

Application No:	3/21/20/093
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Alex Lawrey
Grid Ref	Easting: 298455 Northing: 145984
Applicant	Walsingham Planning
Proposal	Erection of a temporary building to accommodate performance stage and seating for a period of up to 3 years
Location	Butlins, Somerwest World, Warren Road, Minehead, TA24 5SH

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The use of the land for housing the temporary stage shall cease after three years after the issuing of the decision notice, and the stage dismantled and removed from the site and the land returned to its former condition.

Reason: In accordance with the description of development and submitted documentation, and in accordance with good planning practice

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 2015-WOO-MIN-00-DR-A-001 Rev D Site Plan
(A1) DrNo 2015-WOO-MIN-00-DR-A-100 Rev E Block Plan
(A1) DrNo 2015-WOO-MIN-00-DR-A-101 Rev A Roof Plan
(A1) DrNo 2015-WOO-MIN-00-DR-A-102 Rev A Floor Plan
(A1) DrNo 2015-WOO-MIN-00-DR-A-104 Rev A OPS plan
(A1) DrNo 2015-WOO-MIN-00-DR-A-105 Rev B Licensing Plan
(A1) DrNo 2015-WOO-MIN-00-DR-A-106 Rev A Existing Block Plan
(A1) DrNo 2015-WOO-MIN-00-DR-A-107 Rev B Location Plan
(A1) DrNo 2015-WOO-MIN-00-DR-A-400 Rev A Side Elevations
(A1) DrNo 2015-WOO-MIN-00-DR-A-401 Rev A Front Elevation
(A1) DrNo 2015-WOO-MIN-00-DR-A-402 Rev B Facade Elevation
(A1) DrNo 2015-WOO-MIN-ZZ-DR-A-300 Rev B Sections
(A3) DrNo AP02 Site Location Plan

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

- 3 Prior to commencement of the development, works for the disposal of sewage

and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.

Reason: To prevent discharge into nearby water courses and ensure the adequate provision of drainage infrastructure.

- 4 The use hereby permitted of the temporary stage shall not take place except between the hours of 10.00 and 23.00 on all days.

Reason: In the interests of amenity and in accordance with policy SC1.4.E of the adopted West Somerset Local Plan to 2032

- 5 Prior to the commercial use of the development hereby permitted the applicants shall submit a Noise Monitoring Plan with details of independent monitoring of noise emitted from the temporary stage and a plan showing locations of the monitoring stations which shall be located along the boundaries to the site nearest to residential properties, to be annotated as Noise Sensitive Premises (NSPs). Once approved in writing by the Local Planning Authority the measures detailed shall be adhered to for lifetime of the development.

The Noise Monitoring Plan will demonstrate that the level of music noise emitted from the site at the NSPs shall generally not be audible when the stage is in operation between 10.00am and 23.00pm Monday to Sunday, and shall not exceed 5dB expressed in terms of an A-Weighted, 15 Min Leq above background noise levels at any time, as measured on the boundaries of the site at the locations of monitoring points (NSPs) shown in the Noise Monitoring Plan, which shall be available to the Local Planning Authority for inspection, when requested.

Reason: In the interests of amenity and in accordance with policy SC1.4.E of the adopted West Somerset Local Plan to 2032

- 6 Public Address system
The applicant shall install a sound amplification system (PA system) that will have a noise limiter (with control of noise as separate frequencies) with a sound limiting device. All amplified entertainment taking place in the Venue shall use this system, and no other PA system shall be used at the venue.

Reason: Reason: In the interests of amenity and in accordance with policy SC1.4.E of the adopted West Somerset Local Plan to 2032

- 7 Additional Mitigation
Details of all complaints about noise received by the applicant shall be recorded and these, along with details of the response from the applicant, shall be made available to the Local Planning Authority. If investigations by the LPA find the noise is causing unreasonable disturbance to neighbouring premises the applicant shall provide a scheme of mitigation, to be agreed by the LPA, and

subsequently implemented by the applicant.

Reason: Reason: In the interests of amenity and in accordance with policy SC1.4.E of the adopted West Somerset Local Plan to 2032

8 Plant Noise.

Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary.

