

Committee Report – 05.10.2023

Application Number:	1/0308/2023/FUL
Registration date:	31 March 2023
Expiry date:	26 May 2023
Applicant:	Surf Bay Leisure
Agent:	Fearnley Lott Architects
Case Officer:	Mr Peter Stapley
Site Address:	Surf Bay Leisure, Surf Bay Holiday Park, Golf Links Road, Westward Ho!, Bideford, Devon
Proposal:	Demolition of existing Surf Bay Holiday Park reception building. Proposed mixed use new two storey reception building & holiday unit. (resubmission of 1/1251/2022/FUL)
Recommendation:	Grant

Reason for referral:

The application was called in to be heard at Plans Committee by Councillor Hodson as Ward Member for the following reasons:

'Scale of the building visible from the Northam Burrows, a SSSI, contrary to Local Plan policy DM08A (Landscape and Seascape Character). A three-storey structure will dominate the streetscene, the roof terrace a recreational space, would be likely to have a detrimental effect on the privacy and the right for quiet enjoyment of nearby residencies and gardens.'

Relevant History:

Application No.	Description	Status	Closed
1/0111/1976	EXT.TO RECEPTION FACILITIES SURF BAY CAMP GOLF LINKS RD WESTWARD HO	PER	12.03.1976
1/1223/2015/DIS	Discharge of condition 9 of 1/0595/2013/FUL	PER	23.05.2016
1/0835/2016/FUL	Renewal of consent 1/0527/2014/FUL and alterations.	PER	28.09.2016
1/0116/1986	W.C. AND WASH UP EXTENSION TO SITE OFFICE AND RECEPTION	PER	12.03.1986
1/2093/1989	EXTENSION TO SURF BAY HOLIDAY PARK FOR TOURING CARAVANS	PER	11.01.1990
1/1481/1990	EXTENSION TO EXISTING HOLIDAY PARK FOR STATIC HOLIDAY HOMES	PER	14.11.1990
1/2255/2006/FUL	Proposed redevelopment	REF	12.01.2007
1/0595/2013/FUL	Demolition of workshop and erection of 3 holiday apartments (AMENDED PLANS)	PER	22.01.2014
1/0247/2014/FUL	Replacement of existing managers accommodation and garage with permanent dwelling with storage and garage under. (Managers Use)	PER	28.07.2014
1/0527/2014/FUL	Proposal of 2 Holiday Apartments over existing shop and reception area	PER	30.07.2014
1/1141/2015/FUL	Variation of condition 2 of 1/0595/2013/FUL to add solar PVs to roof and rooflights (amended plans)	PER	08.01.2016
1/0333/2016/FUL	Variation of condition 2 of	PER	02.06.2016

	application 1/0595/2013/FUL. Alterations to glazing and addition of external store.		
1/1251/2022/FUL	Demolition of existing Surf Bay Holiday Park reception building. Proposed mixed use new two storey reception building & holiday unit.	REF	15.02.2023

Site Description & Proposal

Site Description

The application site relates to a parcel of land that is currently used in association with tourism accommodation, known as Surf Bay Holiday Park. The application site, measures approximately 830 square metres, and consists of a single storey reception building, while the wider site, includes the provision of caravan holiday lodges and a managers accommodation building.

The existing single storey reception building measures approximately 8 metres in width by 20 metres in length, with a maximum height of 3.25 metres. The building, whilst practical, is of relatively poor architectural quality and has no special interest.

The site in its entirety is located outside, but adjacent to, the development boundary of Northam, which is designated as a 'Main Centre' in the adopted North Devon and Torridge Local Plan (NDTLP). Additionally, the site is located within policy allocation NOR05 (Tourist Area) and the ST09 (Coast and Estuary Zone).

The site is neighboured by the Northam Burrows to the north, which is an Area of Outstanding Natural Beauty (AONB) and a Site of Special Scientific Interest (SSSI); a caravan park to the east; the classified (Class C) public highway, with residential properties beyond, to the south; and residential properties to the west.

Proposed Development

The application seeks the demolition of the existing reception building and a replacement, two-storey, mixed-use reception building and holiday accommodation, with roof terrace. The building will provide one five-bed, holiday accommodation unit with roof terrace; a reception; an office; and a laundry room.

