

Parish:	Brancaster	
Proposal:	Proposed construction of new residential dwellings, roads, open space and associated landscaping	
Location:	Land S of 14 To 32 And E of Dolphin Place Town Lane The Close Brancaster Staithe Norfolk	
Applicant:	Fleur Hill LLP	
Case No:	16/02140/FM (Full Application - Major Development)	
Case Officer:	Mrs K Lawty	Date for Determination: 16 March 2017 Extension of Time Expiry Date: 3 November 2017

Reason for Referral to Planning Committee – called in by Councillor Mrs Watson, the views of Brancaster Parish Council are contrary to the officer recommendation.

Case Summary

The site is located on the southern side of The Close at Brancaster Staithe, which is accessed off the southern side of the main A149 running through the village.

The site is currently arable agricultural land and extends to 0.7 hectares. There are hedge boundaries around two sides of the site to the north and west. Undeveloped arable farmland is to the south, with existing residential development to the north in The Close and to the west, accessed from Town Lane. There is more arable land to the east between the nearest residential development in Common Lane.

The land levels change across the site and the land is of grade 2 agricultural quality.

The form and character of the residential development in The Close comprises mainly of two storey, runs of terraced and semi-detached properties. Town Lane is characterised by detached dwellings of various designs.

The site is within the Area of Outstanding Natural Beauty.

The site is an allocation for Brancaster Staithe under Policy G13.2 of the Site Allocations and Development Management Policies Plan 2016, with the policy requiring at least 10 dwellings on 0.7ha.

The application is for full planning permission and seeks planning permission for proposed residential development of 12 dwellings with access off The Close. During the course of the application the site boundary has been amended to follow that of the allocated site shown in Policy G13.2.

Key Issues

Principle of Development
Impact upon AONB and Visual Amenity
Form and character

Highway impacts
Impact upon Neighbour Amenity
Trees and Landscape
Ecology
Affordable Housing
Open Space
Flood Risk and Drainage
S106 matters
Other Material Considerations

Recommendation

(A) APPROVE subject to conditions and completion of a suitable Section 106 Agreement within 4 months of the date of resolution to approve:

(B). In the event that the S106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing, habitat mitigation fee, maintenance and management of public open space, SUDS design and maintenance.

THE APPLICATION

The site is located on the southern side of The Close at Brancaster Staithe, which is accessed on the southern side of the main A149 running through the village.

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Initial plans showed the application site boundary extending beyond the site allocation boundary. Amended plans have since been submitted to pull the site boundary in line with that of the site allocation.

The number of dwellings remains the same; 12 units with 10 market houses and 2 affordable units. 9 of the units are 2 and 3 bedroom homes and 3 units are 4 bedroom homes. The

dwellings are shown to be 1.5 or 2 storey in height and are a mixture of terraced, semi-detached and detached properties.

SUPPORTING CASE

The applicant has submitted this statement in support of Application 16/02140/FM and addressing comments/objections:

'This proposal is in full accordance with the Borough Councils adopted Local Plan and the allocation G13.2 for at least 10 dwellings on the application site. The Parish Council state the application does not comply with the Brancaster Parish Neighbourhood Plan (BPNP), however do not state where it fails. The BPNP policies considered to apply to the development are:

- Policy 1: Size Of Houses - The provision of smaller dwellings (those with one two or three bedrooms) will be encouraged. New dwellings should be a maximum of two storeys in height. Care and consideration should be given to retaining the views within, and of, the Area of Outstanding Natural Beauty, the Conservation Area, and listed buildings. COMPLY -The dwelling mix comprises 75% (9 out of the 12) of 2 and 3 bed homes.
- Policy 2: Design, Style and Materials - Any new dwelling, redevelopment or extension to a dwelling in the area should be carefully designed to blend in with adjacent properties and areas to maintain the character of the village. The use of traditional materials, especially those sourced locally, and of low ecological impact materials and techniques is to be encouraged. COMPLY
- Policy 3: Footprint For New and Redeveloped Dwellings - New, redeveloped and extended residential buildings should occupy no more than 50% of the plot unless the setting of a listed building, or the character and appearance of the conservation area, would be better conserved by higher plot coverage. COMPLY
- Policy 4: Parking Provision - New dwellings should normally provide a minimum of 2 off-road parking spaces. The need for more spaces will be based on the views of the Highway Authority. Proposals for apartments providing communal provision will be assessed separately in consultation with the Highway Authority. COMPLY – The number of parking spaces meets the minimum standard in the NP and in areas exceed.
- Policy 8: Protection Of Heritage Assets and Views - The siting of new buildings shall have due regard for, and respect the setting of, designated heritage assets. Any listed buildings should be appropriately conserved to maintain the buildings, its features and setting. Developments will be expected to preserve or enhance the character, appearance and views of the Brancaster Conservation Area with regards to the built/cultural heritage. COMPLY
- Policy 9: Protection And Enhancement of the Natural Environment and Landscape - Development will protect, conserve and where possible enhance, the natural environment, local landscape and wildlife. New development should not adversely affect the statutory purposes of the Area of Outstanding Natural Beauty. COMPLY

Highway Matters – Concerns have been raised locally about the width and specification of The Close and parking at peak times. These issues have been put to the Highway Authority on a number of occasions and they have been consulted twice formally on the application by BCKLWN. NCC Highways do not object to this application.

