

Applicant: Mr M Quinn

Location: Exmouth Fun Pool, Esplanade, Exmouth

Proposal: Revised design for the erection of a building for a bowling alley, leisure, retail, café and restaurant uses and the formation of a new vehicular access.

CONSULTATIONS

County Highway Authority

“There are a number of highway/transport related issues that I would raise with this development, namely:

1. The need for the development to be supported by a Transport Assessment and Travel Plan.
2. The potential to upgrade the existing zebra crossing to a puffin controlled crossing.
3. The provision of appropriate measures to ensure pedestrians do not spill out onto the public highway in the vicinity of the main entrance.
4. An assessment on parking demand, and available parking capacity in the area.
5. The location and form of access for the delivery/servicing vehicles.

The last point is of particular concern to me in that its location close to the approach to the roundabout would result in confusing and hazardous signaling and manoeuvring. The access accommodates no pedestrian/vehicular inter-visibility splays, and with no on site turning facilities, delivery vehicles would need to reverse into the servicing area.

Notwithstanding all these concerns, I am aware that permission was granted in 2005 for very similar. Indeed, under the approved scheme the service yard derived access from that runs to the rear of the site, but essentially accommodated the same deficiencies as the current scheme.

On the basis that the formerly approved scheme is not substantially different to that which is now being proposed in terms of highway safety and transport, then clearly it would be unreasonable to raise a highway objection despite the concerns raised above.

It would appear that the footway fronting the site close to the roundabout would be widened. It is assumed that the applicant would wish to construct this section of footway to adoptable standards and to dedicate the widened facility to the Highway Authority. If this is the case, then the applicant would need to enter into a legal agreement for this purpose.”

Recommendation: No objection to the proposed development subject to a note to the applicant highlighting the need for a legal agreement for the proposed footway widening.

Corporate Director – Environment

“Further to your consultation memo dated 20 March 2007, I confirm that I have no objection in principle to the proposed entertainments development at the former out door pool site at the Esplanade, Exmouth.

However, there are some minor matters that will require consideration. Firstly the new plan shows only three smaller shop units as opposed to the five shown on the previously approved plan. The space released by this variation has been used to create two additional bowling lanes. I accept that this is a commercial decision, but never-the-less it is a departure from what was previously agreed by the Council as lessors of the site.

Secondly the application plan does not show the detail of the adjoining public toilets. The plan does show a staircase no.3 at the eastern end of the building which exits onto a corridor strip situated between the toilets and the development. It is not clear from the plan how the access to this is to operate.

The Council has restricted the licensed parts of the building (as landlord) to the restaurant and to a licensed bar on the ground floor and one on the second floor to service the restaurant and lounge areas only, but no bar at first floor level. These restrictions should be maintained in respect of the current application”.

South West Water

No comments received

Environment Agency

No comments received

TOWN/PARISH COUNCIL

No objection. However, there should be conditions on the usage of the function rooms and non-reflective glass should be used on the building.

2 letters of objection received.

WARD MEMBER(S)

No comments received

REPRESENTATIONS

Objections

18 letters have been received raising the following points:

- Harmful to the character and appearance of the sea front
- Set a dangerous precedent for similarly tall buildings on the sea front
- Wind turbines would be a futile and puny gesture of little practical significance
- Problems of car parking and congestion
- As with the previous planning permission for this site no works should be allowed during the main tourist season
- Overdevelopment of a very small site
- Out of proportion and out of keeping with traditional character of Exmouth sea front
- Concerns regarding noise levels for local residents and hotel guests
- Increased traffic
- Loss of visual amenity
- The wind turbine to the main tower will be very obtrusive
- Concern regarding noise levels from the wind turbines
- Lack of car parking and cycle facilities

- Wind turbines would be excessively high and contrary to government guidance and Council policy
- A bowling alley and leisure centre are not an appropriate development for the sea front and should be sited in the town or on a retail park.
- The design is far too dominant
- The development would come up to the edge of the pavement causing a safety hazard to young children and would be out of keeping with the existing buildings
- Loss of light and view to Gun field
- Not in-keeping with a world heritage site and conservation area
- Where is the Travel Plan from the developers to promote sustainable travel

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
06/0753/VAR	Modification of Condition 20 on decision 05/0901/MFUL to permit external structural work to take place between 15 June and 15 September 2006.	Approved	23.06.2006
05/0901/MFUL	Erection of building for bowling alley, leisure, retail, café and restaurant uses (vary design and conditions of approved plan 02/P2572.	Approved	24.11.2005
02/P2572	Erection of building for leisure, retail, café and restaurant uses and new vehicular access.	Approved	07.10.2003