The proposed replacement mix-use building will measure approximately 7.8 metres in width by a maximum 20 metres in length, the main building will have an eaves height of 5.2 metres and a ridge height of 7.9 metres.

The total floor areas are as follows:

- Reception: 24.6 square metres (-67.9 square metre reduction)
- Office: 11.5 square metres (-67.7 square metre reduction)
- Laundry: 11.5 square metres (-39.5 square metre reduction)
- Holiday unit: 215 square metres
- Roof terrace: 50 square metres

The proposed development will be constructed with off white painted render to the ground floor; Eternit cladding in blue/grey above; external stair; Marley modern roof tiles; and PVCu doors and windows in grey.

Consultee representations:

Northam Town Council (received: 28/04/2023):

Northam Town Council recommends the proposal be refused permission on the following grounds:

The proposed scale of the building would mean it would be visible from Northam Burrows, an SSSI, contrary to Local Plan policy DM08A (Landscape and Seascape Character).

The concern noted by South West Water with regard to surface water runoff. The location of the proposed building, close to areas of flood risk (to the north) requires the proposal to have detailed plans for surface water, which were not present in the detail required to form a clear understanding of the plans for dealing with water.

The proposed structure is large, comprising three storeys. The structures immediately adjacent and on the opposite side of the road are of single or two storey construction. The building as proposed would visibly dominate the street scene, having a detrimental effect.

The planned roof terrace would have a detrimental effect on the amenity of properties local to the proposal. The height of the building along with its likely use as an area for recreation would have an adverse effect on the privacy and peaceful enjoyment of nearby residences and gardens.

Northam Town Council (received: 29/08/2023):

It was resolved to recommend the proposal be granted permission, subject to South West Water being satisfied with the plans for surface water drainage. Proposed: Cllr Leather, Seconded: Cllr Mrs Hodson (majority in favour).

Devon County Council (Highways):

Standing advice.

South West Water (received: 18/03/2023):

Proposal: Demolition of existing Surf Bay Holiday Park reception building. Proposed mixed use new two storey reception building & holiday unit.

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that discharge to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

South West Water:

No further representation received.

AONB:

I don't think the AONB Partnership should have any concerns. In views from Golf Links Road towards the AONB, an existing high hedge and the existing caravan park already block views over the AONB. There may be views from the upper floors of houses up the slope over the caravan park. The proposal would not block any views over the AONB for users of Golf Links Rd. It may appear in views from properties higher up the slope, but these views are likely to be more panoramic and the proposal would sit as only a small part of the view.

In near views from Northam Burrows (the path that runs along the edge of the AONB), views are already dominated by the caravan park. It's unlikely that the new building will appear over the top of the foreground caravans in these views. If it does, its unlikely to be a prominent new feature.

In longer views, from the pebble ridge, development south of Golf Links Road rises up the slope towards the wooded escarpment. It looks as though the proposed building would sit well below the visible level of houses on the slopes behind it. There would be no appreciable effect on the impact of development on the setting of the AONB.

In terms of light pollution, I doubt that the proposal would contribute appreciably to existing street lighting and domestic lighting spilling into the Burrows.

On that basis, I wouldn't recommend an objection to the proposal.

As a result, we will not be making an official response to this application.

Environmental Protection:

The following consultation response is provided by the Environmental Protection Team in relation to the above application.

It is acknowledged that objections have been raised in relation to the proposed roof terrace area of the proposed development, amenity impact from noise being cited. It should also be noted that the locality is one of consisting of mixed residential and leisure uses and it would not be uncommon for noise to arise from the existing holiday let use on the wider site.

Having regard for the layout, separation and screening of the roof terrace area, the Environmental Protection Team does not consider that neighbouring third party dwellings will be significantly adversely affected from the proposed development. Furthermore, should the Authority receive any complaints of noise nuisance from neighbouring residents, environmental legislation exists that could be applied accordingly. However, this Authority has no records of any complaints pertaining to noise from holiday let use to date at Surf Bay Holiday Park.

