

AGENDA ITEM NO: 8/2(b)

Parish:	Holme next the Sea	
Proposal:	Variation of condition 10 of planning permission 16/00323/F (replacement dwelling): To amend previously approved drawings	
Location:	Sandy Ridge Broadwater Road Holme next the Sea Norfolk	
Applicant:	Mr David Gray	
Case No:	17/00735/F (Full Application)	
Case Officer:	Mrs K Lawty	Date for Determination: 7 June 2017

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the Officer recommendation.

Case Summary

The site comprises a triangular plot of land containing a detached dwelling of single storey height, a series of domestic outbuildings and associated garden land. The site is bounded to the south west by a detached dwelling. To the south, on the south side of Broadwater Road, is a caravan whilst to the north and north east are the coastal marshes and open land leading out towards the sea.

In policy terms the site is in countryside and within the Area of Outstanding Natural Beauty (AONB). It is in or close to nature conservation sites of national and international importance including a SSSI, National Nature Reserve, Special Protection Area, Ramsar site and Special Area of Conservation.

The area is also in a high risk flood zone (Flood zone 3 and Tidal Hazard Area).

The Planning Committee granted full planning permission for a replacement dwelling following the demolition of the existing chalet bungalow and ancillary structures on the site in 2016 (lpa ref: 16/00323/F).

This current application seeks the variation of condition 10 of planning permission 16/00323/F to amend the previously approved drawings.

Key Issues

Principle of development;
Form & character and impact on AONB;
Nature Conservation issues;
Flood risk;
Residential amenity; and
Other matters.

Recommendation**APPROVE**

THE APPLICATION

The site comprises a triangular plot of land containing a detached dwelling of single storey height, a series of domestic outbuildings and associated garden land. The site is bounded to the south west by a detached dwelling. To the south, on the south side of Broadwater Road, is a caravan whilst to the north and north east are the coastal marshes and open land leading out towards the sea.

In policy terms the site is in countryside and within the Area of Outstanding Natural Beauty (AONB). It is in or close to nature conservation sites of national and international importance including a SSSI, National Nature Reserve, Special Protection Area, Ramsar site and Special Area of Conservation.

The area is also in a high risk flood zone (Flood zone 3 and Tidal Hazard Area).

This application seeks a variation of the plans to accommodate a series of minor changes to the external appearance of the approved replacement dwelling. These changes include amendments to the fenestration, external materials and the relocation and reorientation of the detached garage. No change is proposed to the overall height or scale of the building.

SUPPORTING CASE

The applicant has provided a list of the proposed changes to the approved scheme. They confirm that with the exception of item no. 05 (which proposes a reduction in the proportion of part of the building), no change to the scale or use of building is proposed.

The changes proposed are:-

1. Relocation and re-orientation of the Garage to increase usable garden space
2. The proposed brick plinth has been extended to apply to entire main house
3. Relocation of entrance door to & the addition of back door
4. General internal alterations
5. Reduction in size of main building by 20m² (0.5m taken from the North and East sides)
6. Addition of a concealed two-person sun terrace to South Elevation
7. Replacement of glazed guarding to the North terrace with Steel
8. Replacement of external sliding shutters with internal sliding shutters
9. General relocation of windows associated with the internal changes
10. Change of cladding material from loose course pebbles with randomly course knapped flint
11. Change of cladding material to west Façade from loosely coursed rubble to vertical timber boarding
12. Replacement of stack bonded brickwork with stretcher-bonded brickwork
13. Enlargement of Ground Floor Terrace and Log Store to match first floor
14. Addition of flush roof lights to main roof slope

PLANNING HISTORY

16/00323/F – Approved - Replacement dwelling - Sandy Ridge

15/00992/F: Application Withdrawn: 11/11/15 - Construction of dwelling and self-contained annexe following demolition of existing dwelling - Sandy Ridge

17/00735/F

RESPONSE TO CONSULTATION

Parish Council: OBJECT - The Parish Council would like to comment as follows:

1. The application is described as a variation but compared to the previously approved plans barely a feature of the design remains unchanged. The cost to the Council Tax Payer of dealing with this degree of change is considerable. If the proposals are to proceed, they should be put forward for consideration as a new planning application with the appropriate fee paid. In the interests of the wider community this would also allow the application to be assessed for any CIL that may become due.
2. Although described by the Applicants as a smaller building, the proposals are for a massive structure with a ridge height approaching +40 feet. This will be a highly significant feature on the skyline and extremely intrusive in this very sensitive landscape.
3. The design and materials (including the introduction of welded steel) combine to create an industrial appearance that is out of context with the immediate natural environment. Furthermore, the introduction of roof lights will add to the light emissions from the building in an area of naturally dark skies. Not only is this environment valued by many thousands of visitors each year for its sense of remoteness and wilderness (Heritage Coast), it is an important, internationally protected habitat (Ramsar, SAC, SPA) supporting internationally protected birds. Little Terns breed nearby and are known to be highly sensitive to light disturbance.
4. The Parish Council's previous objections to this development (which is substantially larger than the dwelling to be replaced) highlighted its negative impacts on important views from Redwell Marsh and from the Coastal Path towards the Grade 1 listed landmark of Great St Mary's Church. The applicants contested this, arguing that the development would be hidden from public view. They are however, now proposing to embellish the building with a steel clad, south facing terrace, in reality a balcony, in order to exploit the views over Redwell Marsh for their own private benefit. Clearly this cannot be consistent with their earlier arguments that this building is hidden from public view and will not obscure the views currently enjoyed by local residents and many thousands of visitors to the surrounding nature reserve.
5. In its previous objections the Parish Council also expressed concern that the landscaping proposals would intrude on and enclose an area of Common land within the Parish. In the meantime the boundaries of Common land have been provided by Norfolk County Council and confirm that our fears are justified.

The implications of this should be confirmed explicitly by the Borough Council.

6. Notwithstanding the specialist ecology report originally produced by the Applicants, it is clear that intensification of development at this location within the Parish is having a significant negative impact on the immediate surrounding, protected environment - notably on water quality and European Protected Species. It is difficult to see how granting the necessary licenses for development could be deemed to be in the overriding public interest.

In view of the above, the Parish Council maintains its objections to this development. We urge the Applicants to withdraw their proposals and replace them by a new application that is sympathetic to the environment, more sensitive to local needs and respects the enjoyment of this very special place by the hundred thousand plus who visit it annually.

Highways Authority: No objection - requested that previous conditions are transferred onto any new planning permission

Environmental Health & Housing - Environmental Quality: NO OBJECTION - requested that previous conditions are transferred onto any new planning permission.

Environmental Health & Housing - CSNN: NO OBJECTION - commented that detailed information on any external lighting may be useful so that the appropriate organisations can comment if needed i.e. Norfolk Wildlife Trust, RSPB and Natural England etc.

Norfolk Coast Partnership: NO OBJECTION but commented that they would prefer the use of traditional materials where possible. So would prefer keeping the loose course rubble over the use of timber and steel cladding. This would ensure that there is at least some continuity with other buildings in the village.

Natural England: NO COMMENT

Countryside Access Officer: NO OBJECTION on Public Rights of Way issues.

Environment Agency: NO OBJECTION - but recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) are adhered to.

REPRESENTATIONS

2 third party comments received referring to the following:-

- Object to balcony on the southern boundary due to overlooking of my garden/log cabin; wholly unacceptable
- This part 3 storey dwelling will have a negative impact on our privacy and lifestyle
- Disappointing that the approved materials are wanting to be changed for cheaper quality
- This decision was wrong before and is worse now that the materials are proposed to be changed
- The sheer size and mass will already reflect negatively on the character of the area which enjoys AONB
- Wildlife were being forgotten or ignored when this application was considered.
- Dark skies play an important part to our wildlife in this area. Light can interrupt the natural behaviour of our wildlife.
- This area was to be kept as a run through for the natterjack toads originally what has now changed. The natterjack toads still live there but maybe once this gets built they will move out.

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

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM5 – Enlargement or Replacement of Dwellings in the Countryside

DM15 – Environment, Design and Amenity

DM21 - Sites in Areas of Flood Risk

PLANNING CONSIDERATIONS

The application raises the following issues: -

- Principle of development;
- Form & character and impact on AONB;
- Nature Conservation issues;
- Flood risk;
- Residential amenity; and
- Other matters.

Principle of development

The site is located on Broadwater Road, Holme-next-the-Sea. The application site lies outside the village as identified on the King's Lynn & West Norfolk Local Plan (1998) Inset Map for Holme-next-the-Sea. Within the Core Strategy Holme-next-the-Sea is classified as a Smaller Village and Hamlet (SVH) in the Settlement Hierarchy set out under Policy CS02 and therefore no settlement boundary exists.

It is also within the AONB, where development which will have a significantly detrimental impact upon the natural beauty of the landscape in this designated area will not be permitted. National and local nature conservation sites lie immediately to the north west of the site. Development is therefore strictly controlled in this sensitive area.

Nationally, the NPPF seeks a high standard of design, and design that takes the opportunity to improve an area. Some of the key objectives referred to in the NPPF are for development which responds to their local context and creates or reinforces local distinctiveness, are visually attractive as a result of good architecture and appropriate landscaping.

Government Guidance also seeks quality design in housing, and states that Local Planning Authorities should encourage applicants to bring forward sustainable and environmentally friendly development. It also states that design should be well integrated with, and complement neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Design should promote local distinctiveness.