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Planning Committee
3 July 2017

Affordable Housing – Many comments have been made about affordable homes. Local people and the Parish Council state 3 bed homes are required, Karl Patterson of BCKLWN has confirmed the need is for 2 bed homes and happy with the mix provided. The number of affordable homes meets adopted policy.

This proposal delivers the allocation made by BCKLWN and has no objections from any statutory consultees.

PLANNING HISTORY

None

RESPONSE TO CONSULTATION

Parish Council: OBJECT - not compatible with our Neighbourhood Plan.

- The development of yet more holiday/second homes is not acceptable as it is affordable homes for local people that are needed.
- There is a potential traffic problem with possibly 30 extra vehicles/boat trailers accessing the site.
- The A149 is adjacent, with the harbour to the north, which is extremely busy in the summer months. There is no extra parking facility anywhere in the area so pavements are usually obstructed and pedestrians put at risk.
- The access to this new development appears to be narrow and straight, encouraging speeding.
- No paths or pedestrian pavements appear to have been provided.

Highways Authority: NO OBJECTION (amended plans) - conditionally

Lead Local Flood Authority: NO COMMENTS

Environmental Health & Housing - Environmental Quality: NO COMMENTS regarding contaminated land or air quality. Groundwater protection and potential pollution of controlled waters is the responsibility of the Environment Agency and their advice should be sought on this

Environmental Health CSNN: NO OBJECTION - conditionally

Housing Enabling Officer: NO OBJECTION - conditionally

Natural England: NO OBJECTION– subject to appropriate mitigation being secured

Norfolk Coast Partnership: Initial concerns addressed by the boundary being moved. Local concern about the issue of second homes and the associated problems of infrastructure, and how it impacts the local community in the AONB are noted. However, this is out of our control and therefore is not something we can object to solely for this reason.

In terms of visual impact on the AONB this would be fairly low and localised being adjacent and behind existing development. The green infrastructure at the front of the development would be a welcome recreational space and I fully support Natural England's views that this should be enhanced with native planting, dog bins and bat and bird boxes delivered through planning conditions. The 2014 to 2019 AONB Management Plan policies that underpin this response are PB3, PB5, PC6 and PR3.

Arboricultural Officer: NO OBJECTION

Greenspace Officer: NO OBJECTION but made comment re: management of open space

REPRESENTATIONS

Sir Henry Bellingham MP has forwarded comments from third parties within his constituency.

Representations from 35 addresses (some multiple submissions) received referring to the following:-

Does not accord with policy:-

- The Brancaster Neighbourhood Plan states that second/holiday homes are not desirable and this should be refused unless there are enforceable covenants that the units are sold as permanent residences for 10 years minimum as per St Ives in Cornwall.
- The proposed development does not conform to recommendations in the Village Plan regarding type and size of house required; being properties which do not provide housing which is affordable for people working locally
- Proposed development falls outside the land allocated for residential development
- There is ample space within the allocated site G13.2 to meet the stated ambition of 12 homes, whilst incorporating public areas of green landscaping as currently envisaged
- It will only serve to deliver even more second homes and holiday lets, neither of which are needed in Brancaster Staithe
- The proposal provides very little in the way of affordable housing;
- Houses too big and extensive; not affordable
- the house prices aimed at 2nd home owners are clearly at odds with the stated NP desire to "sustain a year-round community".
- To meet the policy requirements the developer could reduce the various over-sized houses/plots. Building appropriately sized houses, rather than unnecessarily large ones, would also help the proposal accord with the Brancaster Council Neighbourhood Plan
- Second homes do not provide a balance of employment and village services are being lost
- The Brancaster Parish Neighbourhood Plan states that (3.2) "there is the need to sustain a year round community" and that the Borough Core Strategy (6.5.2) "will seek to sustain rural communities". How does this proposal align with the Core Strategy?

Form and character:-

- These new houses are overbearing, overlooking, disturb, characterless and cause an issue to the highway.
- The houses are out of character with the houses in The Close or Town Lane and too many that they will be overbearing compared to what is already here

Highways issues:-

- The residents of this part of the village suffer recurring summer parking problems especially around the entrance and exit road off the A149 to the Close, it regularly

compromises pavement users and drivers safety and simply by reverting to a 30mph limit would not solve this issue

- The proposed access to the development is through The Close and onto the A149 on a very difficult corner with poor visibility where visibility is blocked through parked vehicles
- The reduction of the speed limit will cause more problems with overnight parking on the road and there is not enough street lighting to make this safe
- Please review accident records there has been three in the village from parked cars with no lights in the past 18 months. Pulling out of The Close is a risk and the reduction of speed limit will not help as this will still be dangerous
- Double yellow lines not wanted on the A149 and will create a dangerous situation as the parked cars are a form of traffic calming
- The amount of traffic in the Close is already heavy in the sailing/summer season.
- The lower speed limit will have little or no affect as the road is already so narrow and tight that cars have to crawl round.
- The building traffic will add to the congestion – children and the elderly will be put at risk with the lorries etc.