In summary, the Environmental Protection Team has no objections to the proposed development. However, due to the proximity of existing neighbouring dwellings, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

Representations:

Number of neighbours consulted:	11	Number of letters of support:	0
Number of representations received:	5	Number of neutral representations:	0
Number of objection letters:	5		

The public representations received by the Local Planning Authority are summarised below:

Objection

- Impact on amenities;
 - Loss of privacy;
 - Loss of light;
 - Overlooking;
 - Overbearing;
 - Noise;
- Access, traffic and parking;
- Scale of the proposed development;
- Quality of evidence demonstrating need;

- Impact on character and appearance; and
- Overdevelopment of site.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST09 (Coast and Estuary Strategy); ST10 (Transport Strategy); ST13 (Sustainable Tourism); ST14 (Enhancing Environmental Assets); NOR (Northam Spatial Vision and Development Strategy); NOR05 (Westward Ho! - Core Tourist Area); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity); DM17 (Tourism and Leisure Attractions); DM18 (Tourism Accommodation).

Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981).

Planning Considerations

The main planning considerations in the determination of this application are:

1. Principle of Development;
2. Impact on Character and Appearance;
3. Landscape Impact;
4. Impact on Residential Amenities;
5. Access, Parking and Highway Safety;
6. Foul and Surface Water Drainage;
7. Impact on Wildlife and Ecology; and
8. Conclusion.

1.0 Principle of Development

1.1 Section 38 (6) of the Planning and Compulsory Act 2004 states that key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material planning considerations indicate otherwise. For the purpose of the development plan the statutory development plan is comprised of the North Devon & Torridge Local Plan 2011-2031 (NDTLP).

1.2 In planning terms, the site is located outside, but adjacent to, the development boundary of Northam including Appledore and Westward Ho!, which is designated as a 'Main Centre' in the North Devon and Torridge Local Plan (NDTLP), and therefore is guided by Policy ST07(4) of the plan. Policy ST07 (4) sets out that development in the countryside should be limited to that which is enabled to meet local economic and social needs, rural building reuse and development that is necessarily restricted to a countryside location.

1.3 Notwithstanding the above, the site is allocated within the 'Core Tourist Area' for Northam, and therefore it is considered an application for tourism development would relate directly to the Spatial Vision for Westward Ho! despite being located outside of the development boundary. The spatial vision for Westward Ho! is for the settlement to be established as a thriving coastal resort, with the development of marine based industries and a quality tourism offer to contribute to rebalancing Northam's community and add economic value to the area. Furthermore, the Spatial Development Strategy (f) within the policy broadly supports proposal that 'support key site regeneration and new site development in Westward Ho! that would positively contribute to the centre's role as a coastal resort and result in an extension of the tourism season, through securing improved access to the resort and qualitative improvements to facilities, attractions and visitor accommodation.'

- 1.4 Policy ST13 of the NDTLP, supports high quality tourism development that promotes a year round industry and tourism growth that is sustainable and does not damage the natural or historic assets of northern Devon.
- 1.5 Policy DM18(2) of the NDTLP, outside the sub-regional, Strategic Main and Local Centres, the development of new and the expansion or rationalisation of existing tourism accommodation will be support where it:
- (a) *Is related directly to and compatible in scale with an existing tourism, visitor or leisure attraction; or*
 - (b) *Reuses or converts existing buildings; or*
 - (c) *Improves the facilities for or diversifies the range or improves the quality of existing tourism accommodation.*
- And in all cases:*
- (d) *The scale and character of the proposal is appropriate to the size of the existing settlement or tourism attraction;*
 - (e) *The local road network can accommodate the type and scale of traffic to be generated and the safety of public highway users is maintained;*
 - (f) *Is designed to respect and enhance the key characteristics of the relevant landscape character types;*
 - (g) *Identified environmental and heritage assets are not subject to significant harm, are conserved or enhanced, with particular respect to the setting and special qualities of nationally important landscapes, the Undeveloped Coast, biodiversity and heritage designations; and*
 - (h) *Protects and enhances the setting and special qualities of the Area of Outstanding Natural Beauty and provides an overall environmental enhancement when assessed throughout a year.*
- 1.6 Policy NOR05(1) (Westward Ho! - Core Tourist Area) of the NDTLP supports proposals for:
- (a) Tourist development that improves the attractiveness of the resort for both visitors and residents; and
 - (b) Other appropriate development that would maintain the tourist character of the resort.
- 1.7 Policy ST09 of the NDTLP, supports proposals within the developed coast for new tourism accommodation and associated tourism facilities and services that are of an appropriate scale, where they enhance the quality or diversity of the local tourism offer and will not detract from the character of protected landscapes and other environmental assets.
- 1.8 Paragraph 84 of the National Planning Policy Framework notes that planning decisions should enable the growth and expansion of all types of business in rural areas both through conversion of existing building and well-designed new buildings and sustainable rural tourism and leisure developments which respect the character of the countryside. In addition to this, paragraph 85 states “*planning decision should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to existing settlements. [...] the use of previously developed land, and site that are physically well-related to existing settlements, should be encourages where suitable opportunities exist.*”
- 1.9 The proposal is for the demolition of the existing reception and ancillary building, and the erection of a two-storey, mixed-use building. The proposal will result in a reduction to the reception and ancillary functions of the building with the provision of a sizeable, five-bed, holiday accommodation unit.
- 1.10 Northam Town Council were consulted on the final revised scheme and recommended approval.
- 1.11 The proposed holiday accommodation is directly related to the existing tourism use on the wider site, which consists of approximately 73 privately owned holiday caravans; one three-

