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<b>APPLICATION NO:</b> 16/P/1412/RG3	<b>CASE OFFICER:</b> Tom Isbell
<b>APPLICANT:</b> North Somerset Council	<b>Extended expiry date:</b>
<b>PARISH/WARD:</b> Weston-super-Mare/Weston-super-Mare Central <b>WARD COUNCILLOR(S):</b> Cllr M Bell Cllr R Nightingale	<b>TARGET DATE:</b> 21 July 2016
<b>SITE ADDRESS:</b> Southern End of Promenade, Marine Parade, Weston-super-Mare, BS23 1BE	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk). This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2016 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form



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8. **Section 2: 16/P/1412/RG3 Erection of 24 beach huts and associated infrastructure at southern end of promenade - west of Marine Parade at Southern End of Promenade, Marine Parade, Weston-super-Mare, BS23 1BE**

**COUNCIL APPLICATION**

**Summary of recommendation**

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

**Background**

Planning application 15/P/0005/RG3, submitted by North Somerset Council, was approved on 13 March 2015 and authorised the erection of 'up to 97 beach huts and associated infrastructure' at the southern end of the promenade. Following a complaint regarding the implementation of the scheme, it was found that the size and siting of the beach huts which had been constructed differed marginally from those shown on the approved plans. This proposal is seeking to regularise the revised dimensions of those huts.

**The Site**

The application site lies at the southern end of the promenade at Weston-super-Mare, adjacent to Marine Parade. The site forms part of the Beach Lawns Conservation Area.

**The Application**

Full planning permission is sought for the erection of 24 beach huts and associated infrastructure.

**Relevant Planning History**

<b>Year</b>	<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
2016	16/P/0687/MMA	Minor Material Amendment to condition 3 and 4 on 15/P/0005/RG3 (Erection of up to 97 beach huts and associated infrastructure at southern end of promenade - west of Marine Parade) to increase the size of the beach huts to 2.2m x 2.6m and agree the change of colour (retrospective)	Withdrawn
2015	15/P/0005/RG3	Erection of up to 97 beach huts and associated infrastructure at southern end of promenade - west of Marine Parade	Approved with conditions

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**Policy Framework**

The site is affected by the following constraints:

- Floodplain
- Tidal flood zone 3A
- Beach Lawns Conservation Area

**The Development Plan**

**North Somerset Core Strategy (NSCS) (adopted April 2012)\***

The following policies are particularly relevant to this proposal:

<b>Policy Ref</b>	<b>Policy heading</b>
CS3	Environmental impacts and flood risk management
CS5	Landscape and the historic environment
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS20	Supporting a successful economy
CS22	Tourism Strategy
CS28	Weston super Mare
CS29	Weston super Mare Town Centre

**\* Core Strategy - High Court Challenge**

Following a legal challenge to the adopted Core Strategy, Policy CS13 (housing requirement) was remitted back to the Planning Inspectorate for re-examination. In addition, Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32, CS33 were also remitted on the grounds that should the housing requirement be increased, then this may have consequences for one or more of these policies. All other policies remain adopted. Policy CS13 was approved by the Secretary of State on 18 September 2015 and forms part of the development plan. The examination of the other remitted policies is currently taking place.

**North Somerset Replacement Local Plan (NSRLP) (saved policies) (adopted March 2007)**

Following the adoption of the Sites and Policies Plan Part 1: Development Management Policies on 19 July 2016, the majority of Replacement Local Plan policies were superseded. None of the saved policies from the Replacement Local Plan are relevant to this application.

**The Sites and Policies Plan Part 1: Development Management Policies (adopted 19/07/2016)**

The following policies are particularly relevant to this proposal:

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<b>Policy</b>	<b>Policy heading</b>
DM1	Flooding and drainage
DM3	Conservation Areas
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM28	Parking standards
DM32	High quality design and place making
DM60	Town centres
DM68	Protection of sporting, cultural and community facilities
DM69	Location of sporting, cultural and community facilities

**Other material policy guidance**

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

<b>Section No</b>	<b>Section heading</b>
1	Building a strong, competitive economy
2	Ensuring the vitality of town centres
4	Promoting sustainable transport
7	Requiring good design
10	Meeting the challenge of climate change, flooding and coastal change
12	Conserving and enhancing the historic environment

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- North Somerset Parking Standards SPD (adopted November 2013)

**Consultations**

Copies of representations received can be viewed on the council's website. This report contains summaries only.