The LDF Core Strategy relevant policies are CS01, CS06, CS08, CS09 and CS12. Whilst no Core Strategy policies refer specifically to replacement dwellings, Policy CS06 refers to the protection of the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife and its natural resources. Accordingly such development should not adversely affect this strategy.

Policy DM5 refers to the enlargement or replacement of dwellings in the countryside. This policy states that proposals for replacement dwellings will be approved where the design is of high quality and will preserve the character or appearance of the streetscene or area in which it sits. Schemes which fail to reflect the scale and character of their surroundings or which would be oppressive or adversely affect the amenity of the area or neighbouring properties will be refused.

The principle of the replacement dwelling has already been agreed; this application seeks only to vary the design of the proposed replacement.

Impact upon the AONB

AONB's have the highest status of protection in relation to landscape and scenic beauty. In this case the application site is already a residential property but it adjoins open land to the north west and south east. The site has a degree of screening to its boundary but there are still open views across the fields.

The replacement dwelling already approved under Ipa ref: 16/00323/F is taller than the existing property but the design of the dwelling with mono-pitched roofs means that the height of the dwelling is kept as low as possible, despite the fact that flood risk issues require raised floor levels.

This proposed amendment makes no change to the overall height or dimension of the dwelling (other than a reduction of 20m² floorspace with 0.5m taken from the north and east sides). Initial plans submitted with this current application showed levels on the plans using the AOD levels (above ordnance datum relative to sea level); however, the previously approved plans showed levels taken above floor level. Consequently when comparing the levels between the previously approved and proposed drawings the comparative levels were reading significantly higher. However, these plans have since been amended to show comparable levels and they demonstrate that there is no change to the proposed height of the building from those already approved.

The Parish Council has objected to the increased height of the proposed replacement dwelling. However, as there is no change to the previously approved height and mass this objection is not upheld.

The Parish Council has raised issue regarding the obstruction of views from the Norfolk Coastal Path across the site towards Redwell Marsh towards the Grade 1 Listed St Mary's Church in the distance. However, the proposed replacement dwelling is no greater in height and mass than previously approved. They comment on the use of steel cladding to the south terrace, however, this is a guard rail spanning an opening of 1.9m wide and is only 1.1m high. Such modest detailing will not be apparent in the wider landscape.

Given that the overall mass and height is the same as previously approved and the proposed changes will not significantly change the overall massing and scale of the building it is considered that the proposed development would sit within the landscape without having a detrimental impact on the quality of the landscape or the scenic beauty of this nationally important designated AONB.

Design, character and appearance

The proposed replacement dwelling is of contemporary design and fundamentally similar to that already approved. The angular plan form responds to the triangular shape of the site and its features. The massing and scale of the replacement house is lower and narrower to the front of the site along Broadwater Road and then opens up and out towards the sea views to the rear.

The low mono-pitched roof sections help keep the house as low as possible with the highest points set against the tall trees on the west side. The principle living accommodation is located on the first floor to take advantage of the best views with ancillary accommodation located on the lower levels.

The design is modern and is proposed to be constructed of materials which can now be found within the local area. There are now other examples of contemporary dwellings along Broadwater Road. Some work better than others and the most effective take reference from local building materials. This promotes local distinctiveness.

One of the proposed changes to the plans is the change from loose course –pebbles to random course knapped flint. This change in material still makes reference to locally found materials. One other change to the amended plans show the removal of some of the flint cobbles and their replacement with vertical timber boarding. This is only to the west elevation closest to the existing trees (which are proposed to be retained) and which will not be clearly visible from any of the long views of the site from the south east or north.

The applicant has submitted additional photos taken from the northern coastal path, within the garden and along Broadwater Road to demonstrate that this western elevation will not be clearly visible from outside the site and will only be appreciated from the small strip of garden directly adjacent to the elevation. They therefore suggest that any change from flint to timber is unlikely to affect the local character of the site and its surroundings, and will largely go unnoticed.

The use of flint is proposed to remain on the southern elevation and part of the eastern elevation of the main dwelling as well as the south eastern elevation of the garage; the remainder will be timber clad.

The Parish Council, Norfolk Coast Partnership and third parties have commented on the loss of local materials. In this case the design of the proposed replacement dwelling has taken reference from other examples found in the vicinity. The proposed replacement is a modern, contemporary one which utilises a palette of materials and colours, and mixes traditional building materials such as coursed pebbles and handmade bricks with more modern materials such as natural wood cladding, zinc sheeting and galvanised steel.

The design and site layout reflects the features and constraints of the site and flood risk issues. The proposed dwelling will not dominate the site and there is plenty of space around the building to retain the landscaping.

