. This states that the development or expansion of 'bad neighbour uses' will only be permitted where the following requirements are met in full.
4. The use must not result in significant adverse effect on the amenity of the surrounding areas by means of noise, smell or other nuisance.

I would ask this committee to consider adopting a Saturation policy for Exmouth. This has been done successfully elsewhere in the country.

### **Location**

The site refers to a terraced building located within the Built-up Area Boundary of Exmouth inside the town centre (though outside the designated Town Centre Shopping Area) and adjacent a residential area to the west. The front entrance of the site fronts St Andrews Road. The building forms part of the row of Victorian buildings that have mixed commercial uses including a night club.

### **The Proposed Development**

The proposal is to change the use of the existing building from a banqueting and function centre, the use of which is "Sui Generis" to a public house, use class A4. The proposal also includes the widening of the front door on to St Andrews Road and a flat roof extension towards the rear. A similar scheme for change of use to a public house in the town centre has recently been approved (reference 04/2774/FUL).

### **Planning Policy**

- PPS1 – Delivering Sustainable Development
- PPG6 – Town Centres and Retail Development

The following policies of the East Devon Local Plan (Revised deposit – 2003) are applicable to this proposal:-

- D1 (Design and Local Distinctiveness)
- S3 (Development within built-up area boundaries)
- SH1 (Town Centre Shopping Areas)
- D7 (Shop Fronts)
- H7 (Residential Extensions)
- E4 (Bad Neighbour uses)

Devon's Structure Plan (2001 - 2016):

- ST3 (Self Sufficiency of Devon's Communities)

### **Observations**

The main issues for consideration are discussed in turn.

### Principle of Change of Use

Planning policy seeks to maintain the vitality and viability of town centres to facilitate a wider mix of uses that meets the needs of the community and changing retail patterns. There is an emphasis in Government guidance and policy on supporting both evening and daytime economies and generating complementary and sustainable town centre environments with a range of facilities.

Policy SH1 of the EDLP recognises that the defined Town Centre Shopping Area can be extended if proposals do not harm the vitality and viability of the town centre.

### Impact on the Shopping Character and Vitality and Viability of the Street

At present the site is vacant, and has been so for nearly 2 years, it therefore makes little contribution to town centre vitality and it has a dead frontage.

It is notable that there is a night club to the east of the site, located further along St Andrews Road. It is considered that a ground floor public house in this location would not undermine the vitality and viability of the town centre, and would promote the evening economy and a sustainable town centre environment. Given the surrounding context and site history as a banqueting and function, the proposal is not considered to diminish any character of the street scene which is not a primary shopping street.

Objectors have raised concern over the amount of public houses in Exmouth. Whilst having regard to the provision of such premises within the wider area, a public house and restaurant development in this local context is considered acceptable and would not compromise the surrounding street scene.

### Impact on Residential Amenity, Crime and Disorder

Whilst there is a residential area adjacent to the site on the western boundary, it is considered that the proposal would not be significantly detrimental to residential amenity given the existing use of the site, but a condition is recommended to ensure that the internal noise insulation will be to a satisfactory standard. The site is located between a designated town centre location and a residential area and despite being outside the designated area, the site is still considered part of the town centre which is favourable for this type of development in terms of amenity impact. The site adjoins buildings of similar use, as well as being in close proximity to other public houses in the town centre and is not considered to adversely alter or impact upon the evening character of the area, but to promote the evening economy.

The proposal will meet the noise requirements, access provisions, inside storage requirements and will not impact upon off street parking, and thereby meets Policy E4 of the East Devon Local Plan.

Further to the previous Committee meeting, a consultation reply has been received by the Crime Prevention Officer at Devon and Cornwall Constabulary who has no objections.

### Conclusion/Summary

The proposed change of use would not undermine the shopping character and town centre viability or vitality, create highway problems or significantly impact upon the amenity of the adjacent residential area and on this basis complies with planning policy and is recommended for approval. Devon & Cornwall Constabulary have been consulted on the scheme but have not

responded. A similar scheme for change of use to a public house in the town centre has recently been approved reference 04/2774/FUL.

**Recommendation**

APPROVE subject to the following condition

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**Condition**

1. Before the development commences a scheme for the provision of internal noise insulation, to include all party walls, floors and ceilings, shall be submitted to and approved in writing by the local planning authority and the agreed scheme shall be completed prior to the commencement of the use hereby permitted.  
Reason - To protect adjoining occupiers from excessive noise

**List of Background Papers**

The file containing all letters, consultations, and documents referred to in the report.