

2.3 REFERENCE NO - 19/501431/FULL			
APPLICATION PROPOSAL Continued use of the rear external area to an established amusement centre for children's fairground rides & associated attractions. (Retrospective)			
ADDRESS Jimmy Gs The Promenade Leysdown Sheerness Kent ME12 4QB			
RECOMMENDATION Grant subject to conditions.			
REASON FOR REFERRAL TO COMMITTEE Called in by Cllr Beart.			
WARD Sheppey East	PARISH/TOWN Leysdown	COUNCIL	APPLICANT Leysdown Investments Ltd. AGENT S.I. Chartered Building Surveyors
DECISION DUE DATE 12/07/19		PUBLICITY EXPIRY DATE 28/06/19	

Planning History

SW/07/1058

Refurbishment of existing amusement centre, including relocating and provision of new shopfronts, re-cladding existing roofs & fascias and provision of new external wall cladding to all elevations.

Grant of Conditional PP Decision Date: 30.10.2007

SW/88/1314

Change of use from retail shop to restaurant

Approved pre 1990 Decision Date: 14.10.1988

SW/83/0545

Change of use from hairdressers to amusements

Approved pre 1990 Decision Date: 28.07.1983

Enforcement History:

19/500059/BOC

Enforcement Enquiry

Pending Consideration Decision Date:

1. DESCRIPTION OF SITE

1.1 The site is currently a large Amusement Centre located on the west side of The Promenade, in the centre of Leysdown-on-Sea. The overall site area is approximately 0.33 hectares with the existing Amusement Centre building covering an area of approximately 0.22 hectares. The remaining area of 0.11 hectares is the area to the rear that is used for the Juvenile Fairground Rides forming 'Jimmy G's Pirate Park'.

1.2 The site is surrounded with a 1.8m high security fence that was erected under the previous Planning Consent issued in 2007. The application site has a hardstanding

surface and is immediately adjacent to a Council owned public car park. To the north of the site lie residential dwellings.

2. PROPOSAL

- 2.1 This application seeks retrospective planning permission for the use of the rear external area to an established amusement centre to be used to station children's fairground rides and associated attractions.
- 2.2 The types of rides operated within this area are the Mirror Maze, Swan Ride, Jumping Star, Juvenile Chair Swing, Trampolines, Mini Wheel and Mini Dodgems, along with associated kiosks. A layout plan has been submitted with this application with these rides and their positions shown.

3. PLANNING CONSTRAINTS

- 3.1 None.

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) & National Planning Practice Guidance (NPPG)
- 4.2 Development Plan: Policies CP1, CP4, DM7 DM14 and DM16 of 'Bearing Fruits 2031: The Swale Borough Local Plan 2017'

5. LOCAL REPRESENTATIONS

- 5.1 Leysdown Parish Council do not object to the application but raise concerns regarding further loss of the car park.
- 5.2 Cllr Beart requested that the application be determined by the planning committee.
- 5.3 7 different objectors have written in raising the following summarised concerns:
 - Overlooking from rides
 - Loud music played out
 - Excessive noise from hydraulic ride
 - Light pollution from security lighting
 - Not aesthetically pleasing
 - Concerns in relation to encroachment of the site into other land

6. CONSULTATIONS

- 6.1 KCC Highways state that the development does not meet the criteria to comment.
- 6.2 Environmental Health have no objection subject to the restriction of opening hours and the enforced used of a silencer on the ride known as the "Jumpin Star" which has been the subject of noise complaints.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Plans and documents submitted as part of application 19/501431/FULL.

8. APPRAISAL

Principle of Development

- 8.1 The site lies within the built-up area boundary of Leysdown, in an area of established arcades and amusements. The rides are positioned on an existing hardstanding close to the existing amusements centre. The principle of development is therefore considered acceptable.