**Third Parties:** 14 letters of objection have been received, as well as a petition containing 235 signatures. The principal planning points made are as follows:

- The location is unsuitable
- The movement of the huts during adverse weather causes a hazard
- The plans submitted with the application are insufficiently detailed and not clear
- Loss of views

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- Adverse visual impact from increased size of huts
- Restriction of space available for users of the promenade. The huts should be positioned immediately adjacent to Marine Parade
- Adverse impact on reputation of Weston-super-Mare and tourist numbers
- No clear option selected as part of flood risk assessment to manage flood risk
- Impact on public right of way
- Strategic cycle route via the promenade will be adversely affected
- Poor visibility of people walking between the huts
- One hut is in use by local schools for education purposes, rather than the recreational use applied for under the application.

*[Officer comment: The applicant advises that one hut is currently being used as a storage facility by local schools in order to store equipment used by pupils of the schools when they are conducting activities on the beach, e.g. sports equipment. This is considered to be in line with the expected normal use of a beach hut.]*

- The huts will obstruct the siting of temporary structures used for events on the seafront
- The spaces between the huts may provide a hiding place for those engaged in crime
- There has been a lack of consultation on the application, including reduction from the 28 day consultation period given in NSC's statement of community involvement to 21 days in the consultation letters sent out and no site notice has been posted despite the application site being within a conservation area and affecting a claimed public right of way.

*[Officer comment: The statutory timescale for consultation on planning applications is a minimum of 21 days. This period ran until 12<sup>th</sup> July but comments received after this date are still taken into account as per normal practice. The Council has discretion to give a longer timescale hence the 28 days in the SCI. Two site notices were posted and public notice of the application was given in the Western Daily Press on 23 June 2016]*

Members should note that the consultation period for this application has not yet concluded at the time of producing this report. Any additional comments and issues raised will be addressed in the committee update.

**Weston-super-Mare Town Council:** “The Town Council object to the revisions to planning permission and suggest that to appease the public condemnation of the beach huts that consideration be given to the re-siting of beach huts from the promenade to the beach”.

**Other Comments Received:**

Avon and Somerset Constabulary – Crime Prevention Design Advisor

Beach huts constructed of timber are vulnerable to damage and should be of robust construction. The Secured by Design New Homes 2014 Design Guide outlines minimum requirements for the construction of sheds where storage is provided.

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Queries raised with regard to CCTV coverage, spacing between the beach huts, access to the front of the huts, construction, and security measures.

**Principal Planning Issues**

The principal planning issues in this case are (1) the principle of development in this location, (2) the impact on the character and appearance of the Beach Lawns Conservation Area (3) the impact on nearby residential properties, (4) impact on the use of the public open space, (5) impact on ecology and protected sites, (6) safety, security and maintenance of the beach huts, (7) flood risk, (8) setting of listed building and (9) other matters.

**Issue 1: Principle of development in this location**

The principle of development of this kind in this location has already been established through the approval of planning permission 15/P/0005/RG3. The application is simply to resolve minor alterations to 24 of the huts originally approved.

Policy DM60 provides that main town centre uses (including tourist facilities) are acceptable in principle within a recognised town centre. The application site falls within the Town Centre as defined for the purposes of DM60.

The proposal is considered to comply with the requirements of policies CS20, CS22 & CS29 of the Core Strategy and policy DM60 of the Sites and Policies Plan. The proposal provides improved visitor and tourist facilities, which are an acceptable use within a town centre location and will help to support the development of the local tourist economy.

**Issue 2: Impact on the character and appearance of the Beach Lawns Conservation Area**

Core Strategy Policy CS5 and Sites and Policies Plan policy DM3 both seek to conserve and enhance the character and appearance of conservation areas. The principle of beach huts in a seafront location is compatible with the aims of these policies, as beach huts are considered to be appropriate in character for a seafront location.

The reduced number of huts from that previously approved reduces any impact on the conservation area, in relation to any loss of outlook, despite the increased dimensions of the huts. The huts are to be positioned with wide spaces between small groups of huts, thus ensuring that views are retained between the huts and preserving the seafront character of the Conservation Area. The location of the huts also minimises interruptions to potential sea views from local properties and thoroughfares.

The colours currently used on the huts are considered to be in keeping with the traditional seafront character of the area and a condition is recommended to control any future changes to the colours.

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It was raised during consultation that the huts are on the promenade whilst other buildings along the sea front are set back onto the beach. Whilst this general trend is acknowledged, there is no established building line. The huts therefore cannot be considered to fall in front of an established building line and do not cause unacceptable harm in this regard.

