

AGENDA ITEM NO.8/2(a)

Parish:	Brancaster	
Proposal:	Variation of Condition 2 of Planning Permission 21/01108/F: Demolition of walls and garden structures and the erection of hotel accommodation with associated hard and soft landscaping.	
Location:	The Ship Hotel Main Road Brancaster PE31 8AP	
Applicant:	The Ship Hotel Brancaster Ltd.	
Case No:	22/01430/F (Full Application)	
Case Officer:	Mrs N Osler	Date for Determination: 5 October 2022 Extension of Time Expiry Date: 11 November 2022

Reason for Referral to Planning Committee – Called in by Cllr Lawton and Officer
Recommendation is Contrary to Parish Council Recommendation

Neighbourhood Plan: NO

Case Summary

The application is for the variation of a permitted and extant scheme at The Ship Hotel in Brancaster, approved under application 21/01108/F, to provide additional accommodation.

The Hotel is located in the Norfolk Coast AONB and Brancaster Conservation Area.

Key Issues

Principle of Development
Design and Impact on the Conservation Area and AONB
Highway Safety
Impact on Neighbours
Crime and Disorder
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application is for the variation of a permitted and extant scheme at The Ship Hotel in Brancaster, approved under application 21/01108/F, to provide additional accommodation.

The permitted scheme is for ten additional 1-bed, en-suite rooms; six in a two-storey building at the rear (south) of the site within the existing car park (referred to as Rope Loft) and four

detached 'surfer huts' in an area to the southwest currently an overgrown and unused parcel of land. Seven under-croft parking spaces were permitted (at ground-floor level in the Rope Loft). One new disabled parking space was also permitted.

This application seeks to vary the approved plans to allow a reduced scheme that sees the retention of an existing outbuilding to be retained as ancillary (non-habitable) accommodation.

The proposed scheme is for 8No. additional 1-bed, ensuite rooms; four in the two-storey building (which remains substantially the same in terms of its height and depth, but is not as wide as the permitted scheme to enable retention of the outbuilding), two of which now have a small sitting area, and four detached 'surfer huts'. The huts are exactly the same as permitted other than they now propose a semi-circular outside bath area. Seven under-croft parking spaces are also proposed as is the new disabled parking space. Two parking spaces will be lost as a result of the retention of the outbuilding, but this is 'countered' by the reduction in the number of rooms proposed (from 10No. to 8No.)

The proposed two storey 'Rope Loft' now measures 6.8m high (to ridge) x 25.5m wide x 5.6m deep. The previous scheme measured 6.6m high (to ridge) x 32m wide x 5.5m deep.

Materials of both schemes are the same and comprise:

- Natural clay pantiles
- Red facing brickwork with chalk infills on the north and south elevations (front and rear)
- Painted timber windows and doors and
- Black downpipes and gutters.

The surfer's huts remain unaltered, other than the outside space, and measure 3.5m high x 6.2m wide x 3m deep. They are to be constructed from Natural timber cladding, under a corrugated sheet roof with natural timber windows and doors and galvanised steel downpipes and gutters. Timber sleeps will form paths and retaining walls and a 500mm high woven willow fence will be provided atop the north boundary wall.

The Hotel is located in the Norfolk Coast AONB and Brancaster Conservation Area.

SUPPORTING CASE

The application seeks planning approval for an amended scheme of hotel accommodation previously approved under planning permission 21/01108/F. It must be noted that this amended scheme is of a considerable reduction upon that already approved, whilst retaining what is effectively the same design.

During the application and consultation process for the original scheme, some concerns were raised and have been raised once again by the Parish for this latest application. This new scheme also looks to address those concerns relating to parking and noise disturbance.

The approved scheme comprised a total of 6 suites in the Rope Loft development and 4 'surfer huts'.

The amended scheme now sites 4 suites in the Rope Loft and the 4 'surfers huts' remain.

With two less suites, the parking requirement is less. A reduction of two spaces confirms the amended scheme maintains the ratio as approved.