Mon-Fri 08:00 hrs to 18:00 hrs

Sat 08:00 hrs to 13:00 hrs

At all other times noise emissions shall not be audible when so measured.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Reason: Reason: In the interests of amenity and in accordance with policy SC1.4.E of the adopted West Somerset Local Plan to 2032

- 9 Hedgerows, trees, shrubs bordering all aspects of the land and the lake on the northwest side of the site shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats such as near the lake. These sensitive habitats will be marked off by heras fencing throughout the development. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any clearance or groundworks. The measures shall be maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy NH6 of the West Somerset Local Plan

- 10 The new wildflower meadow beds shown on plan Block Plan 2015-WOO-MIN-00-DR-A-100 E shall be dug and planted before commencement of the commercial use of the temporary stage. The wildflower meadows shall be retained in the approved locations and maintained as per approved details in perpetuity, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure no net loss of biodiversity and in accordance with government guidance contained in the NPPF and policy NH6 of the West Somerset Local Plan

- 11 A plan detailing the locations of biodiversity enhancement measures as set out below (Biodiversity Enhancement and Mitigation Plan - BEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the first phase of development. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEMP shall include the following:

A) Three Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter

B) Three Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

Informative notes to applicant

- 1 In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

2

The Environment Agency recommend that the applicants visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods

<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings:

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, and precious items to safety. Flood

warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit

<https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

A site wide emergency and evacuation plan should also be considered/updated to include the new building.

Proposal

Erection of a temporary building to accommodate performance stage and seating for a period of up to 3 years

Site Description

Flat, open green area bordered by trees to the eastern side of the Butlins entertainment complex

Relevant Planning History

- 3/21/20/046 - variation of condition 4 of planning permission 3/21/19/098 (drainage details) - granted - 30/10/2020
- 3/21/19/098 - Placement of 98no. caravans on new bases for exclusive use by staff (Butlins team) for Non-Permanent on-site residential purposes - granted - 24/03/2020
- 3/21/19/022 - 120no. 'bunkabin' units of temporary staff accommodation - granted - 07/07/2019
- 3/21/19/025 - prior notification for demolition of 17no. two storey staff residential blocks - PARG - 18/04/2019
- 3/21/13/039 - 'West Lakes' residential holiday accommodation including parking - granted - 2013

(extensive planning history at the site)

Consultation Responses

Minehead Town Council - The town council objects: Damaging to local residents' mental health; Lack of Public Conveniences in the facility, or nearby; Insufficient provisions for social distancing within the facility as configured; Lack of ventilation provision, especially given the requirements in light of Covid-19; Lack of adequate soundproofing, especially in the case of warm conditions exaggerated by the lack of ventilation. Minehead Town Council requests that this application is put to the SWT Planning Committee.

Highways Development Control - standing advice

Wessex Water Authority - no comments received

Environment Agency - does not object to the development, recommended informative regarding flood risk warning system

Landscape - no comments received

SCC - Ecologist - Initial comments required submission of photos to assess impacts at the site. After having reviewed the photos commented that the ecologist was satisfied that due to the state of the amenity grassland, and now knowing that no vegetation will be removed as a result of this temporary performance stage, provided that conditions are in place

There are a number of potentially sensitive habitats onsite or near the site including, tree's, hedges, shrubs and the lake on the northwest side of the site. Therefore a condition for tree protection measures will be required.

To compensate for the net loss of grassland during the three year period, conditions are required for: 3no. 2m by 2m wildflower meadows; and for a Biodiversity Enhancement and Mitigation Plan (BEMP) with 3no. Nest Boxes and 3no. Bird Box to be mounted on trees

Economic Regeneration and Tourism - no comments received

Harbour Master (Minehead) - no comments received

Avon & Somerset Police - no comments received

SWT Environmental Health -

The proposed structure is made from wall panels (with some areas of glazing) and a fabric roof. The report says that the doors will be closed during performances. However, the material to be used is not as solid as that of a permanent building and so will not contain noise as well as the existing purpose built indoor structures on the site (i.e., Reds and Centre Stage - but not the Skyline)

The information on the proposed uses of the venue show a variety of activities, and times of use, although it seems it is likely that the venue will be in use for most of the day and evenings during school holidays and weekends, and there could be live music.

