

**Committee date 14/05/2024**

**Application No:** 06/23/00013

**Application Type:** Full Planning Permission

**Case Officer:** Amelia Elvé

**Registered Date:** 05/12/2023

**Expiry Date:** 29/01/2024

**Parish:** Brean

**Division:** Brent

**Proposal:** Demolition of existing amusement arcade and first floor flat and the erection of a new building comprising of amusement arcade at ground floor with six holiday lets and a single replacement flat at first floor alongside associated access, pavement and parking provision.

**Site Location:** Carefree Amusements, South Road, Brean, Burnham On Sea, Somerset, TA8 2RD

**Applicant:** J. Holland & Sons Ltd



### **Committee decision required because**

The application is referred to the Chair and Vice-Chair of Planning North as the view of the parish council is contrary to the officer's recommendation.

### **Background**

*Carefree Amusements* is an established arcade located to the west of a Class C road and to the south of an unclassified road. The existing building is served by a parking area to the front (east). A parade of shops is located to the north, with a detached building providing a shop also to the south. To the west and

south-west of the site there are residential properties. The existing building has an L-shaped form, is part single, part two storey and finished with a part flat, part pitched roof. The building also accommodates a flat at first floor.

The application seeks consent for the erection of a two storey building, on site of the existing, to provide an amusement arcade at ground floor, and six holiday units and a replacement flat at first floor. The building is proposed to be finished with brick at ground floor and aluminum panel cladding in blue shades.

### **Relevant History**

**06/76/00013** – Change of use of shop to betting office - **Granted**

**06/76/00049** – Conversion and extension of toilet block to form two holiday chalets -

**Granted 06/80/00002** – Change of use from supermarket to amusement arcade -

**Granted**

**06/80/00028** – Use of amusement arcade between the hours of 9am-12 midnight daily -

**Refused 06/81/00001** – Erection of store building - **Granted**

**06/81/00002** – Extension to existing shop - **Granted**

**06/81/00024** – Change of use from laundry and gift shop to an extension to existing amusement arcade -

**Granted**

**06/82/00030** – Change of use of bungalow to form additional shop area and extension to existing shop -

**Granted**

**06/83/00007** – Extension to existing amusement arcade - **Granted**

**06/90/00008** – Use of land as a site for a mobile store selling hot take-away food -

**Granted 06/90/00014** – Use of land as a site for a caravan to accommodate a manager - **Granted**

**06/90/00030** – Erection of first floor extension over existing shop to provide toilet, kitchen, staff area and store - **Granted**

**06/90/00031** – Sub-division of shop into two, extension to amusement arcade and replacement of existing garage at the rear by two storey building comprising garage, office and toilet with flat over -

**Granted 06/91/00018** – Continued use of land as a site for a mobile burger bar - **Refused**

**06/91/00025** – Use of permitted shops as “hot food takeaway” shop and revision of forecourt car parking area at part of premises - **Granted**

**06/19/00014** – Erection of single storey extension to east elevation and extension of pitched roof and flat roof over void area - **Granted**

### **Supporting information supplied by the applicant**

Location Plan Drg No. PL4968/1A

Existing Block Plan Drg No.

PL4968/3A Proposed Block Plan Drg

No. PL4968/4B

Existing Site Survey Plan Drg No. PL4968/2

Existing Plans & Elevations Drg No.

PL4968/5 Proposed Floor Plans Drg No.

PL4968/6 Proposed Elevations Drg No.

## **Consultation Responses**

### **Brean Parish Council –**

#### **Object**

*Under delegated authority to the clerk, Brean Parish Council submits the following comments objecting to this planning application and asks that the planning authority refuse permission:*

- Increase in Traffic Congestion: The proposed development is likely to increase traffic in the area, exacerbating congestion issues. The narrow access point to Knoll Park and lack of sufficient infrastructure to accommodate increased vehicular movement pose a threat to road safety and accessibility.*
- Visual Dominance and Lack of Consistency with Street Scene: The scale and design of the proposed development are out of keeping with the existing street scene and architectural character of the neighbourhood. Its visual dominance would adversely affect the aesthetics of the area.*
- Insufficient Parking Provision: The proposed development fails to adequately address the parking demands it would generate. Insufficient parking facilities are likely to result in overspill onto already limited on-street parking spaces, causing inconvenience and congestion for residents and visitors alike.*
- Lack of Electric Vehicle (EV) Chargers: In an era where the transition to electric vehicles is paramount, the absence of provisions for EV charging infrastructure within the development is concerning. This overlooks the necessity to facilitate ecofriendly transport solutions and discourages the adoption of electric vehicles.*
- Overlooking and Privacy Concerns: The design of the proposed development may compromise the privacy of neighbouring properties at Ash House in Knoll Park due to overlooking issues. This could result in a loss of amenity for existing residents, impacting their quality of life.*

**Environmental Health** – Comment recommending conditions in respect of noise insulation, lighting scheme and CEMP and an informative to remind the applicant of the possible requirement to apply to amend the current premises licence.