Excavation and 'cart away' are greatly reduced in the amended scheme. Previously it was approved that an area of some 80sqm (860sqft) would be excavated at a depth of 1.4m (4.5ft) to allow for rooms 5 and 6 in the Ropeloft development. Noise and disruption will be hugely reduced during the construction phase in comparison to the approved scheme. The excavation volume of the approved scheme is 112m³ and would require 12 trips utilising an 8-wheel muck-away lorry.

The proposal provides additional sleeping accommodation for patrons of the Hotel. Noise will be at an absolute minimum. The rooms and layouts are designed to provide a calming and relaxing environment for patrons, encouraging a good night's sleep. The surfers' huts are also proposed to benefit from outdoor baths shielded on all sides by wood sleepers. It should be noted these are single person slipper baths and not hot tubs with jet functions (not unlike those at Congham Hall and The Ffolkes in Hillington.)

Should permission be granted it has been agreed with the local authority that a condition is placed upon any approval enforcing a 1 yr. trial of the outdoor freestanding tubs for peace of mind of locals to ensure noise is always at minimum.

To summarise, the proposals density, height, overall scale, and suitability within the Conservation Area have been successfully defined as part of the original application, and being that this scheme is a reduction, there are, therefore, no further concerns.

The scheme will allow the existing outbuilding to be retained and used, as it is currently, strictly as an ancillary building to the hotel for essential staff welfare and storage.

The proposals will be of great benefit providing job opportunities in a village that thrives on its tourism success. This modest accommodation development, attached to such an integral establishment, will allow tourists more than 'a day out', encouraging further exploration and enjoyment of the local area, whilst acknowledging and respecting constraints ensuring it is not of detriment to the local residents.

The success of a such scheme can be admired at the No.Twenty9 in Burnham Market whereby six Holiday Suites were approved by Planning Committee in 2018.

PLANNING HISTORY

21/01108/F: Application Permitted - Demolition of walls and garden structures and the erection of hotel accommodation with associated hard and soft landscaping.

19/00749/F: Application Permitted: 19/06/19 - Erection of freestanding awning in rear garden area

12/01215/F: Application Permitted: 19/09/12 - Single storey side extension to form utility and canopy area - Old Mill House

09/02128/F: Application Permitted: 08/03/10 - Erection of 3 x 3 bed terrace cottages together with rationalisation and enlargement of the public house car park

09/02079/F: Application Permitted: 26/01/10 - First floor level rear extension, creation of new fire escape, insertion of 4 roof lights, internal alterations and replacement windows with doors and windows

RESPONSE TO CONSULTATION

Parish Council: OBJECT, on the specific grounds of:

- Concern over the potential noise and public nuisance of hot tubs open to the environment
- Parking – the plan reduces the number of spaces available, while increasing the number of residents. The area is already one of extreme concern to the Parish Council because on-road parking is likely to be restricted by additional Traffic Regulation Orders (single/double yellow lines) currently planned. It is a pinch point in the village which has caused actual and serious issues with emergency vehicles and public transport in recent months/years. The loss of parking may be increased in future years with space required for EV charging points as they become more common/universal, exacerbating the situation further
- These additional problems should be incorporated into any traffic management plans during construction, should the application be approved.

Finally, Parish Councillors ask that if the officer considering this is planning to approve against their objection that they be informed in sufficient time to request that this be called in by our Ward Cllr.

Highways Authority: NO OBJECTION I am able to comment that in relation to highways issues only, as this proposal does not affect the current traffic patterns or the free flow of traffic, Norfolk County Council does not wish to restrict the variation of condition.

CSNN: NO OBJECTION Further to my earlier response, having noted condition 18 of the original consent, I would agree to those hours of outside seating area use to include the use of the outside baths, i.e. 0700-2300 Mon-Sat and 0700-2200 Sun/BHol.

Also, please could you re-attach the following conditions from the original consent: Conditions 3, 4, 8, 9, 10, 11, 15, 17 and 18.