Visual Impact

- 8.2 The site consists of hardstanding and existing fencing. This part of Leysdown is characterised by typical “seaside attractions” with an amusement arcade on the opposite side of the Promenade as well as a crazy golf course to the north east of the site and a public car park extending to the west of the site. It is therefore considered that the siting of children’s rides to the rear of an established amusement centre does not have a significantly detrimental impact on the character and appearance of the streetscene or wider area. Whilst some objectors have raised concern about the visual impact of the open rides, this is against the backdrop of the amusement arcades on the promenade and I do not consider this to be visually harmful.

Residential Amenity

- 8.3 As stated above the wider area is established as a tourism area with established amusements where a degree of noise is to be expected. However careful consideration must be given in respect of this development, particularly opening hours and any excessive noise and disturbance that the use of this area for children’s rides would cause. A number of objections are based upon noise impacts.
- 8.4 The Council’s Environmental Health Team have visited the site to assess noise impacts. They have identified that one ride known as the Jumpin’ Star ride uses a pneumatic system that lets out bursts of air and was considered by Environmental Health to constitute a statutory noise nuisance without any mitigation measures. Following correspondence between Environmental Health and the applicant, a silencer has been fitted to the ride which restricts the loud bursts of air and consequently is no longer considered a statutory noise nuisance. It is considered that subject to a condition, which has been included below, enforcing the use of silencers on the Jumpin’ Star ride that an acceptable standard of amenity would be maintained for adjacent residential neighbours.
- 8.5 The application seeks opening hours of between 10am and 10pm 7 days a week including bank holidays. Whilst the opening of the site 7 days a week is not considered unreasonable, given the proximity to the adjacent residential dwellings more appropriate opening hours of 10am until 7pm, 7 days a week have been recommended by Environmental Health which I consider to be acceptable and as such have conditioned these hours below. Given that these are rides and amusements for children it is not

considered that further restricting the hours of use will have a negative impact on the business.

- 8.6 In terms of overlooking, the tallest ride (Jumpin Star) has a total height of 7.5 metres to the very top of the sign, but the carriage for people is only 4.5m high. However I note that this ride is approximately 23m from the neighbouring properties rear garden fence, and on this basis I do not consider this to be harmful. The rides and attractions are small in size and are positioned away from the neighbouring residential dwellings. The site backs onto the current public car park and it is therefore considered that there would not be a significant loss of residential amenity.
- 8.7 There have been no additional lighting details submitted with this application, but existing security lighting is referred to in the Design and Access Statement. I have included a condition below requesting details of all existing lighting and any proposed lighting to be submitted so that this can be properly assessed.

Highways

- 8.8 The site is located in the centre of Leysdown and has some limited public transport connections to the rest of the Island. The site is also located immediately adjacent to a large council owned public car park. Given the relatively small-scale nature of the site with its limited rides and the existing established amusement centres there is considered to be acceptable parking in the immediate locality.

9. CONCLUSION

- 9.1 In summary it is considered that through the use of planning conditions the retrospective application for the use of the site for children's amusement rides will not have an unacceptable impact on residential or visual amenities. I therefore recommend that planning permission be granted.

10. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS to include

- (1) The layout of the site, including positioning of the rides and attractions shall only be in accordance with approved plan 016/19/01 Rev A.
Reason: In the interests of residential amenity.
- (2) The development hereby approved shall not be operated or open to the public outside the hours of 10.00 to 19.00 Monday – Sunday.
Reason: In the interest of the residential amenities of the area.
- (3) There shall be no amplified music played at the application site outside the hours of opening permitted under condition (2).
Reason: In the interest of the residential amenities of the area.
- (4) No floodlighting, security lighting or other external lighting shall be installed or

operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- A statement of why lighting is required, the proposed frequency of the use and the hours of illumination.
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
- Details of the number, location and height of the lighting columns or other fixtures.
- The type, number, mounting height and alignment of the luminaries.
- The beam angles and upwards waste light ratio for each light.
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.

Reason: In the interests of visual and residential amenity.

- (5) The ride known as the 'Jumpin' Star' ride on layout plan 016/19/01 Rev A shall only be operated with pneumatic silencers installed and these shall be maintained in accordance with the manufacturer's instructions thereafter.

Reason: In the interests of residential amenity.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