**Highways** – No objection and recommendation of conditions in respect of the parking area, access, a CTMP and disposal of surface water.

**Ecology** – No objection and provision of an informative to remind the applicant of the legal protection afforded to certain species.

## **Representations**

6 letters of objection from 6 addresses, raising the following planning considerations:

- Inadequate parking provision that will have an impact on highways safety
- Visually out of keeping and an over dominant design.
- Increase in traffic generation by introduce holiday lets to the site
- Unacceptable access from the proposed car park that is in close proximity to the junction with South Road
- Noise generation from the proposed holiday lets and the impact on neighbouring residents.

## **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 December 2023

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)

CO1: Countryside

D2: Promoting High Quality and Inclusive Design

D14: Managing the Transport Impacts of Development

D17: Tourism

D20: Biodiversity & Geodiversity

D25: Protecting Residential  
Amenity

## **Community Infrastructure Levy (CIL)**

The application is for residential development in Brean where the Community Infrastructure Levy (CIL) is

£120 per sqm of additional gross internal floor area created. This amount does not take into account any existing floor space on site that may be converted or demolished, or any CIL exemption or relief that may be eligible.

## **Main Issues**

### Principle of Development

The application site is outside of any Settlement Boundary however is within the designated Brean Tourism Boundary as set out in policy D17. This policy of the Local Plan sets out that proposals for tourism related initiatives that improve the quality of the tourism offer, and are supported where they are appropriate to the size and role of the settlement.

The site currently accommodates an arcade, that was initially created in the 1980s, with a number of small extensions added during the intervening years. The proposal seeks to enhance the image of the arcade and will also introduce holiday accommodation that is considered to further diversify the offer at Brean.

In respect of the proposed residential unit of accommodation, as this seeks to replace the existing dwelling, it is considered that this is compliant with policy CO1.

It is therefore considered that the principle of the development is compliant with policies CO1 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 building is set forward of the existing building, however it is still set back an adequate distance from the road to retain the wide pavement area that is characteristic of the street scene.

It is noted that the design of the proposed building is more contemporary than that is proposed, however given the mixed character of the street scene, it is not considered to be an unacceptable addition. In respect of the bricks to be used, to ensure that there is an acceptable choice, details will be secured by condition.

Overall, the size, scale and massing of the proposed building is considered to be proportionate and would not result in a detrimental impact on the visual amenity of the character of the site or the wider area, and would be an improvement from the existing building in respect of design. 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.

The proposal seeks to introduce first floor holiday accommodation, and there are residential

properties located to the west and south-west of the application site. It is considered that due to the distance of the proposed building in respect of the dwellings, that this would not result in an unacceptable level of overlooking.

The proposed building will be sited at a further distance than the existing building from the neighbouring dwellings and it is therefore not considered to result in unacceptable impacts in respect of overdominance or overshadowing.

In respect of amenities of future occupiers, the proposed holiday units do not meet National Space Standards, however as these are not to be permanent abodes, it is not considered to be unacceptable.

In respect of the proposed flat, this is compliant with National Space Standards and it is considered that all habitable rooms have access to adequate natural light levels. It is noted that no private external amenity space is provided, however this is the case for the existing flat that is to be replaced.

To protect residential amenity further, Environmental Health have recommended conditions to secure noise attenuation measures and a lighting scheme.

It is therefore considered that in this respect, the application complies 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 have reviewed the proposal and have raised no objection, providing conditions to ensure that the parking area access is of an acceptable standard along with securing a CTMP. In respect of the parking provision that is proposed, this is considered to be suitable for the holiday accommodation and dwelling, with visitors of the arcade typically arriving on foot from the other holiday accommodation sites in the vicinity. There are also a number of public car parks within walking distance of the site.

The Parish Council have raised a concern regarding lack of EV charging spaces, however the block plan has since been amended demonstrating that two of the spaces would have EV provision. Details of such matters would be addressed at Building Control stage.

It is therefore considered that in this respect, the application complies with policy D14 of the Local Plan.