'Earlier response': The application site is totally different from the Congham Hall or The Ffolkes sites, as it is much more 'enclosed' and is closely surrounded by unrelated dwellings, which is why we were particularly concerned about the impact of hot tubs – given their operational noise and noise likely from multiple users (especially as voices need to be raised to be heard above the noise from the jets/bubbles).

If there are controls (planning condition/s) in place in terms of the design i.e. no powered jets/jacuzzi-type baths and only big enough for one adult, and perhaps even restriction of use times, I would be prepared to agree a one year trial as suggested by the applicant via a temporary one year planning consent (to enable the monitoring of noise impacts through assessing any complaints.)

Natural England: NO OBJECTION Commented on the original application as follows: the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Environmental Health & Housing – Environmental Quality: NO OBJECTION The application is for the erection of hotel accommodation.

The applicant has provided a site plan indicating the changes to the permitted plans. The original application provides a screening assessment stating no known contamination. We have reviewed our files and the site is on land that has been developed for the duration of our records. The surrounding landscape is largely residential.

No potential sources of contamination are identified in our records, or in the information provided by the applicant.

We have no objection regarding contaminated land.

Conservation Officer: NO OBJECTION

Norfolk Coast Partnership: NO OBJECTION Please condition external lighting.

Historic Environment Service: NO OBJECTION Thank you for consulting with us about the above variation of condition application. The variation does not alter our recommendations for archaeological works.

REPRESENTATIONS

NONE received at time of writing report.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM11 – Touring and Permanent Holiday Sites

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

NEIGHBOURHOOD PLAN POLICIES

Policy 2 - Design, Style and Materials

Policy 7 - Development of Shops, Workshops and Business Units

Policy 8 - Protection of Heritage Assets and Views

Policy 10: Protection and Enhancement of the Natural Environment and Landscape

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The main issues for consideration in the determination of this application are:

- Principle of Development
- Design and Impact on the Conservation Area and AONB
- Highway Safety
- Impact on Neighbours
- Crime and Disorder
- Other Material Considerations

Principle of Development

The principle of increasing the accommodation of the existing hotel by virtue of a two-storey building and four detached huts has been found acceptable by virtue of planning permission granted under application 22/01430/F which is extant and therefore could be implemented at any time.

This is a material consideration carrying significant weight.

Design and Impact on the Conservation Area and AONB

The design is substantially similar to the permitted scheme.

The two-storey building remains of a similar height and depth and will use the same materials as the approved scheme, but has a reduced width to enable retention of the existing outbuilding and reduce the need for such extensive excavation as required by the permitted scheme.

The 'surfer huts' remain identical in all regards except for the addition of a semi-circular external area to accommodate an outside bath. The bath would be a single person, external slipper bath (not a hot tub or jacuzzi bath) bounded by vertical timber sleepers for privacy.

An existing outbuilding is to be retained. As this is existing its visual impact remains unaltered.

The proposed scheme will therefore not have any material visual impact over and above the permitted scheme; indeed, the built form is reduced overall, and it could therefore be concluded that the impact of the amended scheme is less than the permitted scheme.

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7 November 2022

In support of this conclusion, neither the Conservation Officer nor Norfolk Coast Partnership raise any objections to the amended scheme.

This application seeks to amend the permitted scheme. As such conditions on the original scheme relating to external lighting, materials / sample panel and soft and hard landscaping will be appended to any permission granted under the current application.

The development therefore complies with the NPPF in general and specifically to paragraphs 130, 174, 176, 177 of the NPPF, Core Strategy (CS) Policies CS08 and CS12, Site Allocations and Development Management Plan Policies (SADMP) Policy DM15 and Neighbourhood Plan Policies (NP) 2, 8 and 10.

Highway Safety

The application results in the loss of two parking spaces to the north of the existing outbuilding that were approved under the permitted scheme. However, this is countered by the fact that the amended scheme has two less units than the permitted scheme.

The car park already benefits from EV charging facilities.

On this basis the Local Highway Authority raises no objection.

This application seeks to amend the permitted scheme. As such conditions on the original scheme relating to construction worker parking and parking in general will be appended to any permission granted under the current application.

