

**Committee date 12/09/2023**

**Application No:** 06/23/00001

**Application Type:** Full Planning Permission

**Case Officer:** Amelia Elvé

**Registered Date:** 23/01/2023

**Expiry Date:** 19/03/2023

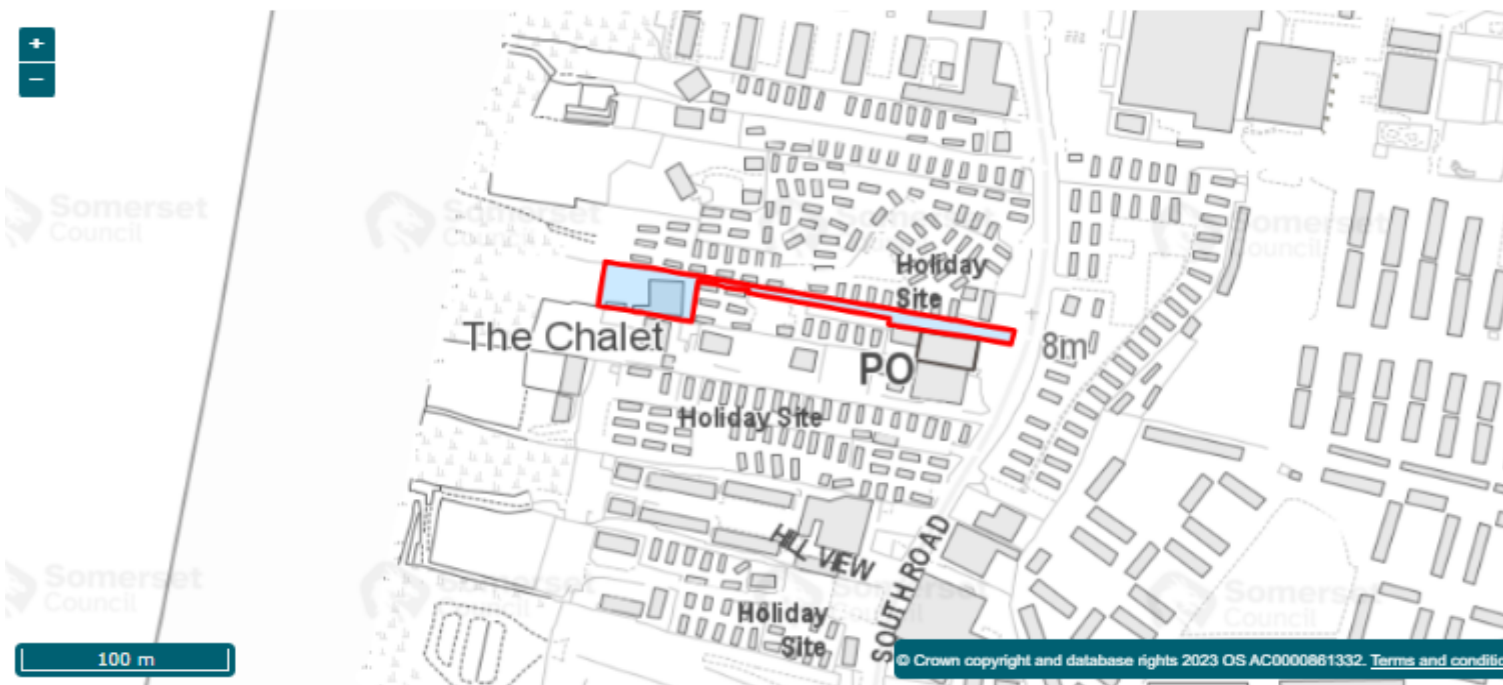
**Parish:** Brean

**Division:** Berrow

**Proposal:** Erection of two storey extensions to the West, South and North elevations, single storey extensions to the North elevation and change of use of existing accommodation, to create 4no. holiday accommodation units.