As it is likely that concerts are going to be louder than family entertainment, and live bands can bring their own amplification equipment, I would recommend that the venue is not used for any concerts. However, it is not clear how this could be defined as family entertainment could include music.

The Assessment states that the Venue will have an in-house PA system with sound limiters. This is a good way to control noise levels at a venue. With a well installed and operated PA system with a noise limiter it should be possible to hold events and to keep the music to a level that will not disturb nearby neighbours. This could mean that there may be constraints on the level of noise inside the venue, however, if, as stated by the applicant, the venue is to be used for family entertainment, the noise levels inside the venue should not need to be loud, and certainly not as loud

as the 100dB used in the noise assessment.

I would recommend that a condition is used to ensure that any entertainment can only use an in-house system, with a sound limiter with frequency control to ensure bass levels can be restricted separately. This will avoid the problem of having performers using their own amplification system which will not be linked to the sound limiters.

Restrictions should be put on the hours of use of the venue, with finish time of 23:00 at the latest (assuming noise levels can be reduced to acceptable levels)

The current Premises Licence for Butlins has restrictions on times and number of events at the venues on the site. This is a new venue and I am aware that the applicant will be applying to the Council vary the Premises Licence to include this venue.

Re Noise level criteria

The Code of Practice for Environmental Noise from Concert does suggest some criteria for noise levels to try and minimise any disturbance caused by concerts and music events. The suggested criteria of 5dB over the background level is for venues having events up to 30 days a year. However, the proposed venue will have entertainment on more than 30 days.

The assessment in the report used a daytime background noise level of 40dB that was a level averaged over the daytime period. From the graph in the Noise Assessment the background noise levels dropped in the late afternoon to the low 30s dB and again, after 20:30 to below 30dB. This is when there is most likely to be entertainment at the Venue (and probably the loudest entertainment).

Therefore, if the music level is set so that it does not exceed 5dB over the background level averaged over the daytime (40dB) any music noise levels could be 15dB or more over the background levels in the evening. The Code of Practice guidance criteria is for a 15minute measurement period, therefore, any levels for music at the venue should be set to reflect the background levels at the time of the event, not an average background level over the whole day.

Music at 5dB over background at nearby properties would be audible in the gardens, and maybe inside. The information provided on the use of the venue suggests that it could be in use all day and evening during the summer, and afternoons and evenings during other holidays and weekends. This means that if levels were at 5dB over background levels for all of this time, it may result in neighbours being able to hear the music in their gardens all day and evening for several weeks at a time.

While the criteria in the Code of Practice may be "accepted levels for music" in many cases, that is probably because it's the only guidance for this type of activity; but it is more applicable to concerts/events (up to 30 a year) rather than for permanent entertainment venues; and it is just guidance.

Therefore, if a noise level criteria is to be given for this site (either as a planning

condition or part of a noise management plan) it should be more stringent than the one from the Code of Practice. I would recommend that the 5dB over background is seen as the absolute maximum level for music noise, and that the applicant should aim to ensure that the music noise levels are set lower than this so that they do not disturb nearby residents. The 5dB over background level should be the exception not the rule.

Any criteria used should also reflect the fact that the background noise levels in the area are likely to be a lot lower in the evenings than during the day. This should be taken into account when setting up the sound limiter on the PA system.

Re Noise monitoring or existing venues

The noise level criteria mentioned in the report (from the Code of Practice) are used as the basis for noise level criteria for various venues at Butlins in the Noise Management Plan (NMP) that accompanies the Premises Licence for the site.

It would be useful if the applicant could provide details of any monitoring of noise levels at the site (and by nearby residential properties) to see how they compare to the criteria in the NMP. It is not clear whether these criteria have been properly tested, as the indoor venues where they are applied seem to be well sound proofed. It could be that the music noise levels are not getting close to being 5dB over background levels. Therefore, if the new venue does have levels at or near to 5dB over background, it could be different to the current situation.

It is recommended that the applicant puts in place a plan to monitor noise from the new venue, along with a process for dealing with complaints that are received from members of the public.