The development therefore complies with the NPPF in general and specifically to paragraphs 110 and 112 of the NPPF, CS Policy CS11 and SADMP Policy DM17.

Impact on Neighbours

The marginal increase in height and depth of the two-storey building would not result in a material increase in overshadowing, overlooking or overbearing impacts. However, the reduction in width is likely to result in slightly less impact to No.4 Saw Mill Road to the rear (south.)

The main issue for consideration in this application, over and above the permitted scheme, is therefore the provision of external baths serving the 'surfer huts'.

During the determination of the original application external hot tubs serving the surfer huts were removed from the scheme to address concerns regarding noise and nuisance.

Hot tubs can be large and noisy and create additional noise by virtue of those using them having to raise their voices to be heard over the noise of the hot tub itself.

This application proposes a single person, slipper bath to serve each surfer hut. They will be conditioned to ensure they are not hot tubs or jacuzzi baths. However, the temporary consent requested by CSNN is not considered reasonable nor necessary given they are not hot tubs and that this is a variation to an extant non-temporary permission.

It is therefore considered that noise associated with the outside baths can be suitably conditioned by ensuring that no external hot tubs or jacuzzi baths are permitted.

This application seeks to amend the permitted scheme. As such, as well as the additional condition outlined above, conditions on the original scheme relating to the use of the outside areas associated with the surfer huts will be appended to any permission granted under the current application.

The development therefore complies with the NPPF in general and specifically to paragraph 130 of the NNF, CS Policy CS08 and SADMP Policy DM15.

Crime and Disorder

There are no specific crime and disorder issues arising from this application.

Other Material Considerations

As mentioned throughout this report, this application seeks to amend a permitted scheme. Therefore, all conditions on the original permission will be appended to any permission granted under the current application, amended as necessary. These conditions relate to:

Commencement of development - amended to reflect the commencement date of the original permission (24 Sept. 2024)

Approved plans - amended as per plans submitted under this application

Construction Management Plan – as originally written

Construction Worker Parking - as originally written

Archaeology – amended to reflect approval of Written Scheme of Investigation

Drainage - as originally written

Refuse and waste - as originally written

Air source heat pumps - as originally written

External lighting - as originally written

Parking provision - as originally written

Materials and sample panel - as originally written

Hard and soft landscaping - as originally written

Holiday accommodation - as originally written

Hours of use Surfer Huts – amended to include external bath area

The Habitat Mitigation Fee as required by Policy DM19 was paid on submission of the original application that this application seeks to amend.

In relation to the Parish Council's comments your officers respond as follows:

- Potential noise and public nuisance from the hot tubs - hot tubs are not proposed; outside baths are. This issue is fully covered in the report and the baths are suitably conditioned
- Parking – the plan reduces the number of spaces available, while increasing the number of residents. The area is already one of extreme concern to the Parish Council because on-road parking is likely to be restricted by additional Traffic Regulation Orders (single/double yellow lines) currently planned. It is a pinch point in the village which has caused actual and serious issues with emergency vehicles and public transport in recent months/years. The loss of parking may be increased in future years with space required for EV charging points as they become more common/universal, exacerbating the situation further – parking is reduced because the number of units is reduced. Therefore, the proposal will have no greater impact on the highway than the permitted scheme

- These additional problems should be incorporated into any traffic management plans during construction, should the application be approved – a Construction Management Plan is conditioned.

CONCLUSION

This application seeks to vary a permitted and extant scheme for a similar, more extensive development.

The variations to the permitted scheme do not raise any additional visual, highway or neighbour amenity issues (the latter being subject to condition.)

The development is therefore considered to be in accordance with relevant national and local planning policy and guidance.

