

CLYST VALLEY  
Farringdon

07/0758/FUL

Target Date 08.05.2007.

Applicant: Crealy Great Adventure Park (Maximum Fun Ltd).  
Location: Crealy Adventure Park, Sidmouth Road, Clyst St Mary  
Proposal: Retrospective application for existing Carousel ride

## **CONSULTATIONS**

### County Highway Authority

Does not wish to comment.

## **TOWN/PARISH COUNCIL**

Farringdon Parish Council – pleased to see that the two rides are being regularised. “It would appear that they fall within the area of land designated “Adventure Park” and we therefore feel that there is no objection”. However, the Parish Council is concerned with the noise generated from both rides and request that the Council implements sound monitoring to the boundaries to protect adjoining residents from excessive noise pollution.

## **WARD MEMBER(S)**

The initial comments of the Ward Member are:-

### Councillor R Peachey

“ Support the application. The Victorian Carousel is a fine and rare surviving example, in superb condition, and is in use and enjoyed by so many that visit the park, it is an essential component of Crealy Park. I have no hesitation in supporting this application.

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 for and against.”

## **REPRESENTATIONS**

### Objections

Representations have been received from Solicitors acting on behalf of The Oil Mill Lane Residents' Association raising the following points:

- This relatively large and gaudy ride has a significant adverse impact upon the surrounding landscape, exacerbated by its metal finish, which glares in the sun.
- The application fails to meet one or more of the criteria of Policy TO6 of the adopted Local Plan.
- It does not relate sensitively in scale and siting to its surroundings.
- The site has been chosen to facilitate or improve the chances of erecting/siting further rides in open countryside
- No landscaping proposals have been submitted to mitigate against any adverse impact. The carousel has been deliberately sited in open countryside and away from other development.

- There is clearly a significant detrimental effect on the amenity of nearby residents. Noise from the carousel can be intrusive, unacceptable and unlike noise from a typical commercial business it occurs 7 days a week from dawn till dusk.

The full text of the representation on behalf of 'The Association' and a supplementary submission in the form of Counsel's Opinion, offering views upon the merits of the application, which effectively endorses the views expressed on behalf of The Association has also been submitted.

### Support

A combination of approximately 1060 emails, letters and signed statements have been received in support of the application, basically urging the Council to permit the retention of these rides. All of the supporting correspondence indicates that visitors to the site regard the log flume and carousel as being important and integral to the success of Crealy as one of East Devon's major tourist attractions.

It should also be noted here that in addition to submitting supporting statements with the applications, the applicant's agents have responded to the representations made on behalf of The Oil Mill Lane Residents' Association and have themselves obtained Counsel's Opinions (2) upon the applications (on behalf of the applicants).

### **RELEVANT PLANNING HISTORY/BACKGROUND**

Members are referred to the previous report relating to the log flume for details of the most recent planning background leading up to this application for the retention of the carousel ride, including copies of the recently granted Lawful Development Certificate for the use of land as an Adventure Park, but which excludes the carousel and the land upon which it has been erected.

### **PLANNING POLICIES**

#### Devon County Structure Plan (2001-2016)

Policy TO3 - Tourist Development in Rural areas

#### East Devon Local Plan (1995-2011)

Policy S5 – Countryside Protection  
Policy D1 – Design and Local Distinctiveness  
Policy TO6 – Provision of Visitor Attractions  
Policy E4 – 'Bad Neighbour' Uses

### **SITE LOCATION AND DESCRIPTION**

Crealy Adventure Park lies along the south side of Sidmouth Road, (A3502) from where access is obtained to the car parks, entrance, office and administration buildings and the Park itself, containing a collection of amusements, rides and open areas.

As far as the operators of the Park are concerned, their advertising material is useful in that it divides its curtilage into six Realms, named Action, Animal, Adventure, Magic, Natural and Farming. The latter two cover a large proportion of the site, and insofar as the Natural Realm is concerned this is said to extend to some 100 acres of trails and meadows.

The Action and Adventure Realms include the rides and more intensive leisure activities within the Park.