Re Plant noise

The Noise Assessment calculated that the plant noise level at noise sensitive receptors will be 39dBA. While this is (just) below the measured daytime background level, that is the background level as an average over the day, not the quieter levels in the evenings. As the plant is likely to be operating in the evenings how does this compare to background levels at these times? If the background levels in the evenings are 10dB or more lower than the "daytime" averaged background level, the noise level from the plant could be 10db or more over the background levels, which. BS4142 states that "A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context".

The report did confirm that it was a conservative estimate of noise levels, and the additional information said that further monitoring could be carried out and mitigation measures taken to meet the requirements in BS4142. I would recommend that a condition is used to provide a limit for noise levels from the plant at the venue (see below). (Monitoring noise from fixed plant is a lot more straightforward than noise from music, which can be very varied).

Recommendation is for conditions for:

Public Address system; Noise Monitoring; Additional Mitigation; Plant Noise.

Somerset County Council - Flooding and Drainage - verbal comments that the LLFA are not objecting to the scheme but will require detail of the drainage scheme

Habitats Regulations Assessment

Not required, not in catchment area

Representations Received

9no. letters of objection were received, the main points raised were:

- It is for gross financial gain
- less than 300m from properties on the warren
- noise 7 days a week for three years
- second entertainment complex in addition to the Skyline
- no wheelchair access
- does not abide by covid regulations and distances between audience members are too short
- no toilets
- no ventilation
- bass frequencies travel and are intrusive
- temporary stage used last summer caused many noise problems
- Soundproofing will only work if doors/windows are kept closed
- The topography of Minehead acts like an auditorium encasing sound so it will impact on other local businesses
- The noise reduction works as proposed is unsubstantiated
- Lack of assurances concerning noise pollution incidences
- Three year lifespan needs a robust condition
- Planning statement references to sustainable development are not correct

One letter of support was received noting that the complex is a major direct and indirect employer in the town and that its' possible closure would significantly impact on the town's sustainability

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

CF1	Maximising access to recreational facilities
CF2	Planning for healthy communities
EC1	Widening and strengthening the local economy
MD1	Minehead Development
EC8	Tourism in settlements
SC1	Hierarchy of settlements

Determining issues and considerations

The main issues are the principle of development, design and visual impacts, access, noise, amenity, Covid safety, flood risk and drainage, and biodiversity

Principle of development

This application is for a temporary stage to be erected and operational for a maximum period of three years at the Butlins site in Minehead. Butlins is a pre-existing tourist venue and entertainment complex located along the seafront in Minehead and close to the golf course on the eastern edge of the town. The proposed development has arisen as a result of severe restrictions on the operation of the complex during the ongoing Covid 19 pandemic. The cover letter from the agents notes that "during 2020 with closures of all of their resorts, staff on furlough (with no resort facing redundancy for Covid related reasons) and many guests disappointed by the postponement or cancellation of their holidays" the Minehead facility had to operate at a maximum of circa 3,300 guests, a significant reduction on their usual capacity of circa 7,400 guests. When the venue was able to open in the summer of 2020, at reduced capacity, some outdoor entertainment was provided through the provision of an outdoor stage, however this stage was removed in September 2020 as it was not suitable during inclement weather and the current application seeks to provide a temporary but covered area for a range of entertainment options, including 'family entertainment' and some live music.

As the site is within the development limits to Minehead spatial strategy policies SC1 and MD1 apply, as do policies related to tourism, leisure and the economy, notably EC1 'Widening and Strengthening the Local Economy', EC8 'Tourism in Settlements', CF1 'Maximising Access to Health, Sport, Recreation and Cultural Facilities'. EC1 supports 'proposals which make the West Somerset economy stronger and more diverse', provided that 'the development proposed would not have an adverse impact on the amenity of existing neighbouring uses'. Policy EC8 notes that tourist development 'which increases the range of open air and wet weather attractions/activities within existing settlements will be encouraged subject to an appropriate location for the use proposed and appropriate proposals for the

management of parking, amenity impact[s], and accessibility'. Policy CF1 supports the 'provision of new, and improvement of existing, health, sport, recreation and cultural facilities.... where this helps to strengthen and or enhance a balanced range of provision for local communities and visiting tourists.'