**Site Location:** Ocean Holiday Park, South Road, Brean, Burnham On Sea, Somerset, TA8 2RD

**Applicant:** Hudson Leisure Limited



**Referral to committee because**

The officer's recommendation is contrary to the view of the Parish Council

## **Background**

*Ocean Bar* (formerly known as *Lazy Days Holiday Park*) is an established public house, sited approximately 160m West from South Road. The property is served by a large “pub garden” to the rear, which sits between the main building and the beach that is further to the West. The pub garden accommodates a patio area within the immediate vicinity of the building, bordered by concrete and glass balustrading. Towards the beach there is a grassed area and further on, stepped seating areas. The site level decreases rapidly from the grassed area towards the beach, and the stepped area of the pub garden is divided with a variety of small concrete walls and timber posts. The development site is neighboured by residential properties to the South and a caravan park to the North. The main building is formed from a combination of flat roof and gable roof structures and finished in render, red brick and pantiles. The property is also served by an open-sided timber covered seating area, that adjoins the rear of the building and runs along the southern boundary of the property.

The application seeks consent to erect a two storey extension to the rear elevation to enable the creation of four holiday units, with inverted dormers to the West elevation. The two storey extension will replicate the existing mansard roof and be finished with matching materials. The scheme also includes a single storey extension to the side elevation, finished with a flat roof and render.

## **Relevant History**

**06/76/00044** - Extension to existing premises to provide new reception area together with additional living accommodation at ground and first floor levels – **Granted**

**06/20/00004** - Retrospective application for the erection of a single storey building for use as an outdoor bar, confectionary shop and snack bar and the proposed erection of a 2m fence to the southern boundary – **Refused**

**06/21/00003** - Retrospective application for the erection of a single storey building for use as an outdoor bar, confectionary shop and snack bar and the proposed erection of a 2m acoustic fence to the southern boundary (resubmission). - **Granted**

**06/22/00002-** Erection of a single storey extension to the rear (West) elevation for dining area, covered seating area and internal alterations. Erection of a single storey bar extension to the side (West) elevation. - **Granted**

**06/22/00021** – Erection of raised decking to plot 5 (retrospective) - **Refused**

**Supporting information supplied by the applicant**

Existing Site Plan Drg No. GA-01 Rev. C

Existing Ground Floor Drg No. GA-04

Existing First Floor Plan Drg No. GA-05

Existing Elevations Drg No. GA-03

Proposed Site Plan Drg No. GA-01 Rev. C

Proposed Ground Floor Plan Drg No. GA-26

Proposed First Floor Plan Drg No. 27

Proposed Elevations Drg no. GA-25 Rev A

Proposed Roof Plan Drg No. GA-17

**Consultation Responses**

**Brean Parish Council** – Object

*Brean PC objects to this application in its current form as there is no provision made for the additional parking requirements that four extra units of accommodation will require. The existing small car park has not been extended in any way which will mean that additional vehicles will park illegally on the lane blocking emergency access or parking in the existing business spaces servicing McColls. No mention is made of the parking requirement in either the application or the planning statement which suggests the applicant has not considered the impact of additionally vehicles in an already busy area for parking.*

**SW Heritage** – No objection

*There are limited or no archaeological implications.*

**Environmental Health** – No comment/observation

**Highways** – Standing Advice

**Ecology** – PRA requested and following the results, comment recommending appropriate mitigation and biodiversity enhancement conditions.

### **Representations**

9 objections from 4 addresses, raising the following planning considerations:

- The submitted Acoustic Report is insufficient.
- Submitted drawings do not show the kitchen extract route
- Acoustic fence details have not been provided
- Conditions should be used to secure a CEMP, construction hours, monitoring for noise, dust and vibration, a surface water run off survey, post construction surveys.
- Unacceptable siting of the kitchen extraction unit and ducting and A/C systems.
- Unacceptable overlooking of neighbouring properties.
- Overdevelopment of the site.
- Loss of light to neighbouring property.
- Noise generation from the development.