Landscaping/Ecology:-

- The revised plans will now chop off the end of our garden to straighten the road into the development. We have maintained this since 1987 and it contains a small coppice of trees to be felled
- The development has the potential to adversely impact upon the high landscape value views from Barrow Common. The scheme should look to intensify the landscaping to the southern boundary of the site to lessen this impact as the current proposals are inadequate.
- Would like reassurance that boundary hedge will remain in place
- Two pairs of Tree Sparrows (*passer montanus*) have nested successfully along the northern boundary to the proposed development site for the past 10 years at least. This species is on the UK RED LIST and I fear that this development will drive them from this area.

Neighbour amenity:-

- Proximity of new development to properties on Town Lane, creating an unacceptable loss of residential amenity (loss of privacy; overbearing; increased disturbance; loss of existing views)
- Concerns about being overlooked by the development and loss of rural setting - the houses will be built up slope of us and will overlook us;
- Ask that careful consideration is made to the landscaping along the southern and western boundaries of the site (e.g. extensive high hedges and trees, to minimise the visual and noise impact of the development to residents of Town Lane)
- the use of The Close as an entry to a new 'building site' will spoil it for the many owners already established there

Drainage:-

- There has been flooding in The Close due to run-off of water in heavy rain, this proposed development can only add to the problem
- Risk of flooding and land subsidence to house to The Close
- Torrents of water flow down this field in sudden storms

Other:-

- The allocation site was not advertised satisfactorily to the Parishioners and there are better sites
- Loss of agricultural land
- The supporting statements provided by the applicant are wholly disingenuous
- Has the Borough Council explored government funding for affordable housing?
- the original proposal showed a footpath leading to the common lane, this would mean that pedestrians, dog walkers and families could walk from The Close to the village or up to the common without having to try and walk along the main road (no pavement available on either side during the summer) which would have made things much safer. But as I understand this path has since been removed.
- Consultation dates run over the Christmas period when people are busy
- The site address is 'E of Dolphin Place' when it is in reality E of Leeward, the next property and 20 meters further to the South
- Why no solar panels or hot water panels?
- Where are the oil tanks to be sited?
- Water butts only help if the houses are lived in all the time. Most of these will not be.
- A report was undertaken in 2001 by the Brancaster Parish Appraisal Team called 'Room for a view' which should be read.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 – Transport

CS12 - Environmental Assets

CS13 - Community and Culture

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure

G13.2 – Brancaster Staithe and Burnham Deepdale – Land off The Close

OTHER GUIDANCE

Brancaster Neighbourhood Plan

Policy 1: Size of houses

Policy 2: Design, Style and Materials

Policy 3: Footprint for New and Redeveloped Dwellings

Policy 4: Parking Provision

Policy 6: Affordable / Shared Ownership Homes

Policy 8: Protection of Heritage Assets and Views

Policy 9: Protection and Enhancement of The Natural Environment and Landscape.

PLANNING CONSIDERATIONS

The main planning considerations in regards to the application are:-

- Principle of Development
- Impact upon AONB and Visual Amenity
- Form and character
- Highway impacts
- Impact upon Neighbour Amenity
- Trees and Landscape
- Ecology
- Affordable Housing
- Open Space
- Flood Risk and Drainage
- S106 matters
- Other Material Considerations

Principle of Development

The whole of the application site lies within an area designated as countryside but lies adjacent to the development boundary of Brancaster Staithe.

Brancaster Staithe, along with Brancaster and Burnham Deepdale, is part of the group of villages which have developed in a linear pattern along the A149. The settlement hierarchy

designated the settlements as a joint Key Rural Service Centre as set out under Policy CS02 of the Borough Council of King's Lynn and West Norfolk Core Strategy 2011.

The whole of this application site is a site allocated for housing under Policy G13.2 of the Site Allocations and Development Management Policies Plan 2016. This is the only allocated site for the village of Brancaster Staithe.

Policy G13.2 of the Site Allocations and Development Management Policies Plan 2016 relates to a 1.7 hectare (ha) site on the southern side of The Close.

Policy G13.2 refers:

'Land amounting to 0.7 hectares, as shown on the Policies Map, is allocated for residential development of at least 10 dwellings. Development will be subject to compliance with all of the following:

1. Submission of details demonstrating safe access provision onto The Close;
2. The design of development, and in particular its massing and materials, shall have regard to its potential impact on the scenic beauty of the Norfolk Coast Area of Outstanding Natural Beauty;
3. Incorporation of a high quality landscaping scheme to the south and east boundaries to minimise the impact of the development on the wider countryside;
4. Submission of details showing how sustainable drainage measures will integrate with the design of the development and how the drainage system will contribute to the amenity and biodiversity of the development. A suitable plan for the future management and maintenance of the SUDS should be included with the submission;
5. Provision of affordable housing in line with the current standards.'

In respect to these provisions, the proposal seeks full planning permission for the proposed construction of 12 new residential dwellings, roads, open space and associated landscaping.