PLANNING POLICIES

Government Guidance

PPS1: Delivering Sustainable Development
 PPS6: Planning for Town Centres
 PPS22: Renewable Energy

Devon Country Structure Plan (2001-2016)

Policy ST1: Sustainable Development
 Policy CO16: Noise Pollution
 Policy TR2: Co-ordination of Land Use/Travel Planning
 Policy TR3: Managing Travel Demand
 Policy TR4: Parking Strategy, Standards and Proposals
 Policy SH1: Shopping Facilities (Sequential Approach)

East Devon Local Plan (1995-2011)

Policy S4: Development Within Built up Area Boundaries
 Policy D1: Design and Local Distinctiveness
 Policy D2: Sustainable Construction
 Policy D3: Access for Disabled
 Policy EN11: Preservation and Enhancement of Conservation Areas
 Policy SH1: Town Centre Shopping Areas
 Policy T06: Provision of Visitor Attractions
 Policy RE5: Recreation Facilities in the Countryside and on the Coast
 Policy TA1: Accessibility of New Development

Policy TA3: Transport Assessments/Travel Plans
Policy TA7: Adequacy of Road Network and Site Access
Policy TA9: Parking Provision in New Development
Policy LEX4: Exmouth Waterfront

SITE LOCATION AND DESCRIPTION

The application site is that of the former outdoor swimming pool in Exmouth which is located on the corner of the Esplanade and Carlton Hill. The site is adjoined to the north by Madeira Walk beyond which is the public gardens known as 'Gun Field'. To the east of the site is a block of public toilets beyond which is the lifeboat station. To the north west of the site is Carlton Hill which is a main road through to the residential properties within the terraces at the top of the hill. The swimming pool site and its associated buildings are currently vacant and have been for some time and as such they form an unattractive and derelict site in a prominent position on the sea front.

PROPOSED DEVELOPMENT

This current application seeks full planning permission for an amended design that differs substantially from the previously approved schemes. The proposed development would occupy a similar footprint to that of the previously approved scheme from 2005 and as such would fill the site. The building has however been completely redesigned and would now be split into three key elements which vertically divide the length of the buildings frontage. To its western end on the corner with Carlton Hill the building would be of two storey scale with a roof terrace above a curved side wall of stone with a glazed front elevation. Moving eastwards the height of the building would rise to three storey's with a low curved roof which would be intersected by a large timber clad tower adjacent to which would stand the main entrance to the bowling alley and leisure complex at ground floor level. The central section of the front elevation would be occupied at ground floor level by the bowling alley with a large glazed frontage at ground and first floor levels above which would sit a further terrace set in front of the top floor which would be timber clad and covered with a sweeping curved roof. The east section would be occupied by three retail units at ground floor level each with their own shop front with a glazed façade with stone facing walls and a further curved roof above. The rear elevation would have a more simple design incorporating blue cladding to the upper floors.

Aside from the changes to the design the proposed development also amends the accommodation and facilities that are proposed. Previously the scheme included 5 shops, a bowling alley, children's play area and café at the ground floor, with a further children's play area, restaurant and multi-function leisure area and conference suite at first floor level and a further café at the second floor level. It is now proposed to provide only 3 shops, a café/restaurant and an enlarged bowling alley at ground floor level with a restaurant, multi-function leisure and conference suite and children's play-zone at first floor level and a function suite with two roof terraces at second floor level.

CONSIDERATIONS AND ASSESSMENT

Background

The site, which is in the District Council's ownership, has remained undeveloped for some years. It was identified in the Exmouth Waterfront Study published in January 2000, as a site for a leisure related activity to compliment existing seafront activities. In 2001 the Council invited tenders to be submitted for the development of the site as a leisure facility. Subsequently in 2002 an application was submitted for a bowling alley and related leisure and restaurant uses that was approved in October 2003. The scheme was later redesigned and subject to a further planning application which was approved in November 2005. Most recently an application was made to vary a condition that was attached to the previous planning permissions restricting the times

during which works could be carried out on site in order to prevent disruption during the main summer season. Although this application was approved the revised wording only increased the period within which works could take place by 11 additional days in early September.

Highway Issues

The highway situation has changed little from the previous application to which the Highway Authority did not comment. The County Council's current Highways Engineer has a number of concerns with the proposed layout and design but concedes that it would be unreasonable to expect the applicants to address them as they already have consent for a very similar layout which raises the same concerns. He has therefore raised no objection to the proposed development.