10 letters of support from 9 addresses, raising the following planning considerations:

- Improvement to existing facility and needed diversification of the tourist accommodation offer in Brean.
- Allowing customers to stay on site would reduce traffic
- Visually acceptable as does not alter the size or massing of the current building.

### **Most Relevant Policies**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF require that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

### **National Planning Policy Framework July 2021**

Section 6 – Building a strong, competitive economy

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

Sedgemoor Local Plan (2011-2032)

BH10: Tourism

D1: Flood Risk and Surface Water Management

D2: Promoting High Quality and Inclusive Design

D14: Managing the Transport Impacts of Development

D17: Tourism

D20: Biodiversity & Geodiversity

D25: Protecting Residential Amenity

**Main Issues**

Principle of Development

The application site lies outside of any Development Boundary however is sited within the Brean & Berrow Tourism Boundary.

Policy BH10 seeks to support new holiday accommodation schemes, within the aforementioned tourism boundary, where they do not increase the number of visitors potentially at risk from flooding. Policy D17 support tourism related developments outside of Development Boundaries providing there is clear justification for the location and is in close proximity to a settlement or other facilities.

The proposal site is located within the main tourist area of Brean where there is a range of amenities for holidaymakers to use in close distance to the site. The application seeks to provide new holiday accommodation that is at first floor and not within a Flood Zone. The principle of the development is therefore supported by policies BH10 and D17 of the Local Plan.

## Visual Amenity

Policy D2 seeks to achieve high quality, sustainable and inclusive design which responds positively to and reflects the local characteristics of the site and identity of the surrounding area and be of a design solution that makes the most efficient use of land through appropriate densities, whilst recognising the need for positive treatment of the spaces around and between the building.

The proposed two storey extension will replicate the form of the existing building and is to be finished in materials that match. The proposed single storey extension is of a modest scale that does not detrimentally impact the visual appearance of the building. It is therefore considered that in this respect, the application is compliant with policy D2 of the Local Plan.

## Residential Amenity

Policy D2 states that development should 'respect the amenity value of the occupiers of nearby buildings or the wider area' and new development should deliver buildings that are "enjoyable to use". This is further supported by Policy D25 which states that 'Particular consideration will be given to the extent that the proposal could result in unacceptable impacts'. This includes consideration of loss of privacy, overlooking, visual dominance, loss of light, noise/disturbance, odour, fumes, vibration and living conditions of future occupants.

In respect of impacts on the amenities of neighbouring properties, the proposal will introduce further first floor accommodation, however due to balconies being formed from an inverted dormer, any overlooking of the residential property to the south would not be of the immediate private amenity space that serves the dwelling.

The introduction of holiday accommodation is unlikely to give rise to other unacceptable impacts such as noise generation levels based on the existing use of the site. Environmental Health have raised no objection and if a statutory nuisance were to occur, this would be managed by these officers.

The proposed seating area to the rear replicates the previously consented scheme ref. 06/22/00002 and conditions are attached to that decision in respect of acoustic fencing.

In respect of amenities of future occupiers of the proposed accommodation, it is noted that National Space Standards are not met; however as this is for a tourism use, and conditioned as such, this is not considered to be unacceptable.

It is therefore considered that in respect of residential amenity, there would not be a detrimental impact on adjoining or future occupiers. As such, the application is compliant with policies D2 and D25 of the Local Plan.

### Highways Safety

Policy D14 of the Local Plan states that managing the transport impacts is essential for creating sustainable communities. The policy sets out that development proposals should seek to manage the transport impacts of development.

The Highways Authority consider *Standing Advice* to apply to this proposal. In respect of this application, this requires the resultant development to be adequately served by an appropriate off-road parking provision and there is no resultant over intensification of the existing vehicular access.

The scheme will provide three 2-bed and one 1-bed holiday units of accommodation. Four parking spaces are shown as allocated for the holiday units, however it is also noted that there is a large parking area that serves the complex along with public car parks in walking distance. Whilst no extension of the parking area is proposed, based on the size of the space, the number of existing caravans and the proximity to public car parks this is not considered to be detrimental.