bed, six-person, holiday apartment; and one two-bedroom, four-person, apartment. Whilst considerably larger than the current tourism accommodation on offer, suitable and sufficient evidence has been provided to the Loal Planning Authority which demonstrates the proposed tourism accommodation would diversify the range of tourism offer within the locality.

- 1.12 Taking account the above, the principle of the tourism accommodation on the application site is acceptable under these policies, provided the criteria (d)-(h) as set out within Policy DM18 are met and the proposal complies with all other material planning considerations.
- 2.0 Impact on Character and Appearance
- 2.1 The NDTLP policies on design are relevant - Policy ST04 (Improving the Quality of Development) and Policy DM04 (Design Principles), which both aim to achieve high quality, inclusive and sustainable design.
- 2.2 Policy ST04 supports development proposal that achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in Policy DM04.
- 2.3 Policy DM04 supports developments with good design and the policy seeks to guide overall scale, density, massing, height, landscape, layout, materials, access and appearance of new developments. It seeks not just to manage land use but support the creation of successful places and respond to the challenges of climate change. The policy lists 13 design principles that proposals must meet in order to be supported by the policy.
- 2.4 In relation to design, Policy DM18(2) supports tourism development where the scale and character is appropriate to the size of the existing settlement or tourism attraction and the design respects and enhances the key characteristics of the relevant landscape character types. In addition to this, Policy NOR05 supports tourist development that maintains the tourist character of the resort.
- 2.5 The NPPF also promotes good design through Part 12, which lists 6 design principles to ensure that developments achieve well-designed places. Additionally, Paragraph 126 and 132 of the NPPF states that development should respect local character, history and reflect the identity of local surroundings.
- 2.6 The proposal is for the demolition of the existing reception building and a replacement, two-storey, mixed-use reception building and holiday accommodation, with roof terraces. The building will provide one five-bed, holiday accommodation unit with roof terrace; a reception; an office; and a laundry room.
- 2.7 The proposed replacement mix-use building will measure approximately 7.8 metres in width by a maximum 20 metres in length, the main building will have an eaves height of 5.2 metres and a ridge height of 7.9 metres.
- 2.8 The proposed development will be constructed with off white painted render to the ground floor; Eternit cladding in blue/grey above; stone clad external stair; Marley modern roof tiles; and PVCu doors and windows in grey.
- 2.9 A number of third-party representations were received during the course of the application. Concerns were raised with respect to the scale of the development; impact on character and appearance of the area; and the overdevelopment of the site.
- 2.10 Immediately to the southwest of the proposed development, is a residential property used in connection with the tourism use of the site, which was granted planning permission in 2014. The residential property, currently used as holiday accommodation, is of a similar design with similar materials as the proposal and has a maximum height of 7 metres. The wider site use

as a caravan park and the neighbouring caravan park, form the context to the east of the building. A contextual elevation was provided which demonstrates the proposed tourism accommodation will appear slightly larger than the existing context but would not result in an alien or dominant feature within the streetscape and therefore is appropriate for its context.

2.11 The proposed holiday accommodation is considered to be of a contemporary design, however the form, scale, massing and choice of materials are characteristic and appropriate for its setting and place. The addition of a further holiday apartment in this location would not result in an overdevelopment of the wider site.

2.12 Consequently, the design and form are considered to be appropriate when seen against the scale of the existing holiday use and its surrounding context, and as a result is considered to be compliant with policies ST04, DM04 and DM18 of the NDTLP.