The submission provides full details of the layout of the site and the proposed residential units. The application has been supported by a Planning Statement, Flood Risk Assessment & Surface Water Drainage Strategy, Traffic Statement, Contamination Report, Ecological Report, Archaeological Report, Utilities Assessment, Arboricultural Impact Assessment, Landscape Management & Maintenance Plan, Landscape & Visual Appraisal, Detailed Soft Landscape Proposals for Plots & Open Space.

Heads of terms have been provided for the S106 which will be required to secure affordable housing contributions. Other Matters to be secured in the S106 include the final Sustainable Urban Drainage System mechanism, management and maintenance thereof, securing the delivery of open space and the management thereof, and Habitats Mitigation Fee.

The application initially included land which extended beyond the allocation site boundary, but during the course of the application the site boundary has been amended to accord with the dimensions of the allocation site.

In light of the above and with the site being an allocated site within the SADMP, it is considered that the proposal would comply with the NPPFs presumption in favour of sustainable development. The principle is therefore supported.

Impact upon AONB and Visual Amenity

The 0.7ha site is currently arable land which adjoins The Close. The topography of the site rises to the south with residential development running north-south along Town Lane to the

west. Existing development also runs along Common Road across the field further to the east. The site is therefore surrounded by development (on three of its four sides), with undeveloped arable farmland to the south.

When considering other sites for development as part of the local plan process the Council considered that this site was considered to have the least impact on the visual amenity of the Area of Outstanding Natural Beauty than any other suggested options.

Paragraph 115 of the NPPF requires great weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB) which have the highest status of protection in relation to landscape and scenic beauty. The policy contains a clause to ensure the form of development will be designed with special regard to the potential impact on the Area of Outstanding Natural Beauty.

Development within the Borough will need to meet the requirements of policy CS08 Sustainable Development including high quality design. All new development should protect and enhance the historic environment, respond to local context and character and achieve high standards of sustainable design, contributing to a sense of place and local identity.

Environmental assets including green infrastructure, landscape character, biodiversity and geodiversity should be protected and enhanced in accordance with policy CS12 Environmental Assets. Development proposals should be informed by and use opportunities to reinforce landscape character and should demonstrate that their location, scale, design and materials will protect conserve and where possible enhance the special qualities and local distinctiveness of the area (including gaps between settlements, landscape setting, distinctive settlement character and landscape features).

Policy DM15 Environment, Design and Amenity requires that all development must protect and enhance the amenity of the wider environment including its heritage and cultural value.

Policies within the Brancaster Parish Neighbourhood Plan for 2015 – 2026 (Adopted November 2015) refer to the need to protect heritage assets and retain views within, and of, the AONB whilst protecting, conserving and where possible enhancing the natural environment, local landscape and wildlife.

The application has been supported by a Landscape & Visual Appraisal where the desk study and survey work undertaken confirms that in terms of both visual and landscape character the location of the site has capacity for a small-scale high quality residential development. The study also shows how the proposed site can be integrated with the existing settlement and the wider countryside.

The Appraisal identifies the importance of an appropriate landscape strategy which should be informed by landscape and settlement character and existing views/visual amenity. This includes retaining the majority of existing vegetation to maintain the existing level of tree cover, using traditional design and local materials in the design of proposed residential dwellings to reinforce local distinctiveness and sense of place, and integrating the built form into the surrounding landscape by maintaining and enhancing the existing settlement edge through appropriate landscape treatment and structural planting.

Views of the site are limited but development would be visible from Common Lane and The Close. However, the site would present a continuation of existing development around The Close and therefore it is not considered to have a significant detrimental impact on the wider landscape. As long as the landscape strategy and principles outlined in Landscape & Visual Appraisal are implemented, the development of the site will have an acceptable effect upon

the visual amenity and character of the area including the setting of the Norfolk Coast AONB.

This view is upheld by Norfolk Coast Partnership who considers that in terms of visual impact on the AONB this would be fairly low and localised, being adjacent and behind existing development. The proposal accords with the relevant 2014 to 2019 AONB Management Plan policies.

In this case, subject to the implementation of planning conditions, it is not considered the proposal will have a significant impact on the landscape and scenic beauty of the nearby AONB. The conservation of the natural beauty of the landscape and countryside has been given great weight and there should be no harm as a result of this proposal.

Form and character

Access to the site is shown to be from The Close. The site is rectangular in shape and the proposal shows a single access point into the site with residential properties set off two spurs running east and west.

Twelve residential units are proposed, including a mix of styles and sizes, as follows:

- Plots 1 & 2 (Affordable) – 2 No. x 2 Bed Homes (1 x rented and 1 x shared ownership)
- Plots 3, 4 and 5 – 3 No. x 2 bed homes
- Plot 6, 7, 8, 9 – 4 No. x 3 bedroom homes
- Plots 10, 11, 12 – 3 No. x 4 Bedroom homes

75% of the dwellings are therefore 2 or 3 bedroom properties.

The dwellings are shown to be 1.5 or 2 storey in height and are a mixture of terraced, semi-detached and detached properties. The plans show that each unit has a front and rear garden with bin storage facilities. Parking provision is also shown through a mixture of garaging and parking spaces.

The design of the dwellings shows a mix of traditional, domestic scale buildings with barn style dwellings featuring to the east of the site. A mix of traditional external materials is proposed to be used, including brick and flint with clay pantile and slate roofs.