A number of local residents have raised concerns regarding the lack of car parking facilities within the site. The development of this site has never incorporated car parking facilities. The development would therefore be reliant on existing public car parking facilities in the locality, however the view has previously been taken that this is acceptable. Bearing this in mind and that the Council's adopted car parking standards are stated as maximums it is considered that car parking provision could not reasonably be required on this site.

Impact on the Landscape and the Street scene

Clearly the site occupies a prominent position within the street scene and along the sea front and as such it is important that any design forms an attractive feature when viewed from all public vantage points.

The proposed development would be taller at its highest point when compared with the previously approved scheme by virtue of the proposed timber clad tower, however the overall scale of the development would only be increased slightly over the previously approved scheme. The curvature of the roof profile and the recess of the central section of the second floor accommodation some 8m back from the front wall of the main building would help to minimize the appearance of bulk from within the street scene. The vertical division of the building into distinct elements helps to break up the massing of the building while the proposed timber clad tower provides a clear focal point to the front elevation. The proposed roof terraces to the upper floors and the glazing to much of the ground floor element which would permit views into the shop units, bowling alley and café would help to provide an active street frontage adding to the vibrant street scene.

The prominent corner element to the Carlton Hill junction would be of two storey scale and would have a curved end wall that would turn the corner. The stonewall would pick up on the traditional materials used elsewhere on the seafront while the glazing to the first floor and roof terrace would add visual interest to this approach to the building. While the rear elevation as proposed would be more functional in design this reflects its primary use which would be to provide a service entrance to the building. The raised levels of the land beyond the site and the trees that mark the boundary between the site and 'Gun Field' to the north would mean that the massing and scale of the building would not appear excessively overbearing when viewed from this amenity space. The rear elevation would be clad in a blue coloured cladding with the colour gradually lightening to the upper floors and being interspersed with a series of windows to the upper floors. This elevational detailing would add some interest to this elevation while the general theme of the materials being 'heavy' at ground floor level and being lighter at the upper levels with the roof appearing to float on the top is considered to be an appropriate treatment for the building.

Overall it is considered that the revised design would form a more visually interesting design of higher quality than the previously approved scheme. The use of modern and traditional materials within a contemporary design would create an attractive landmark building. Although the building

would not pick up on the local vernacular to any significant extent the quality of the design and proposed materials would make a positive contribution to the street scene that would not detract from the seafront and its natural visual qualities. It should be noted that some minor amendments to the use of materials across the front elevation of the proposed building have been requested to try and simplify the design and the number of different materials and textures being used. It is also understood that the applicants architect intends to submit larger scaled detailed plans of some of the design features and junctions between different elements of the design as well as a materials board prior to the committee meeting in order to allow full consideration of the design details prior to a decision being reached so that if permission were to be granted the development would not be delayed by the submission of additional design details. Any additional information will be presented to Members verbally at the committee meeting.

Impact on the Conservation Area

The application site borders the conservation area to the rear of the site and as such it is important to assess the impact of the proposed development on this area. It should however be noted that as the site is not within the boundaries of the conservation area it is not necessary for the development to preserve or enhance the conservation area as would be required for development within such an area. The scale of the development of this site was always going to have a visual impact on the conservation area under the previously approved scheme. As already mentioned this revised design does not significantly add to the massing and scale of the development and while the development does not reflect the traditional character and appearance of the nearby terraces to the north of the site that form the nearest part of the conservation area it is considered that the quality of the proposed design means that it would add to the variety of architectural styles in the locality and would not significantly harm the setting of the adjacent conservation area.

Impact on Residential Amenity

In terms of residential amenity the development would have the greatest impact on residents of Trefusis Terrace and Louisa Terrace. While many residents are concerned regarding a loss of view there is no right to a view and this is not considered to be a planning consideration. In any case the development would be sited some 75m from the nearest residential property while the gradient of the land that drops away from Trefusis Terrace down to the sea front means that residents will generally maintain views over the top of the proposed building. It is considered that the proposed building would be sufficiently far away from these residential properties to prevent an excessive visual impact. Furthermore the visual impact of this proposed revised design would not be significantly greater than the previously approved scheme and as such it is considered that no objection should be raised on these grounds.