3.0 Landscape Impact

3.1 The application site is situated within the designated Coast and Estuary Zone, and therefore will need to be justified against policy ST09: Coast and Estuary Strategy of the NDTLP. The policy recognises that there are many competing land uses and significant development pressures alongside a combination of environmental designations within coastal settlements. However, the policy states that proposals for tourism attractions, leisure developments, new tourist accommodation, associated tourism facilities and services of an appropriate scale will be supported within the Developed Coast, where they enhance the quality and diversity of the local tourism offer and will not detract from the character of protected landscapes and other environmental assets.

3.2 NDTLP Policy ST14 seeks to protect the quality of northern Devon's natural environment will be protected and enhanced and part (e) requires development to conserve the setting and special character and qualities of the North Devon Coast Areas of Outstanding Natural Beauty whilst fostering the social and economic wellbeing of the area, while part (g) indicates this will be through protecting and enhancing local landscape and seascape character, taking into account the key characteristics, the historical dimension of the landscape and their sensitivity to change. Policy DM08A (1) states 'development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes and seascapes; it should avoid adverse landscape and seascape impacts and seek to enhance the landscape and seascape assets wherever possible.' Policy DM08A seeks to conserve and protect the Area of Outstanding Natural Beauty (AONB).

3.3 The proposed building is located approximately 140 metres from the boundary of the Northam Burrows, which is designated as an AONB. The AONB team were consulted on the proposed development and had no objection to the proposal, indicating they did not wish to provide an official response to the application.

3.4 As previously mentioned, the application site is considered to be within the Developed Coast and is located within the wider built form of Westward Ho!. As such, the proposed development would be seen in the wider context of the existing built form, when viewed from the wider landscape and the landscape harm would be reduced. On this basis the proposal is considered to be compliant with policies ST09, ST14, DM08A and DM18 of the NDTLP.

4.0 Impact on Amenity

4.1 Policy DM01 of the NDTLP relates to amenity considerations and notes, development will be supported where:

(a) *It would not significantly harm the amenities of any neighbouring occupiers or uses; and*

(b) *The intended occupants of the proposed development would not be harmed as a result of the existing or allocated uses.*

4.2 Policy DM02 of the NDTLP, states that development will only be supported where it does not result in unacceptable impacts to:

- (a) Atmospheric pollution by gas or particulates, including smell, fumes, dust, grit, smoke and soot;
- (b) Pollution of surface or ground water including rivers, canals, other watercourses, water bodies, wetlands, water gathering grounds including catchment areas, aquifers, groundwater protection areas, harbours, estuaries or the sea;
- (c) Noise or vibration; and
- (d) Light pollution where light overflows on to areas not intended to be lit.

- 4.3 Policy DM04 also aims to ensure the amenities of existing and future neighbouring occupiers are safeguarded. In addition to this, one of the core principles of the NPPF is to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 4.4 A number of third-party representations were submitted during the public consultation period. In relation to the potential impacts to residential amenities. Concerns were raised regarding the potential for overlooking from the proposed balconies; the resultant noise impacts from the use of the roof terrace; and the overbearing nature of the proposed development.
- 4.5 The site is neighboured by the Northam Burrows to the north, which is an Area of Outstanding Natural Beauty (AONB) and a Site of Special Scientific Interest (SSSI); a caravan park to the east; the classified (Class C) public highway, with residential properties beyond, to the south; and residential properties to the west.
- 4.6 The proposed development includes the provision of first floor balconies on the north and south elevation, and a roof terrace for the sole use of the intended occupants of the holiday accommodation. The proposed roof terrace is to be screened, to a height of 2.3 metres, to the east, south and west, with the main outlook directly to the north over the Northam Burrows.
- 4.7 The residential property boundary to the south, beyond the public highway, are approximately 26 metres from the proposed development, which is considered sufficient distance as to not result in a significant increase in harm to residential amenities from overlooking or overbearing.
- 4.8 The residential properties to the northwest, are approximately 24 metres from the proposed development and the existing site currently has two holiday apartments, one of which with a terrace and hot tub, along the west boundary of the site. Given the distance, orientation, layout and main outlook from the proposed development the Local Planning Authority is satisfied that the proposed development would not result in significant harm to the amenities of these properties from overlooking or overbearing.
- 4.9 A public representation raised concerns with regards to the potential noise impacts from use of the roof terrace. It is noted that the roof terrace is appropriately screened to the east, south and west, reducing the potential for noise in these directions. Additionally, there is sufficient distance to the neighbouring residential properties.
- 4.10 The Council's Environmental Protection team were consulted on the proposed development and commented "*It is acknowledged that objections have been raised in relation to the proposed roof terrace area of the proposed development, amenity impact from noise being cited. It should also be noted that the locality is one of consisting of mixed residential and leisure uses and it would not be uncommon for noise to arise from the existing holiday let use on the wider site.*"
- 4.11 *Having regard for the layout, separation and screening of the roof terrace area, the Environmental Protection Team does not consider that neighbouring third party dwellings will be significantly adversely affected from the proposed development. Furthermore, should the Authority receive any complaints of noise nuisance from neighbouring residents, environmental legislation exists that could be applied accordingly. However, this Authority has*