The existing access to the highway is consolidated and is adequately sized to allow for vehicles to pass each other as they enter and exit the site. As such, the application is considered compliant with *Standing Advice* and therefore complies with policy D14.

## Surface Water Drainage

Policy D1 of the Local Plan seeks to ensure that the surface water run off generated from development is adequately assessed and does not result in a detrimental impact on the wider area and existing water courses.

A number of third party representations have raised concerns relating to surface water drainage of the proposed development. As the scheme is for a minor development, such matters are dealt with via Building Regulations. As such, the application is compliant with policy D1 of the Local Plan.

## Ecological Issues

Policy D20 of the Local Plan seeks for proposals to contribute to maintaining and where appropriate enhancing biodiversity and geodiversity. The application site lies within a Bat Consultation Zone and policy D23 of the Local Plan seeks to secure relevant mitigation measures that could protect relevant species from the impacts of development.

The ecologist requested a Preliminary Roost Assessment and following the submission of this report, biodiversity enhancement and mitigation measures have been recommended. It is therefore considered that in this respect, the application complies with policy D20 of the Local Plan.

## Other Issues

A third party representation states that a full "Party Wall" survey should be undertaken. Any issues relating to such matters does not fall within the planning regime and would be a civil matter.

Reference is also made to the siting of an acoustic fence impinging on safe fire escape access, but matters relating to fire safety are regulated by Building Control.

## Conclusion

The proposal is of an acceptable design and appearance that would have no adverse impact of the character of the existing building or the locality, residential amenity, ecological issues, surface water drainage or highways safety. As such the proposal complies with policies BH10, D1, D2, D14, D17, D20 and D25 of the Sedgemoor Local Plan 2011-2032.



## **RECOMMENDATION**

### **GRANT PERMISSION**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The area allocated for parking on the submitted and approved "Proposed Site Plan Drg No. GA-01 Rev. D", shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

- 4
  - a. The holiday accommodation hereby permitted shall be used for holiday accommodation only and shall not be occupied as a person's sole or main residence.
  - b. The site operators and owners shall maintain an up to date register of the names of the occupiers, including their guests, of the holiday accommodation on site, date of occupation and evidence of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: The proposal is located within the area designated as countryside in CO1 of the Local Plan 2011-2032 where new residential development is strictly controlled and in accordance with Local Plan 2011-2032 Policy D17.

- 5 Prior to the installation of any external lighting, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will

be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

6 Prior to the first occupation of the holiday accommodation hereby approved, the following shall be installed:

a. The installation of a minimum of one bird boxes around the site boundaries or on buildings will provide additional nesting habitat for birds e.g. Schwegler No 17 Swift Nest Box, Schwegler 1SP Sparrow Terrace, Schwegler 1B Nest Boxes, Schwegler 2H Robin Boxes, Woodstone Nest Box, Or a similar alternative brand. Tree boxes should be positioned approximately 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Small-hole boxes are best placed approximately 1-3m above ground on an area of the tree trunk where foliage will not obscure the entrance hole. Swift and sparrow boxes should be positioned at the eaves of a building and can be incorporated into the fabric of the building during construction.

b. Installation of 1 X schwegler bat box (or similar if unavailable), purchased or built, on either the north end gable or to a mature tree on site, facing south or west, at a height above 3m.

Once installed such features shall be maintained and remain thereafter in perpetuity.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework

**Schedule A**

Existing Site Plan Drg No. GA-01 Rev. D

Existing Ground Floor Drg No. GA-04

Existing First Floor Plan Drg No. GA-05

Existing Elevations Drg No. GA-03

Proposed Site Plan Drg No. GA-01 Rev. C

Proposed Ground Floor Plan Drg No. GA-26 Rev A

Proposed First Floor Plan Drg No. 27

Proposed Elevations Drg no. GA-25 Rev A

Proposed Roof Plan Drg No. GA-17

**DECISION**

---

---