Based on the considerations above the huts are not considered harmful to the character and appearance of the Beach Lawns Conservation Area and comply with the requirements of policy CS5 of the Core Strategy and policy DM3 of the Sites and Policies Plan.

**Issue 3: Impact on nearby residential properties**

Policies CS12 of the Core Strategy and DM32 of the Sites and Policies Plan require development to respect the characteristics of the site and to avoid adverse effects to the site and surrounding areas. Due to the substantial distances between the application site and the existing residential properties the beach huts will not adversely affect the living conditions of the occupiers of nearby residential properties. The proposal therefore complies with policy CS12 and policy DM32.

**Issue 4: Impact on the use of the public open space**

The huts occupy only a small proportion of the promenade as a whole and leave sufficient space between the huts and Marine Parade to allow pedestrians, cyclists and other seafront users to continue to pass freely along the promenade. There is sufficient space available for passage around the benches due to strategically placed gaps positioned directly opposite the benches.

Concern has been raised that the proposal obstructs a public right of way along the promenade. Although an application has been submitted claiming the existence of such a public right of way and the promenade is very well used, there is no currently registered formal public right of way in existence along this part of the promenade. Should a formal right of way be established then other legislation will control these matters.

Concern has also been raised that the promenade is designated as a strategic cycle route. The promenade is recognised by Sustrans as a recognised off-road cycle route. Under the requirements of policy DM25, development must not reduce, sever or adversely affect the use of such routes. The siting of the huts leaves sufficient space for the continued use of the cycle route and should therefore have no adverse impact on the use, amenity or safety of the route.

Consultation responses also suggested that locating the huts at the back of the promenade (immediately adjacent to Marine Parade) would allow a more flexible use of the promenade. Positioning the huts so close to a road used by vehicular traffic would, however, have the potential to restrict visibility for pedestrians and drivers, leading to a highway hazard.

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The proposal leaves sufficient space on the promenade to allow the continued use of the area for the range of current uses and thereby complies with the requirements of policy CS10 of the Core Strategy and policy DM25 of the Sites and Policies Plan.

**Issue 5: Impact on ecology and protected sites**

Policy CS4 of the Core Strategy and DM8 of the Sites and Policies Plan seek to protect the natural environment and biodiversity.

The application site is immediately adjacent to the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site, the Beach Lawns Local Wildlife Site, and is within 50m of Ellenborough Park Site of Scientific Interest (SSSI), designated for its botanical interest. The proposal is entirely within hardstanding of the existing promenade and outside of the designated sites. The current proposal will not therefore cause an adverse impact on ecology or the adjoining protected sites and is therefore in accordance with policies CS4 and DM8 and complies with the requirements of the Natural Environment and Rural Communities Act 2006.

**Issue 6: Safety, security and maintenance of the beach huts**

The issue of safety, security and maintenance of the huts has been considered previously under application 15/P/0005/RG3. The report from that application states the following:

Policy CS12 of the Core Strategy and policy DM32 of the Sites and Policies Plan require development proposals to create safe public spaces and streets that benefit from natural surveillance and other security measures. The positioning of the huts allows a high level of natural surveillance and coverage by existing seafront CCTV systems. Other issues around security and maintenance are primarily covered by other legislation and will be controlled by the terms of the lease for the beach huts. A condition is, however, recommended preventing the overnight use of the huts.

The issue of the beach huts being moved by high winds and/or flooding, potentially causing a hazard, was raised in responses to consultation, with evidence showing that this has already occurred. In order to mitigate against this, a condition is recommended requiring that the huts be fixed in place. This will also reduce the possibility of the huts themselves being stolen.

Concern was also raised during consultation that gaps between the huts might cause a safety issue if people walk through small gaps and emerge unexpectedly into the main flow of traffic using the promenade. The huts are shown on the submitted siting plan as being positioned in groups, which minimises the number of gaps between the huts and thereby minimises this risk as far as possible.

Subject to the conditions referred to above, the proposals are considered to be in accordance with policy CS12 of the Core Strategy and policy DM32 of the Sites and Policies Plan, as well as the requirements of the Crime and Disorder Act 1998.

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**Issue 7: Flood risk**

Policy CS3 of the Core Strategy states that development within a flood zone will only be permitted where it complies with the sequential test set out in the NPPF and associated guidance.