The proposed development meets the criteria to increase the provision of wet weather attractions/activities (albeit on a temporary basis) and would enhance the provision of recreation and cultural facilities for visiting tourists and strengthen the local employment base, which is extremely reliant on Butlins as the major employer in the town (and knock-on economic impacts from external services related to the Butlins site). There is therefore robust 'in principle' policy support for the proposals subject to an evaluation of design, amenity impacts, access and other matters.

Design and visual impacts

The proposed design is for a 65m by 40m enclosed stage, with side walls in Kingspan grey panels and roof in white PVC fabric roof. The design is functional and contemporary and would be seen and visually read in the context of existing buildings within the wider Butlins complex. The site is an open field with mature trees and setback from the public highway. The visual and street-scene impacts would be limited and are considered acceptable within the context of a pre-existing leisure complex.

Noise and amenity impacts

The central issue in regards to the current application is the potential impacts on residential amenity through unwarranted noise pollution. The proposed venue has been designed to minimise noise leakage and internally contain the sound through measures such as acoustic-baffling wall panels and through the use of a bespoke PA system (public-address or amplification system) and attendant PA speakers, and by employing in-house sound engineers to control audio output. The planning authority is largely reliant on input from colleagues in SWT's environmental health department for a technical evaluation, who will additionally have oversight of the operation of the proposed development (should it be consented) and will be working in co-ordination with colleagues in SWT's licensing department.

SWT Environmental Health have noted that

"...as there are residential properties in the area there is the potential for noise from the venue to disturb nearby residents.

Some information has been provided with the application, including

- Noise Impact Assessment 004. January 2021. Max Fordham LLP
- Specification for Kingspan wall panels
- Details of the ventilation plant
- Planning Statement and plans and elevations
- Design and Access Statement, November 2020. WOO Architects
- Planned Activity Usage, January 2021
- Additional information provided by email from Acoustic Consultant via Agent. 20 January 2021

The application form does not give any of the hours of opening, however, the

Planned Activity Usage document gives opening times, including Peak Summer 10am - 11pm and non-school holidays Midday - 11pm, and live music weekends 2pm - 11pm. This document also gives examples of the types of use including family shows and live bands/playback artists; for the Live Music Weekends it says there will be "interactive experience - not late night DJ based experience".

The Design and Access Statement says that the "The project objective is to provide a temporary venue to enable performances to take place with additional space to accommodate the relevant social distancing guidelines", and that the venue will be used for "family entertainment".

The Noise Impact Assessment provides details of the venue and also states that the proposed use is for "family entertainment", however, a later paragraph states that "The majority of pop music events are to take place in existing Butlins venues", which implies that some concerts may be held in the new venue.

The Noise Assessment refers to the Code of Practice on Environmental Noise Control at Concerts (Noise Council 1990). This document includes noise level criteria that could be used to minimise disturbance from concerts. The criteria depend on the number of events that are taking place at a venue. The Noise Assessment refers to the criteria

"For indoor venues used for up to about 30 events per calendar year an MNL not exceeding the background noise by more than 5dBA over a fifteen minute period is recommended for events finishing no later than 2300 hours."

The Assessment says that the venue will be used more than 30 times a year, but that as the events will be "entertainment shows" and have lower noise levels this criteria would be "a suitably conservative approach".

The Code of Practice also makes recommendations for noise criteria for low frequency noise (as this can cause disturbance even when the other noise level criteria are being met)

"A level of up to 70dB in either of the 63Hz or 125Hz octave frequency band is satisfactory; a level of 80dB or more in either of those octave frequency bands causes significant disturbance."

The Assessment recommends using these criteria as the basis of the noise assessment.

The Assessment gives details of noise monitoring carried out at the site to determine background noise levels (a daytime level and a night time level). Estimates were then made of the level of noise from music inside the venue, and then calculations carried out to determine the music noise level at the nearby noise sensitive receptors (in this case residential properties). The calculation used information on the level of noise attenuation provided by the walls of the venue and corrections for distance. These levels are then compared to the background level at the residential properties.

The Assessment found that with internal music levels of 100dB (concert level), the

predicted music noise levels at the nearest properties to the east were 4dB over the daytime background level, and below background levels at Seaward Way. It also estimated that the low frequencies will be no more than 57dB, which is below the 70dB suggested in the Code of Practice.