Other matters

a. Shop units -

In terms of the change to the accommodation within the development it is considered that the most significant change is the loss of two of the retail units in favour of an enlarged bowling alley. The guidance of PPS6 and the Council's own adopted Local Plan Policy SH1 seek to site new retail development within town centre locations. It is therefore considered that the loss of two of the previously proposed retail units is not a matter to which an objection should be raised. The development of this site for leisure uses has long been established and is promoted through policies RE4 and LEX4 of the adopted East Devon Local Plan. It is therefore considered that the increased size of the bowling alley and other facilities is appropriate on this site.

b. Wind Turbines –

Comments have also been made regarding the proposed wind turbine and whether or not they will actually serve any meaningful purpose. Clearly the sea front location gives an opportunity for significant wind energy to be utilized through wind turbines at the site and policy D2 of the adopted Local Plan seeks to encourage the use of sustainable energy sources. While the applicants have not submitted a detailed assessment of the proportion of energy requirements that would be met by the proposed turbines it is considered that their use should be encouraged particularly in locations such as this where the potential to capture the wind's energy is high. Policy D2 requires developments of this scale to provide at least 10% of the predicted energy requirements through sustainable means. It is understood that this was not a requirement at the time of the previous application for the development of this site as the floor area was lower than the threshold stated in the policy at the time. The floor area threshold has now reduced and the floor area proposed has increased as such the developer has been asked to prove that it will comply with policy D2 and this information will be reported to Members verbally at the committee meeting. It is also considered that the use of such turbines on a building designed to provide family leisure facilities also helps to promote sustainable energy to all age groups.

c. Noise levels -

Concerns have also been raised with regard to noise levels arising from the proposed use. This issue has previously been addressed through the use of conditions to control the opening hours of the facilities within the building. Similar conditions could be used in this case, while the proposed terrace areas could generate additional noise nuisance by virtue of visitors using the site being outside rather than within the noise insulation provided by the building. Following advice from the Council's Environmental Health Officers additional conditions are considered to be necessary to further restrict the hours at which the terrace areas are used and to prevent the use of amplified music on these areas. Subject to such conditions it is considered that the noise impact on the amenities of nearby properties would not be excessive.

d. Construction period –

Previous planning permissions for the redevelopment of this site have been subject to a restrictive condition on the times of year at which work can be carried out on site. The condition stated that no works of a structural nature or any works to the exterior of the building shall be permitted during the period 15 June to 15 September in any calendar year. The reason given for this condition was "In the interests of the amenity of the area and traffic safety in the peak holiday season".

Some residents are keen to see this condition imposed on any future permissions. Despite this officers are concerned that this condition would be unreasonable and is unnecessary. While it is clear that large scale building works such as those proposed cause disruption, noise and dust pollution measures can be put in place to minimize these impacts through conditions while the Environmental Protection Act 1990 also seeks to control these issues. The nearest residential property to the site is some 75m from the site and although residents may have windows open during the summer months it is considered that at this distance the impact of such works would not be unreasonably excessive. While there may be some concern with regard to the impact on the tourist trade to some extent this would be of benefit in the long term from visitors seeing that work is underway to provide a new attraction on the seafront. This benefit could be maximized through an appropriate hoarding around the site which could incorporate views of what is proposed and port holes through into the site so that passers by can see what is taking place. It is considered that this could encourage visitors to return to Exmouth in future years.

Aside from this the sea front at Exmouth is very long thereby leaving plenty of space for visitors to gain some peace and quiet away from the site if they wish. Furthermore the hours of construction work could be restricted to week days only so that weekends and bank holidays

which would form the busiest days would be free from disruption. In terms of traffic safety which is stated as the other reason for this condition it is considered that this ground is baseless since the highway authority have not raised this as an issue with either this application or previous applications for the site. While the roads around the site may be busier in the summer months the limited and temporary disruption caused by construction traffic would not be likely to cause significant harm and it is considered that this view is supported by the lack of comments on this point by the highway authority.

On this basis it is not considered that such a condition should now be imposed, but that other conditions should be used to control the disruption that would result from the proposed development. In particular Members are referred to Conditions 12, 13 and 14 set out below.

CONCLUSIONS

In conclusion it is considered that the proposed development represents an enhancement over the previously approved design for the development of this site and would enable a high quality and attractive modern building to be constructed that would provide an important new visitor facility within the Exmouth sea front. The design of the development is such that it would not have a significantly greater impact on the amenities of local residents, the adjacent public open space, conservation area or highways safety and as such the application is recommended for approval.

It is anticipated that further display materials will be available for Members to consider at the meeting.

RECOMMENDATION

APPROVE subject to the following planning 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.)
2. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.
(Reason: To ensure that the materials are appropriate for the design of the development and the visual amenities of the area.)
3. Prior to the commencement of development full details of any external lighting shall be submitted for the written approval of the Local Planning Authority. Such details shall include the siting and design of any light sources and levels of illumination from the proposed sources. The building shall thereafter only be externally illuminated in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
(Reason: In the interests of character and amenities of the locality.)
4. The use of the premises hereby permitted shall be as indicated on the floor plans hereby approved. No variation to the approved uses and their extent and location shall be permitted without the prior written consent of the Local Planning Authority.
(Reason: To ensure that the uses of the building are appropriate for the location.)
5. A full noise report shall be submitted to and agreed by the Local Planning Authority before any works commence. The report shall state the predicted L90 AReq (1 hour) at

the boundary of the site, the acoustic properties of the external materials used in the construction of the development and shall include a detailed scheme of noise reduction and sound insulation methods. The approved details shall be fully implemented before the building is occupied.