no records of any complaints pertaining to noise from holiday let use to date at Surf Bay Holiday Park.

- 4.12 *In summary, the Environmental Protection Team has no objections to the proposed development. However, due to the proximity of existing neighbouring dwellings, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.”*
- 4.13 The Council recognises that unrestricted use of the terrace could lead to unacceptable levels of noise nuisance at unsociable hours. A condition is recommended restricting the operational hours of the roof terrace, as shown on proposed plans reference: 21 156-100-G, to between the hours of 0700 and 2300 only, Monday - Sunday.
- 4.14 Taking account of the above, the proposed development, with the appropriate conditions, would not result in any significant adverse impacts on the amenities of occupiers of nearby dwellings in terms of overlooking, loss of privacy, dominance, overshadowing, and loss of daylight or sunlight, above that already established. On this basis, the proposal is in accordance with policies DM01, DM02 and DM04 of the NDTLP and the NPPF.
- 5.0 Access, Parking and Highway Safety
- 5.1 Paragraph 111 of the NPPF advises that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. In addition, Paragraph 112 notes that development should minimise the scope for conflict between pedestrians, cyclists and vehicles, respond to local character and design standards, allow for the efficient delivery of goods, and access by service and emergency vehicles.
- 5.2 Policy ST10 of the NDTLP, sets out the transport strategy for Northern Devon. It aims to reduce the environmental and social impact of transport by ensuring that access to new developments is safe and appropriate.
- 5.3 Policy DM05 of the NDTLP relates to highways and states:
- (1) *All development must ensure the safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians.*
 - (2) *All development shall protect and enhance public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.*
- 5.4 In addition to this, Policy DM06 of the NDTLP relates to parking provision and states:
- (1) *Development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs, having regard to:*
 - (a) *Accessibility and sustainability of the site;*
 - (b) *Availability of public transport;*
 - (c) *Provisions of safe walking and cycle routes; and*
 - (d) *Specific sale, type and mix of development.*
 - (2) *Proposals must encourage the use of sustainable modes of transport through careful design, layout and integration of the existing built form.*
- 5.5 Devon County Council Highways provided comments as part of the consultation process. The Highways Authority had no objections to the proposed development, subject to their standing advice being met.