As referenced within the Noise Impact Assessment, the levels measured during the survey are not indicative of the typical variations across a 24-hour period you would expect to see, due to the reduced activity related to the lockdown. It would therefore not be representative to assign representative background levels for particular time periods based off this data. If required, measurements of background noise will be retaken once the site is operational, and time-period-specific representative levels will be derived from these measurements.

The Assessment says that an electronic limiter is to be included within PA design, which will be configured such that music noise levels produced by the system may not exceed a given level. The speakers have been designed to direct sound away from the roof and glazed areas and there will be two rows of delay speakers in the venue which will reduce the sound levels required from the speakers to ensure sufficient levels at the rear of the venue. It states that:

Once the system has been calibrated, measurements will be made of the noise during use of the venue indicative of worst-case usage (in this case a live music performance). If the levels of noise produced by the completed structure are found to exceed the noise level limits required by the CoP at the most affected NSR, the electronic limiter system will be recalibrated to ensure that the noise limits are met.

Plant noise.

The new venue will have 2 air handling units, and 45 air conditioning outdoor units. It is stated that these will only operate during the hours of occupation, as well as a period to warm space before use, and so will only be used "during the daytime hours (07:00 - 23:00)". The report uses the noise data from the technical specification of the units, calculates the noise level at the nearest premises and (in line with British Standard BS4142:2014 Methods for rating and assessing industrial and commercial sound) adds a penalty of 2dB due to tonality, and suggests a "rating level" of 39dB at the nearest properties. It says that based on BS4142, and a background noise level of 40dB, this would be described as an indication of low impact.

The report says that this is a conservative estimate, as it assumes that the sound from all of the plant is emanating from the closest point of the venue to the nearest sensitive receptor, when in reality it will be distributed more evenly. The additional information states that "if any mitigation is required to meet the requirements of BS4142 for the evening period it will be taken".

The summary of the report says that the measurements were compared to a worst-case prediction of maximum levels of music noise at the façade of the noise sensitive receiver, and that there will be additional noise attenuation that was not included in the assessment. It says that

- The nature or character of noise produced by the site is not anticipated to change significantly as a result of the introduction of the temporary venue.

And concludes that

- It is therefore judged that there is low likelihood of negative impact from music from the proposed venue at the nearest residential receivers to the East and West.

- The plant noise associated with the proposed venue falls into the category which BS 4142:2014 describes as an indication of low impact."

Therefore in light of the comments above the environmental health specialist has not objected the development and has recommended conditions for use of an in-house PA system with frequency control (to remove/restrict bass frequencies and limit audio impacts outside of the venue), noise monitoring at stations on the peripheries of the site nearest to residential properties, additional mitigation measures if required and maximum noise levels for associated plant (mainly the ventilation/heating system). The proposed conditions have been discussed between planning officers and specialist colleagues in environmental health and drafted to ensure that they do not depart from the extant Noise Management Plan for Butlins in Minehead, which is an iterative document (it is evolving over time), and which has regulatory force in regards to the relevant environmental legislation and licensing arrangements. The conditions would set unenforceable limits on noise produced by the proposed venue, with a means of measuring compliance and for the LPA to provide appropriate checks on compliance (in coordination with specialist colleagues in SWT Environmental Health department). The conditions are considered to be robust and sufficient to ensure that the venue could operate without causing significant noise impacts on local residents with a guideline figure of 1dB (decibel) above mean background noise levels cited and a maximum exceptional noise level of 5dB above background noise levels. As conditions would ensure that the venue used an in-house PA and sound system it would be relatively easy to make appropriate adjustments to the sound to restrict any noise pollution, particularly from any wayward frequencies such as low bass noise or shrill treble frequencies which could carry beyond the site. It is therefore considered that subject to the stated conditions the development is acceptable from the view point of amenity and would have several robust conditions in place to address any perceived breaches of planning control.