The DAS states that landscaping will be retained and enhanced wherever possible around the site to afford protection from distant views and retain and enhance the landscaped feel to this part of the village. The submitted plans also show that planting to the east and southern boundaries has been incorporated into the scheme with additional planting across the site. A small area of open space is shown to the northern part of the site, immediately adjacent to the highway of The Close.

Attention has been given to the relationship with existing properties on Town Lane and The Close and the layout of the proposed new development seeks to respect the amenity of the occupants of these properties in terms of position and proximity.

Third party objection has been raised that the proposed houses are too big and expensive, not affordable and do not comply with the intentions of the Brancaster Parish Neighbourhood Plan (BPNP) which promotes smaller properties aimed at local people. However, 75% of the dwellings are 2 or 3 bedroom properties. Policy 1 of the BPNP encourages smaller dwellings (those with one, two or three bedrooms) and states that dwellings of 5 bedrooms or more will exceptionally be allowed. However, it makes no reference to restrictions on 4 bedroom properties. This is to ensure that a balance is regained in terms of house sizes,

giving a spread and variety of house size. In this respect the proposal meets the objectives of the BPNP with regard to both the provision of smaller dwellings and providing a variety of house sizes.

The scheme also includes 2 affordable units which is in line with Policy CS09 and Policy 6 of the BPNP.

Third party concern has also been raised regarding the use of the proposed dwellings for holiday homes rather than for local people. Despite third party comments to the contrary, there are no policies within the BPNP which prevent homes being used for holiday purposes. Indeed the Plan recognises the high number of second homes within the coastal villages and that tourism is a big part of their economy. Whilst recognising the need to achieve a better balance in new properties for people who wish to live and work in the villages, the Plan also refers to the need to 'ensure there are reasonably sized houses available for holiday homes and rent.'

In policy terms it is not possible to restrict the future occupation of new dwellings in the village to permanent residents only. Market forces will dictate the occupation and the local planning authority has no justification to restrict this. Accordingly the proposed mixed development where the majority of the units are 'smaller' dwellings is considered to conform to the policies of the BPNP with regard to size of house and level of affordable units and achieves the balance of provision for people who wish to live and work in the village as well as for holiday use.

In terms of layout and design it is considered the proposed development pays sufficient regard to the existing surrounding development. From a form and character perspective, given the existing setting, it is not considered that the development would adversely affect the visual amenity of the locality in accordance with Policy CS08 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

Highway impacts

Policy E13.2 requires the submission of details demonstrating safe access provision onto The Close.

The application shows a single access point between the proposed residential development and The Close to serve the properties. Initial concerns from the Highways Authority regarding layouts and appropriate visibility splays have been addressed. The access into The Close from the proposed development is acceptable and the Highways Authority raise no objection to the amended scheme, subject to the imposition of highways conditions.

As part of the works proposed, and following the results of a Traffic Survey and discussion with the Highways Authority, the applicant proposes to support a reduction in the speed limit on the A149 to 30mph through Brancaster Staithe and Burnham Deepdale. This will need a Traffic Regulation Order (TRO) and the applicant will enter into an Abortive Costs Agreement with the Highways Authority to fund this. Additionally the applicant proposes to support a TRO to reduce the speed limit within The Close to 20mph, again through a conditional Agreement with the Highways Authority. Whilst neither of these speed reductions are essential for the development to proceed, they do bring about improvements to reduce the traffic speeds in this residential area.

Many of the third party objections to the scheme refer to the existing access at the junction of The Close with the main A149, claiming it is dangerous to use, particularly when turning right on leaving The Close. This junction has been examined and has been found to comply sufficiently with visibility splays which are acceptable for a road of this type. The Highways

Authority raise no objection to the increased use of this existing access with regard to highway safety issues. Accordingly no physical works are proposed to change this junction. However, the proposed TROs to reduce traffic speeds along the A149 from 40mph to 30mph and The Close from 30mph to 20mph will assist in reducing traffic speeds and assist vehicle movements in this area. The Highways Authority are supportive of these reductions in speed limits.

Objection has been raised to the parking of vehicles along the A149 at the junction which local residents say act as traffic calming. However, whilst the highways authority does not require additional physical works around the junction with the A149 they will investigate the need for some yellow line markings along the A149 as part of the off-site works required.

Third party concern regarding construction traffic and danger to pedestrians, including children and the elderly, are noted. However, the construction period is a temporary arrangement and is not sufficient reason to warrant refusal of the application.

In summary, subject to the imposition of planning conditions to secure reduced speed limits to the A149 and The Close and other site specific standard highway conditions, there are no outstanding highway safety issues.

Impact upon Neighbour Amenity

The relationship between the proposed development and neighbouring properties has been examined and the impact upon the amenity of the occupants of these properties has been assessed. Consideration has been given to overlooking, overshadowing and the proposed development being overbearing.

The DAS explains that consideration has been given to the relationship between the existing and proposed dwellings. The DAS explains that No 14 The Close is closest to the northern boundary of the application site and is within 5 metres of the nearest proposed building. Landscape mitigation is minimal directly adjoining No 14 as the property has five windows facing the application site. Plots 1 and 2 (affordable housing) have been set southward by a further 1m and westward by a further 3m to allow views to be gained from the existing dwelling (No 14) out into the central open space area within the design.