It is therefore recommended that this application be approved subject to the following conditions.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the 24 September 2024.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos:
 - 403/18/00
 - 403/18/10 Rev.E
 - 403/18/11 Rev.F
 - 403/18/12 Rev.D
 - 403/18/13 Rev.D
 - 403/18/14 Rev.F
 - 403/18/15 Rev.B
 - 403/18/16 Rev.0
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to commencement of development a detailed construction management scheme must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of the demolition and construction phases, deliveries/collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, the location and layout of the materials storage area, machinery storage area and waste & recycling storage area, proposed attenuation and mitigation methods to protect residents from noise, vibrations, dust and litter and communication methods to the wider community regarding the construction phases and likely disruptions. The scheme shall be implemented as approved.

- 3 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF. This needs to be a pre-commencement condition as the issues need to be planned for and agreed at the start of the development to prevent impact from development including demolition.
- 4 Condition: Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 4 Reason: To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development.
- 5 Condition: No development, excluding demolition and site clearance, shall take place other than in accordance with the written scheme of investigation approved under application 21/01108/DISC_A.
- 5 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 6 Condition: The development shall not be put into first use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under application 21/01108/DISC_A and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 6 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 7 Condition: No development above slab / foundation level shall commence until full details of the foul and surface water drainage arrangements for the site, including percolation test results, have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 7 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 8 Condition: Prior to the first use / occupation of any part of the development hereby permitted, facilities shall be provided within the curtilage of the site for the storage of recycling, refuse and waste materials in accordance with details to be submitted to and approved by the Local Planning Authority. Such facilities should ensure that no waste or recycling is burnt in order to dispose of it. The development shall be carried out in accordance with the approved plans prior to the first use / occupation of the development hereby permitted.
- 8 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 9 Condition: Prior to the installation of any air source heat pump(s) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the make, model and sound power levels of the proposed unit(s), the siting of the unit(s) and the distances from the proposed unit(s) to the boundaries with neighbouring dwellings, plus provide details of anti-vibration mounts and noise

attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.

- 9 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 10 Condition: Prior to the installation of any external lighting associated with the development hereby approved a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed. Your attention is drawn to Informative 1 in relation to this condition.
- 10 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 11 Condition: Prior to the first use of the development hereby permitted the proposed on-site car and cycle parking, servicing, loading, unloading, turning, waiting areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 11 Reason: To ensure the permanent availability of the parking/maneuvering areas, in the interests of satisfactory development and highway safety in accordance with the NPPF and Development Plan.
- 12 Condition: No development shall take place on any external surface of the development hereby permitted until samples of the materials to be used in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 12 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 13 Condition: No development shall commence on any external surface of the development hereby permitted until sample panels of the materials to be used for the external surfaces of the northern (chalk) and southern (flint) elevations of the Rope Building hereby permitted have been erected on the site for the inspection and written approval of the Local Planning Authority. Each sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 13 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 14 Condition: Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass

establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.

- 14 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 15 Condition: All hard and soft landscape works shall be carried out in accordance with the details approved under condition 15. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 15 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 16 Condition: The development hereby permitted shall only be used for holiday accommodation held, owned and operated in association with The Ship Hotel, Brancaster and shall not be occupied as a person's sole or main place of residence.
- 16 Reason: For the avoidance of doubt and to ensure that the LPA retains control over development that may be incompatible with the provision of the NPPF and Development Plan.
- 17 Condition: The outside areas, including the use of the outside baths, associated with the Surfers Huts (Suites 1 to 4 inclusive) as shown on the approved plans shall only be used between the hours of 07:00 and 23:00 Monday to Saturday and 07:00 and 22:00 Sundays, Bank and Public Holidays.
- 17 Reason: In the interests of the amenities of occupiers of neighbouring residential properties in accordance with the NPPF and Development Plan.
- 18 Condition: No hot tubs or jacuzzi baths shall be installed in outside area of the development hereby permitted.
- 18 Reason: For the avoidance of doubt and in the interests of the amenities of occupiers of neighbouring residential properties in accordance with the NPPF and Development Plan.
- 19 Condition: The outbuilding shown to be retained as part of the development hereby permitted shall only be used as ancillary accommodation in association with The Ship Hotel and shall at no time be used as habitable accommodation.
- 19 Reason: For the avoidance of doubt and in the interests of proper planning.