Covid 19 issues

The proposed design includes a flow system through the venue and in terms of pedestrian/wheelchair user access which would be one way and allow for multiple points of entry/egress. Additionally areas have been designated internally for family groups to occupy with social-distancing maintained. In so far as planning guidance and decisions can impact on Covid preparedness and safety the application has demonstrated that the proposed venue is likely to be capable of conforming to relevant guidance, although as this is subject to regular changes this can only be given as advisory at the time of this report (late January 2021, during a national lockdown). Other legislative regimes and organisations would be responsible for allowing use of the venue, notably licensing, environmental health and the police, and in respect of up-to-date guidance and regulations from central government. The submitted documentation includes a Covid management plan and drawing showing social-distancing for seating and flows through the building. The venue has been designed with a bespoke heating and ventilation system. The planning authority cannot comment on whether this would be sufficient to allay concerns regarding Covid 19 safety, that would be dependent upon the approach taken by central government to restrictions on the use of indoor venues when current lockdown

restrictions end. In planning terms this is as far as can be achieved through the planning system and is acceptable, with the caveat that others bodies, principally being central government, will make final decisions about the operation of live venues generally.

Access

Vehicular access and parking would remain the same as existing but it is noted that the resort is very unlikely to be able to run at full capacity in current circumstances. All attendees at the proposed venue would be Butlins 'guests' and it is not considered that there would be any adverse impacts on parking or highway safety. The highways authority have raised no objections.

The proposed temporary stage would be accessible to audience members in wheelchairs and disabled-accessible toilets are included on submitted drawings to be positioned outside of the internal area. The proposal is therefore in conformity with policy CF1.

Drainage and flood risk

The proposed development includes a Flood Risk Assessment and outline drainage strategy. The Environment Agency has commented that they would expect finished floor levels to be 300mm above existing ground levels and use of appropriate safety features such as barriers and raised electrical fittings. They have not requested any conditions but have noted that the applicants should discuss matters with Building Control. It is considered that the development will achieve a 300mm uplift above existing ground levels and that no conditions are needed in this respect. The Environment Agency have further advised that the applicants make use of the flood warning system. It is understood that the Butlins operators are already signed up to use this system.

The outline drainage strategy is considered acceptable however final details will be required for approval prior to commencement of the development and will be set by condition accordingly. It is understood that the LLFA have been in communication with the applicant's drainage engineers and are negotiating required specifications for the surface water attenuation scheme. As the application only includes outline details of the drainage strategy a prior to commencement condition for drainage details will be required

Biodiversity

The County Ecologist made initial comments requesting further information about possible tree removal. The agent has confirmed that no trees will be removed. The County ecologist has not objected to the scheme but has requested a condition for bird boxes to be sited near to the development site, for ecological mitigation in the form of 3no. 2mx2m wildflower meadows and for tree protection measures. Conditions have been slightly amended from those as drafted by the County ecologist to ensure that they meet NPPG requirements in terms of being proportionate, relevant to planning, enforceable, reasonable and necessary to the granting of planning permission.

Other matters

The town council have objected to the proposed development citing concerns including those about noise and amenity impacts, ventilation Covid 19 safety, provision of toilets and impacts on the mental health of local residents. They have further requested that the item is brought before the SWT planning committee.

Nine letters of objection have been received from local residents. The main issues raised are in relation to potential noise impacts and amenity, with several letters raising matters related to the use of a temporary outdoor stage in the summer of 2020. Concerns are noted and the LPA have aimed to address noise issues as thoroughly as possible in coordination with colleagues in Environmental Health and licensing who also have oversight functions in relation to the general operation of the wider Butlins site and the specifics of this proposed development. The use of conditions for monitoring sound and setting a maximum limit with monitoring points located very near to residential receptors should provide a robust means of both monitoring sound levels, and, if necessary, enforcing against any breaches.

One letter of support was received from a local resident noting the economic benefits that the Butlins site brings to Minehead.

Conclusion

The proposed development is supported in principle and it is acknowledged that the application has provided significant means to address noise and amenity concerns, through a variety of measures. The development would be subject to conditions for its commercial timespan, use of an in-house PA and for noise monitoring amongst others so in regards to objections it is considered that noise impacts would be minimal and that there would be robust means of ensuring compliance with planning conditions. The proposed development would be of significant economic benefit to the town and is therefore recommended for approval.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.