No 32 The Close has one first floor window and five ground floor windows facing the site. Again, consideration has been given to the impact upon the amenity of the occupants of this property through overlooking, overshadowing or being overbearing. In this case spacing has been retained between the two properties and Plot 12 is a 1.5 storey dwelling with a single storey rear projection along the northern boundary. Windows are proposed to the north elevation, but these are offset from those of No 32 and will not lead to direct overlooking between each other's windows. Boundary treatment will prevent overlooking between ground floor windows.

The occupants of No. 14 have objected to the proposal and one of their issues relates to the loss of front section of their garden to straighten the road into the development. They claim they have maintained this green area since 1987 which contains a small coppice of trees to be felled. However, this area of land is within the ownership of the highways authority, who raise no objection to the proposal as it achieves an acceptable scheme in highway safety terms.

Third party objection has been raised to the proposal in terms of neighbour amenity, such as loss of privacy from overlooking, being overbearing, increased disturbance and loss of existing views.

However, given the ground level changes, layout and distances between properties it is not considered there will be a significantly detrimental impact upon the amenity of the occupants of neighbouring properties in terms of overlooking, being overshadowed or the development being over bearing, as a result of this proposal.

There will be disturbance during any construction phase, but this would be a temporary arrangement. The proposed domestic use is compatible with surrounding uses and there is no concern regarding neighbour amenity between existing and proposed uses.

Whilst neighbour amenity is a material planning consideration, in planning terms there is no right to a view and any loss or blocking of a view across third party land is not a material consideration.

In terms of neighbour amenity the proposal would accord with Policy CS08 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

Trees and Landscape

The application has been supported by an Arboricultural Impact Assessment.

There are trees along the periphery of the site and a total of ten individual trees and one tree group were identified in the Arboricultural Impact Assessment. This concluded that three C category trees (lower quality) would need to be removed for development purposes. However these are proposed to be replaced with new heavy standard trees.

All other trees on or adjacent to the site would be retained and protected throughout the works.

The report concludes that the proposed development will involve the loss of some small trees; however, provided the replacement planting is implemented the tree loss will be mitigated.

The Arboricultural Officer raises no objection to the proposal.

Ecology

The application has been supported by an ecology report by Wild Frontier Ecology which confirms that a desk study and a Phase 1 habitat survey were undertaken in 2015. The desk study included an examination of the local landscape, a data search with Norfolk Biodiversity Information Service, and a search for local designated sites. The Phase 1 habitat survey followed the Joint Nature Conservancy Council guidelines, with the methods being 'extended' to include a general evaluation of the site in terms of any rare or protected species likely or shown to be present.

Within 5km of the site are numerous statutory designated nature conservation sites, owing to the proximity to the coast. The North Norfolk Coast SPA, SAC, Ramsar site and SSSI lies 160 metres to the north of the site. These sites are separated from the proposed development site by the village of Brancaster Staithe. Numerous records of protected and notable species were returned by the data search, but the Phase 1 habitat survey found the application site held little potential habitat for these species, as it consists of an arable field and improved grassland.

The site and adjacent habitats have some potential to support common breeding bird species, including a group of trees to the north which would be removed to accommodate the proposed access route.

Overall, the results of the desk study and Phase 1 habitat survey led to a conclusion that few ecological receptors had any potential for impacts associated with the proposal, and where impacts were predicted (such as for the trees which would be removed), advice is provided on how to mitigate and compensate for these. Minor negative in-combination impacts to North Norfolk Coast SPA, SAC, Ramsar Site and SSSI are probable and mitigation is proposed.

Potentially significant pre-mitigation impacts were not identified as a likely concern for protected species other than nesting birds, for which mitigation is advised. Best practice avoidance measures have also been advised, and suggestions for enhancements have been made.

Natural England has no objection to the proposal subject to appropriate mitigation being secured. Such mitigation should include that set out within the Ecological Report, namely:

- Retention of trees and hedgerows where possible;
- Planting of species native to the north Norfolk coast for Green Infrastructure and landscaping;
- Commitment of £50 per house towards the Monitoring and Mitigation Plan;
- Provision of onsite information and signage provided to give a clear indication of suitable locations for recreation with dogs, both away from and within the designated sites.

These issues can be secured through planning condition or legal agreement.

Third party objection relating to tree sparrows nesting in the northern boundary are noted and mitigation measures already identified will ensure they are not harmed.

The North Coast Partnership commented on the initial plans but has not responded on the most recent, amended scheme. Their key issues related to the site boundary extending past the allocated site boundary and the implications for the AONB, but this has since been addressed through the submitted amendments.

Accordingly, subject to appropriate conditions and legal agreement the proposal could be achieved without having a significant impact on the purposes of designation of the North Norfolk AONB, the statutory nature conservation sites and on-site ecology and can be supported in this respect.