- 5.6 The proposed development is unlikely to significantly increase the traffic volume to the site and will utilise the existing highways access to the south, which benefits from suitable visibility in both directions. One single vehicle parking space is provided within the red outline for the application, however adjacent to this space, is approximately eight more parking spaces, which are not tied to any other property. On this basis, it is considered that there is sufficient parking and vehicle turning within the site as a whole.
- 5.7 In light of the above, it is considered that the proposed development would not result in an unacceptable impact on highway safety and would be in accordance with Policies DM05 and DM06 of the NDTLP.
- 6.0 Foul and Surface Water Drainage
- 6.1 Policy ST03 of the NDTLP notes that development should 'adopt effective water management including Sustainable Drainage Systems, water quality improvements, water efficiency measures and the use of rainwater'. In addition, Policy DM04 notes development should provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater.
- 6.2 The NPPF and Planning Practice Guidance provide further advice on foul drainage, with a hierarchical approach being used. The Planning Practice Guidance notes that new development should aim to discharge foul water into the public sewer; however, if this not possible then a package treatment plant may be used. However, if a package treatment plant is not possible to use, then a septic tank will be considered. Justification for the use of alternative drainage systems other than mains drainage is required.
- 6.3 South West Water initially raised concerns with the proposed surface water drainage discharging to the combined sewer. The proposal was amended to include a surface water soakaway to the north of the proposed building and South West Water have been reconsulted but no representation was received.
- 6.4 The amended drainage scheme, is in accordance with the drainage hierarchy and therefore is considered acceptable. The proposed development meets the criteria set out within ST03 and DM04 of the NDTLP and the NPPF.
- 7.0 Impact on Wildlife and Ecology
- 7.1 Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced within NDTLP through Policies DM08 and ST14 which state that all developments must ensure that the importance of habitats and designated sites are taken into account.
- 7.2 The local planning authority also has a duty under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 to have regard to biodiversity in exercising its functions. This duty includes the requirement to have regard to protected species.
- 7.3 Development proposals should avoid adverse impacts on existing features as a first principle and enable net gains by designing biodiversity features and enhancements and opportunities for geological conservation alongside new developments, however where adverse impacts are unavoidable, they must be adequately and proportionately mitigated.
- 7.4 A Bat and Bird assessment was undertaken in November 2022, by Orbis Ecology and a report submitted alongside the application. It concluded that there is no evidence of bats or nesting birds associated with the building and there was negligible suitability to support roosting bats. However, bird may nest in vegetation to the east of the building. There may therefore be impacts to nesting birds if demolition works are undertaken during the bird nesting season, taken to run from 1st March to 31st August inclusive, or when the last young have fledged.

7.5 In conclusion, the proposed development, in line with the mitigation recommended, would not result in a significant adverse effect towards any protected habitats or species. In the medium to long term the associated proposed development has the potential to deliver an overall 'biodiversity net gain'. As such the proposed development is considered to be in accordance with Policies ST14 and DM08 of the NDTLP.

8.0 Conclusion

8.1 For the reasons outlined within the above report, the proposed development is considered to result in an acceptable impact on the character and appearance of the surrounding area, and would not result in a harmful impact on the amenities of neighbouring occupiers. In addition, suitable access, parking and drainage can be provided and the development would not result in a harmful impact on protected species. Consequently, the Local Planning Authority recommends the application is approved.

Human rights

Consideration has been given to the Human Rights Act 1998.

Conclusion

It is therefore considered that subject to the compliance with the attached conditions and taking into account all other material planning considerations, including the development plan the proposal would be acceptable.

Recommendation

GRANT, subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Reason: To ensure the development is carried out in accordance with the approved plans.

- 3 Construction works shall not take place other than between 0700hrs and 1900hrs on Mondays to Fridays, Saturdays between 0800hrs and 1300hrs and at no time on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties.

- 4 The development hereby approved shall only be used for holiday accommodation purposes and not for any other residential use falling within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Statutory Instrument revoking and re-enacting that Order with or without modification.

For the avoidance of doubt 'any other residential use' includes a person's or persons' main residence, or a permanent residential unit of accommodation.

Reason: To ensure that the accommodation is used only for the purposes of holiday accommodation, as the creation of a separate unrestricted residential unit would be contrary to Policies ST07, DM01, DM04 and DM18 of the North Devon and Torridge Local Plan.

5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no development of the types described in Part 1; of Schedule 2, other than that hereby permitted shall be carried out without the further grant of planning permission.

Reason: In the interest of protecting residential amenity.

6 The operational hours of the roof terrace, as shown on proposed plans reference: 21 156-100-G, shall be solely between the hours of 0700 and 2300 only, Monday - Sunday.

Reason: In the interest of protecting the amenities of the neighbouring residential uses. In accordance with DM01, and DM04 of the NDTLP.

7 The development hereby approved shall be carried out in accordance with the 'Recommendations' section in the '*Bat and Bird Assessment - Surf Bay Leisure, Westward Ho!, North Devon*' prepared by Orbis Ecology received on the 31st March 2023.

Reason: In the interests of enhancing the habitats of protected species in accordance with the duties outlined in the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010) and requirements of the NPPF.

Plans Schedule

<u>Reference</u>	<u>Received</u>
21 156 - 100 G	25.05.2023
21 156 - 101 C	25.05.2023

Statement of Engagement

The National Planning Policy Framework (paragraph 38) requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Council required additional information following the consultation process. The need for additional information was addressed with the applicant and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.