(Reason: In the interests of the amenities of the locality.)

6. No amplified music or sounds shall be audible outside the premises at any time.
(Reason: In the interests of the amenity of the area.)
7. All external air conditioning units and extraction systems shall be sited in the rear yard area. Full details of the siting, design, specifications and details of the plant shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby approved and shall only be carried out in accordance with the approved details.
(Reason: In the interests of the amenities of the area.)
8. There shall be no deliveries to any part of the development after the hours of 1900 and 0800 on any day of the week throughout the year.
(Reason: In the interests of the amenities of the area.)
9. The opening hours of the retail units hereby approved shall be restricted to between the hours of 0900 and 2200.
(Reason: In the interests of the amenities of the area.)
10. The use of the premises, other than the retail units shall be restricted to between the hours of 0900 and 2300 Sunday to Wednesday and bank holidays and 0900 to 2400 hours Thursday to Saturday inclusive and the roof terraces hereby approved shall not be used after 2100 hours (unless otherwise agreed by the Local Planning Authority).
(Reason: In the interests of the amenities of the area.)
11. No storage of refuse shall take place at any time outside of the premises hereby approved other than in the allocated service yard to the rear of the building.
(Reason: In the interests of the visual amenities of the area.)
12. Prior to the commencement of work on the development hereby approved a detailed scheme for the control of noise and dust resulting from construction works shall be submitted for the written approval of the Local Planning Authority. The construction works shall only be carried out in accordance with the approved scheme.
(Reason: In the interests of the amenities of the area.)
13. No works for the construction of the building hereby approved shall be undertaken on Sundays or public holidays and shall not take place on Saturdays between 15th June and 4th September in any calendar year. On other days no construction work shall be undertaken outside of the following hours 0730 hours and 1800 hours Mondays to Fridays inclusive and 0800 and 1300 hours on Saturdays.
(Reason: To protect the adjoining occupiers from excessive noise and disruption and to minimize such disruption to the tourist trade during the main holiday season.)
14. Prior to the commencement of the development hereby approved full details of any construction site hoarding and fencing shall be submitted for the written approval of the Local Planning Authority. Such a scheme shall include full details of the height and design of the hoarding/fencing which shall incorporate visual representations of the proposed development and details of any viewing areas etc. The approved hoarding and fencing shall be maintained in accordance with the approved details through the construction work.

(Reason: In the interests of the visual amenities of the area and to minimize disruption to the tourist trade.)

Any additional conditions to be delegated to the Head of Planning and Countryside Services.

Informatives

1. The applicant is advised of the need to enter into a legal agreement with the Highway Authority to secure the design, construction and funding of the footway widening across the site frontage in accordance with a design and specification to be submitted to an approved by the Local Planning Authority in consultation with the Highway Authority. The legal agreement shall be entered into at least six weeks before the commencement of the development hereby approved.

Reasons for approval

1. The proposal complies with the Devon Structure Plan 2001 – 2016 policies ST1 (Sustainable Development), CO16 (Noise Pollution), TR2 (Co-ordination of Land Use/Travel Planning), TR4 (Parking Strategy, Standards and Proposals), SH1 (Shopping Facilities – Sequential Approach).
2. The proposal complies with the adopted East Devon Local Plan 1995 – 2011 policies S4 (Development within Built up Area Boundaries), D1 (Design and Local Distinctiveness), D2 (Sustainable Construction), D3 (Access for Disabled), EN11 (Preservation and Enhancement of Conservation Areas), SH1 (Town Centre Shopping Areas), TO6 (Provision of Visitor Attractions), RE5 (Recreation Facilities in the Countryside and on the Coast), TA1 (Accessibility of New Development), TA7 (Adequacy of Road Network and Site Access), TA9 (Parking Provision in New Development) and LEX4 (Exmouth Waterfront).
3. The proposed does not adversely affect the privacy and amenity of neighbouring properties.
4. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
5. The proposal is contained within the defined built up area boundary of the settlement.
6. The proposal includes the use of previously developed land.
7. The proposal would generate a level of noise that would unreasonably affect the amenity of nearby properties.

List of Background Papers

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