Affordable Housing

The site proposes 12 dwellings on 0.7ha and thus exceeds the affordable housing threshold set down in Policy CS09. The site is within the parish of Brancaster which has a requirement of 20% provision. This equates to 2.4 units, but is rounded down to 2 units with no additional payment required (as per policy). The applicant proposes that 2 dwellings will be provided with one rented and one shared ownership dwelling. This will be covered within the S106 agreement.

The applicant has confirmed that the affordable units comply with the relevant size standards required by the Homes and Communities Agency and the Housing Enabling Officer raises no objection to the proposal.

The proposal meets the relevant planning policies regarding affordable housing, including the requirements of the site specific policy G13.2.

Open space

Part 3 of Policy G13.2 requires that the proposed development should incorporate a high quality landscaping scheme to include planting to the south and east boundaries to minimise the impact of the development on the wider countryside. Part 2 also requires a high quality design having regard to its potential impact on the scenic beauty of the AONB.

The proposed layout incorporates an area of open space to the northern part of the site. This communal area of open space also provides a soakaway for surface water from the highway.

The Greenspace Officer raises no objection to the proposal, subject to the appropriate management of the open space. This will be controlled through the legal agreement.

Flood Risk and Drainage

Part 4 of Policy G13.2 requires the submission of details relating to SUDS along with details of their future management and maintenance.

The application has been supported by a Flood Risk Assessment and a schematic design and layout of the drainage details. Additionally details of the future maintenance of the surface water drainage system have been provided.

The FRA concludes that the site is within Flood Zone 1 and that the proposed development will result in low risk to the residents. Surface water runoff from the site will be contained in a drainage system designed to cope up to and including the 1 in 100 year storm event plus climate change. An appropriate level of water treatment stages has been incorporated into the design to prevent pollution to the surrounding area and the maintenance scheme for the surface water drainage system should be adhered to.

The County Council as Lead Local Flood Authority has no comments to make on the information provided.

Third party objection has been raised to localised flooding being exacerbated by this proposal. They refer to the risk of flooding from sudden storms and land subsidence to houses in The Close. However, the FRA demonstrates that the site can cater for its own needs in terms of surface water drainage and will not increase off-site flooding. Subsidence issues will be a matter between land owners and is outside the remit of planning legislation.

S106 matters

Heads of Terms have been provided by the Applicant confirming that the development would meet the requirements for the costs of relevant infrastructure, facilities and resources reasonably related to and directly arising from development. Given the adoption of CIL in February 2017, the site is now CIL liable. However, affordable housing, SuDS design and maintenance, the habitat mitigation fee and open space maintenance and management will need to be secured via S106 agreement.

Other Material Considerations

Environmental Quality have no comments to make regarding contaminated land or air quality.

CSNN raise no objection subject to conditions regarding surface water drainage, details of the air source heat pumps and the submission of a construction management plan.

Most third party comments have been addressed above, however, comment has been received that the allocation site was not advertised satisfactorily to the parishioners through the local plan process and there are better sites. The site was allocated through the local plan process which involves multiple rounds of public consultation over several years. During this process many sites are considered and the most appropriate sites chosen. That said, it is not for this planning application to consider the merits at this stage given that the policy was adopted in September 2016.

Concern was raised regarding the loss of agricultural land. However, this is an allocation in the Local Plan thereby the principle of developing it is established.

Comment has been made that the proposal no longer shows a footpath leading to the common lane, which would mean pedestrians, dog walkers and families could walk safely from The Close to the village or up to the common without having to try and walk along the main road. However, the submitted plans do not show a footpath link and this is not a requirement of developing this site.

Comment has been made that the consultation dates for the application ran over the Christmas period when people are busy. However, there has been ample opportunity for comment during the course of the application.

Comment has been made that the site address is not accurate, however, it does make reference to the surrounding development and a site plan reaffirms the location of the site.

Comment has been made that there are no solar panels or hot water panels incorporated within the scheme. The lack of space for oil tanks has been mentioned and comment has been made about water butts only being helpful if the houses are lived in all the time. The scheme does propose to use air source heat pumps and will need to meet building regulations regarding energy efficiency matters. The use of water butts is part of the sustainable measures for dealing with surface water and is encouraged.

Comment referring to the Brancaster Parish Appraisal Team reports from 2001 are noted but this information has been superseded by other more up to date planning policy documents and plans.

CONCLUSION

The site covers the allocated site for Brancaster Staithe (known as G13.2) in the Council's Site Allocations and Development Management Policies Plan (2016) which is adopted policy. The proposal seeks full planning permission for 12 dwellings; 10 market houses and 2 affordable units. The whole of the proposed development is now within the same area as the allocated site shown in the SADMP policy.

The applicant has demonstrated that this number of dwellings can blend in with adjacent properties and areas to maintain the form and character of the village without significant impact on the landscape and scenic beauty of the nearby AONB.

The dwellings are a mix of sizes (2, 3 and 4 bedroom properties) and house types (terraced, semi-detached and detached) of 1.5 and 2 storey heights. This mix accords with the policy requirements within the Brancaster Parish Neighbourhood Plan to ensure a balance is regained in terms of house sizes, giving a spread and variety of house size.

Appropriate sustainable drainage can be provided within the site which can be controlled through planning condition. With off-site highways improvements being secured by way of condition, it is considered that the proposal is satisfactory in highway terms.