### Ecology

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 has reviewed the application and due to the high levels of lighting from the existing use and proximity to street lighting, it is considered that it is unlikely that bats are using the premises for roosting. An informative has been provided to remind the applicant of the legal protection afforded to certain species. As such, in this respect, the application is compliant with policy D20 of the Local Plan.

### 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, ecology, or highways safety. As such the proposal complies with policies CO1, 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 With the exception of ground works, no works to construct the development hereby approved shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:-

(a) bricks (including the provision of samples where appropriate) to be used for all external walls

Once approved such details shall be implemented as part of the development unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of visual amenity in accordance with policy D2 of the Sedgemoor Local Plan 2011-2032.

- 4 Prior to the first occupation of the development hereby approved, the acoustic design and sound attenuation measures as detailed in the submitted and hereby approved Environmental Noise Impact Assessment ref IMP7425-1 dated November 2023, shall be installed. Once installed the measures shall be retained and maintained thereafter in perpetuity.

Reason: In the interest of protecting residential amenity as in accordance with policy D25 of the Sedgemoor Local Plan 2011-2032.

- 5 Prior to the first use of the development hereby approved, a lighting scheme, specifying the provisions to be made for the level of illumination of the site and to control light pollution, has been submitted to and agreed in writing by the Local Planning Authority. 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 approved details. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority via submission of a planning application.

Reason: To prevent excessive lighting and protect the residential amenity of occupiers in accordance with Policies D24 and D25 of the Sedgemoor Local Plan

- 6 No development shall commence, including site clearance, groundworks or construction, unless a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CEMP shall, amongst other things, include:-



- a) Measures to regulate the on-site routing of construction traffic and details of routes for construction traffic;
- b) The importation of spoil and soil on site;
- c) The removal /disposal of materials from site, including soil and vegetation;
- d) The location and covering of stockpiles;
- e) Details of measures to prevent mud from vehicles leaving the site and must include wheel- washing facilities;
- f) Control of fugitive dust from earthworks and construction activities; dust suppression measures;
- g) Noise and Vibration control plan (which includes control methods) to include mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 'Code of practice for noise and vibration control on construction and open sites' shall be used to minimise noise or vibration disturbance from construction works;
- h) A waste disposal policy (to include no burning on site);
- i) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- j) Details of any site construction office, compound and ancillary facility buildings;
- k) Specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- l) A point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed, including an appropriate phone number and a 24 hour emergency contact number
- M) Prevention of nuisance caused by radios, alarms, PA systems or raised voices
- n) Hours of operation
- o) Locations for unloading/loading and storage of plant, waste and construction materials
- p) Details of measures to protect vulnerable road users (cyclists and pedestrians)
- q) Any necessary temporary traffic management measures
- r) Arrangements for turning vehicles and to receive abnormal loads or unusually large vehicles
- s) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses

And shall confirm:

That noise generating activities shall not occur outside of the following hours:

- Mon - Fri 08:00-18:00

- Sat 08:00 -13:00

- All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and monitored by the applicants to ensure continuing compliance during the

construction of the development.

Reason: A pre-commencement condition to ensure that safe operation of the highway and minimise the effect of noise, odour and dust from the construction phase of development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with policies D14, D24 and D25 of the Sedgemoor Local Plan and Chapter 15 of the NPPF.

- 7 The areas allocated for vehicle and cycle parking as shown on the submitted and hereby approved "Proposed Block Plan Drg No. PL4968/4A" shall be kept clear of obstruction and shall only be used for the said purpose and not for any other purposes.

Reason: In the interest of highways safety as in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 8 Prior to the first occupation of the development hereby approved, a 2m wide footway shall be constructed over the entire frontage of the site in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of pedestrian safety as in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 9 There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge.

Reason: In the interest of highways safety as in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 10 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway and shall be installed prior to development above DCP level and thereafter maintained in perpetuity.

Reason: In the interest of highways safety as in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 11 The holiday accommodation hereby approved shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main residence. The site operators and owners shall maintain an up to date register of the names of all guests, 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.

**Schedule A**

Location Plan Drg No. PL4968/1A

Existing Block Plan Drg No.

PL4968/3A Proposed Block Plan Drg

No. PL4968/4B

Existing Site Survey Plan Drg No. PL4968/2

Existing Plans & Elevations Drg No.

PL4968/5 Proposed Floor Plans Drg No.

PL4968/6 Proposed Elevations Drg No.

PL4968/7A Existing/Proposed Sections Drg

No. PL4968/8

**DECISION**

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