The application site lies within Flood Zone 3, which is at high risk from tidal flooding. In accordance with the sequential approach for development within flood zones, there are no other alternative lower risk sites available within the Weston seafront area, as all other locations have the same flood risk level. The use of the sites for beach huts for recreational purposes that exclude sleeping accommodation is classified as “water compatible” and the huts can be easily evacuated in advance of any flood occurrence and returned to use soon after. The flood storage capacity of the site will not be affected, and surface water run-off will not be increased.

The issue has been raised following consultation that the flood risk assessment for the current application does not specify which of the mitigation methods discussed in the report is to be adopted. One of the options suggested is for the huts to be secured to the hardstanding and the applicant indicates that this is their preferred option. The condition already recommended above to require that the huts be fixed in place will mitigate any risk arising from potential flooding of the application site, as well as the adverse weather and security issues referred to in section 6.

Subject to the condition referred to above, the level of flood risk is considered to be acceptable and the development is in accordance with the requirements of policy CS3 of the Core Strategy and policy DM1 of the Sites and Policies Plan.

**Issue 8: Setting of Listed Building**

The proposal does not affect the setting of any listed buildings.

**Issue 9: Other matters**

All other matters raised by the consultees have been taken into account, including the following issues:

- Loss of views from the promenade – The loss of a view carries little weight in the determination of planning applications
- Loss of public use of the area between the huts and the beach wall – Rights of access are civil matter and do not fall to be considered as part of this application
- Loss of trade for local businesses due to the proposed huts’ adverse impact on reputation of Weston-super-Mare and tourist numbers – There is no evidence to suggest that the presence of beach huts will lead to any loss of trade for local businesses and the presence of beach huts at other seafront resorts has proven to be successful.
- The huts will obstruct the siting of temporary structures used during the various events held on the seafront throughout the year – Temporary events

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are, by nature, transient and any temporary structures required can therefore easily be moved to take account of the huts

- The plans and information submitted are not clear - The plans and information submitted clearly show the locations of the proposed huts and allow the impact of the proposals to be properly assessed.

None of the issues above is of such significance as to outweigh the considerations that led the recommendation below.

Other issues were also raised during consultation, including the wider benefit which would be produced if the huts were let out on a 'daily hire' basis; comparisons between the current application documents and the documents accompanying application 15/P/0005/RG3; the fact that the huts are not currently located to exactly match the submitted plans; that cones and barriers have been used to restrict access to areas of the promenade; and a lack of engagement by the applicant with the local community. None of these issues are relevant to the consideration of this application and carry no weight in reaching the conclusion below.

**Conclusion**

The proposal provides improved visitor and tourist facilities, which are an acceptable use in this location and will help to support development of the local tourist economy. The huts are not considered harmful to the character and appearance of the Beach Lawns Conservation Area and there should be no adverse impact on the living conditions of neighbouring residents. The proposal leaves sufficient space on the promenade to allow the continued use of the area for the range of current uses and it is not considered that the proposal will cause an adverse impact on ecology or biodiversity.

Subject to conditions, the proposals are considered to be unlikely to lead to an increase in crime or a hazard to health and safety and the level of flood risk is considered to be acceptable.

The proposal complies with the requirements of policies CS3, CS4, CS5, CS10, CS12, CS20, CS22 & CS29 of the Core Strategy and policies DM3, DM8, DM25, DM32 DM60 of the Sites and Policies Plan, as well as the provisions of the NPPF, the Natural Environment & Rural Communities Act 2006 and the Crime and Disorder Act 1998.

**RECOMMENDATION: APPROVE** (for the reasons stated in the report above) subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

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

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2. The beach huts hereby approved shall be permanently securely affixed to the ground in order to prevent them being moved during flooding or adverse weather.

Reason: In the interests of health and safety and in accordance with policies CS3 & CS12 of the Core Strategy and policies DM1 and DM32 of the Sites and Policies Plan.

3. The beach huts hereby approved shall be painted only in accordance with the colour details submitted with the application, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure any additional colours applied are appropriate to the character and appearance of the Beach Lawns Conservation Area, in accordance with policy CS5 of the Core Strategy and policy DM3 of the Sites and Policies Plan.

4. The beach huts hereby permitted shall be used for recreational purposes only and shall not be used for overnight accommodation.

Reason: In the interests of the visual amenity of the area and to minimise the risk of harm as the land is within a flood zone in accordance with Policies CS3 and CS5 of the Core Strategy and DM3 and DM32 of the Sites and Policies Plan.