The carousel is located towards the west of the main group of buildings and rides. The ride itself is housed within a pavilion building with an octagonal shaped footprint, measuring approximately 16m across its width. A location plan and photographs of the carousel are attached to this report.

## **PROPOSED DEVELOPMENT**

This application seeks permission to retain the carousel.

## **CONSIDERATIONS AND ASSESSMENT**

At this point Members are asked to have regard to all of the policy and related planning considerations that are set out in the previous report, insofar as the issues involved in respect of an assessment of the application for the carousel are largely similar to those detailed and discussed in respect of the concurrent application to retain the log flume.

When judged against the provisions of policy TO6 of the Local Plan it is considered that the carousel would have no significant adverse impact upon the surrounding landscape. It is an attractive structure located close to the main group of buildings within the site. Whilst the Landscape Architect's appraisal of the impact of the log flume did not embrace the carousel, it is considered that the latter has a significantly lesser impact on the surrounding landscape than the log flume and is perfectly acceptable in that respect. Similarly in the context of its scale and siting it is felt that the carousel relates sensitively to its adventure park surroundings. The Carousel is significantly smaller in dimensions and height than the Log Flume.

Crealy is capable of accepting an increased number of visitors associated with the carousel without giving rise to access related problems and the site may be accessed by a variety of means of transport.

It is generally accepted that the carousel, whilst needing planning permission, has a significantly lesser impact in every respect than the log flume. It is attractive and its use and operation is, it is considered, relatively benign in the context of other mechanical rides within the Park. Visitors using this ride have no real need to scream and the music associated with the movement of the carousel is of an organ 'fairground' type and played at relatively low volume. Notwithstanding concerns about the impact of the carousel expressed on behalf of The Oil Mill Lane Resident's Association, the view is taken that this particular ride has no significant detrimental effect on the amenity of nearby residents, such that a refusal of permission on that ground of Policy TO6 could be substantiated.

## **CONCLUSIONS**

Whereas the policy considerations in respect of the carousel are the same as those addressed in the previous report officers have considered the planning merits of the case and have exercised an appropriate level of value judgement in coming to their conclusion and recommendations.

There are, it is felt, no sustainable planning objections to the retention of the carousel when assessed against all of the provisions of Policy TO6 of the Local Plan. However, as with the log flume, this application provides the Council with an opportunity to introduce some safeguards and controls in respect of the operation of the carousel and, where relevant those controls replicate some of the conditions set out in the previous report.

## **RECOMMENDATION 1**

APPROVE subject to the following conditions:

1. There shall be no artificial external lighting of any form erected, installed or mounted on, or in the vicinity of the carousel hereby permitted without the prior written approval of the Local Planning Authority.  
(Reason - To safeguard the visual amenities of the area and the residential amenities of occupiers of nearby properties.)
2. There shall be no physical changes to the framework, support structure or overall mechanism of the carousel hereby permitted without the prior written approval of the local planning authority to such changes.  
(Reason – To provide the local planning authority with control over changes to the structure, form, profile and overall appearance of the carousel, in the interests of protecting the visual amenities of the character and appearance of the area.)
3. The carousel hereby permitted shall be operated only during those hours specified within the limitations imposed upon the use of the Crealy Adventure Park as an Adventure Park as set out within the first schedule of the Lawful Development Certificate granted on 1<sup>st</sup> August 2007 under reference 07/0760/CPE.  
(Reason – To safeguard the residential amenities of occupiers of nearby dwellings that could be prejudiced by longer operating hours, outside of those relating to the remainder of the Adventure Park.)

## **RECOMMENDATION 2**

In the event of the Committee agreeing with recommendation 1 above, then the Chief Executive be authorised to withdraw the previously authorised and issued Enforcement Notice in respect of the erection of the carousel.

### **Reason for approval**

1. The proposal complies with the Devon Structure Plan 2001 -2016, policy TO3 (Tourist Development in Rural Areas.)
2. The proposal complies with the East Devon Local Plan, Revised Deposit, September 2003, policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness), TO6 (Provision of Visitor Attractions) and E4 (Bad Neighbour uses).
3. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
4. The proposal would not generate a level of noise that would significantly affect the amenity of nearby properties.