The plans indicate that the development could be achieved without detrimentally affecting adjacent neighbour's amenity and the proposal has been supported with appropriate surveys and studies in respect to ecological issues that raise no principle objections from statutory consultees.

It is considered that the proposal can meet the provisions of Policy G13.2 of the Site Allocations and Development Management Policies Plan 2016, as well as relevant policies within the Brancaster Parish Neighbourhood Plan, through planning conditions and S106 obligations.

In light of the above, it is considered the proposal complies with the provisions of the NPPF and that planning permission maybe granted subject to the conditions below and the imposition of a S106 agreement.

RECOMMENDATION:

(A) APPROVE subject to conditions and completion of a suitable Section 106 Agreement within 4 months of the date of resolution to approve:

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 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:
 - 1506 Brancaster Staithe PA2L Site Plan 1 to 500
 - 1506 Brancaster Staithe PA3L Block Plan 1 to 250
 - 1506 Brancaster Staithe Walls & Railings WR1 H
 - 1506 Brancaster Staithe PA4 H Site sections
 - 1506 Brancaster Staithe BS Plots 1-2 H GA
 - 1506 Brancaster Staithe BS Plot 3G GA
 - 1506 Brancaster Staithe BS Plot 4G GA
 - 1506 Brancaster Staithe BS Plot 5G GA
 - 1506 Brancaster Staithe BS Plot 6G GA
 - 1506 Brancaster Staithe BS Plot 7G GA
 - 1506 Brancaster Staithe BS Plots 8-9 G GA-1
 - 1506 Brancaster Staithe BS Plots 8-9 G GA-2
 - 1506 Brancaster Staithe BS Plot 10G GA
 - 1506 Brancaster Staithe BS Plot 11G GA
 - 1506 Brancaster Staithe BS Plot 12G GA
 - 1506 Brancaster Staithe Garages J
 - 20416 - 005B – Redline Plan
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 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 building(s) 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.

- 3 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition: The boundary treatment hereby approved shall be completed before the occupation/use of each residential unit hereby permitted is commenced or before the building(s) are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 5 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. 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.
- 5 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 6 Condition: The development hereby approved shall be constructed in accordance with the conclusions of the arboricultural report and plans authored by A T Coombes Associate dated 04 October 2016. No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with the details that have been submitted to within the Arboricultural Impact Assessment. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.
- 6 Reason: To ensure that the landscaping is properly maintained in accordance with the NPPF.
- 7 Condition: A landscape management plan including long-term design objectives, management responsibilities, management and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of any part of the buildings or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

- 7 Reason: To ensure that the landscaping is properly maintained in accordance with the NPPF.
- 8 Condition: No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans.
- 8 Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

This also needs to be a pre-commencement condition given the fundamental details linked to drainage and other infrastructure which needs to be planned for at the earliest stage in the development.

- 9 Condition: No works shall be carried out on roads, footways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority in consultation with the Highway Authority.
- 9 Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 10 Condition: Before any dwelling is first occupied the road(s) and footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 10 Reason: To ensure satisfactory development of the site.
- 11 Condition: Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan (drawing 20416/006 rev B). The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 11 Reason: In the interests of highway safety.
- 12 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.
- 12 Reason: To ensure adequate off street parking during construction in the interests of highway safety.

This also needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

- 13 Condition: Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works as indicated on drawing number 20416/006 rev B have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

- 13 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

This also needs to be a pre-commencement condition as these fundamental details need to be properly designed at the front end of the process.

- 14 Condition: Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in condition 13 shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.

- 14 Reason: To ensure that the highway network is adequate to cater for the development proposed.

- 15 Condition: No works shall commence on the site until the Traffic Regulation Order for the provision of a 30mph speed limit on Main Road through Brancaster Staithe has been promoted by the Highway Authority.

- 15 Reason: In the interests of highway safety. This also needs to be a pre-commencement condition as this issue needs to start to be resolved at an early stage in the process.

- 16 Condition: Prior to commencement of development a detailed construction management plan, must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of construction phase. The scheme shall also provide the location of any fixed machinery, and proposed mitigation methods to protect residents from noise and dust. The scheme shall be implemented as approved.

- 16 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.

- 17 Condition: The development shall be carried out in accordance with the mitigation and best practice measures and enhancements set out in the Ecological Report produced by Wild Frontier Ecology, dated October 2016 and revised March 2017, unless provided for in any other conditions attached to this planning permission.

- 17 Reason: To ensure that the development takes place substantially in accordance with the principles and parameters contained with the Ecological Report.

- 18 Condition: Prior to the first occupation of the development hereby approved, details of the method of lighting and extent of illumination to the access roads, footpaths, parking, and circulation areas shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented as approved prior to the occupation of the development or any phase of the development to which it relates and thereafter maintained and retained as agreed.

- 18 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.

- 19 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 sound power levels of the proposed unit(s), identify the distance from each unit to the nearest boundary and provide details of anti-vibration

mounts, or noise attenuation measures. The scheme shall be implemented as approved, and thereafter maintained as such.

- 19 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- (B). In the event that the S106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing, habitat mitigation fee, maintenance and management of public open space, SUDS design and maintenance.