Policy DM5 states that proposals for replacement dwellings will be approved where the design is of high quality and will preserve the character or appearance of the streetscene or area in which it sits. Schemes which fail to reflect the scale and character of their surroundings or which would be oppressive or adversely affect the amenity of the area or neighbouring properties will be refused.

In terms of design the proposed replacement dwelling does take sufficient reference from building designs and materials in the surrounding area to ensure it will fit into the area

without harm. The use of flint walling adds to the local distinctiveness of the design and the use of timber cladding links through to the trees and soft, open landscape of the area in general. Successful implementation of the landscaping scheme will ensure that it sits in its immediate environs in an appropriate manner.

In this case the scale of the proposed dwelling remains unchanged and the proposed amendments to the fenestration and external materials are considered appropriate; three areas of flint will remain to the more public views of the building. It is considered that the development will not cause significant harm to the character of the AONB. It will not erode the openness of the area or be unduly conspicuous in its setting.

Nature Conservation issues

The site is in proximity to nature conservation sites of international, national and local importance and careful consideration was given to the impact upon these during consideration of the replacement dwelling under lpa ref: 16/00323/F.

However, these current amendments raise no significant new issues with regard to protected species or impact on the larger nature conservation sites in proximity of the site.

This proposal shows changes to the fenestration including the location of windows and the introduction of rooflights to the main roof slope. The Parish Council have raised issues about light spillage from the proposed new dwelling.

The proposed dwelling will result in a similar number of openings to that previously approved. The applicant previously proposed mitigating solutions to avoid increasing light pollution. These include external shutters to the largest openings that can be closed at night to provide security as well as privacy, and at the same time contain the artificial light, and external timber louvres to limit the extent of glazing to the long slot window on the east elevation.

Light spillage can have a harmful effect upon wildlife. However, it is not considered the extent of light spillage would be so significant to warrant the refusal of the application in this case.

Flood Risk

There are no additional implications with regard to flood risk (subject to the imposition of conditions).

Residential amenity

The relationship between the dwelling as proposed and existing dwellings has been examined.

First floor windows facing other properties to the south west serve non- habitable rooms, such as bathrooms and corridors. An enclosed balcony area faces seaward, away from neighbouring properties

A second balcony area is shown to the south eastern elevation. This is an enclosed balcony area accessed from one of the bedrooms. The nearest property to the south lies to the south west of the site. This balcony will not look directly out onto the windows of any adjoining properties, although look towards some of the garden land of this property. However, this will not result in such significant overlooking to warrant refusal of the application.

The dimensions, distances from boundaries and position of the proposed replacement dwelling are such that it will not result in significant overshadowing or loss of light for the occupants of neighbouring properties.

Other matters

The Parish Council is concerned about the impact of the proposal upon Common Land. There are three areas of Registered Common Land within the parish of Holme-next-the-Sea with common rights. However, the application site is not within common land and none of these areas are known to adjoin or be in proximity to the site. Consequently there is not considered to be any direct impact of this proposal upon the Common Land.

The Environmental Quality Team requests the referral of previously imposed planning conditions. These relate to the presence of asbestos in the existing building. To cover the safe removal and disposal of the identified material it is recommended that planning conditions are attached to any consent granted for this application.

County Highways has raised no objection to the proposal subject to the referral of previously imposed planning conditions, which relate to the provision of parking.

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application will not likely have a material impact upon crime and disorder.

CONCLUSION

The replacement dwelling has a modern, contemporary, bespoke design to fit the shape and features of the site. It will be taller than the bungalow it seeks to replace and have a larger scale and mass. However the proposed amendments to the previously approved scheme have no significant bearing on the scale of the proposed dwelling. In terms of design and impact on the AONB the proposal is considered to relate adequately to surrounding development and the sensitive setting of the open fields and marshes.

The proposal will not likely have a significantly detrimental impact upon the amenity of the occupants of adjoining properties.

Conditionally there are no outstanding flood risk, nature conservation, landscape or highways issues.

The proposal accords with the general principles of the NPPF and Core Strategy Policies CS01, CS02, CS06, CS07, CS12. The proposal also complies with the development management policies, in particular Policy DM5 and DM15.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of 10 August 2019.
- 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: Prior to the first occupation of the development hereby permitted the proposed on-site car parking area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 2 Reason: To ensure that parking and servicing facilities will be available to serve the development in accordance with the principles of the NPPF.
- 3 Condition: Prior to the occupation of the dwellinghouse hereby permitted the occupiers should sign up to the Environment Agency Floodline Warnings Direct (FWD) service and details of a flood evacuation plan should be submitted to and agreed with the local planning authority in consultation with the local authority emergency planning department. This flood evacuation plan will include actions to take on receipt of the different warning levels, including evacuation procedures e.g. isolating services and taking valuables etc. and evacuation routes.
- 3 Reason: To ensure the appropriate protection to the occupants of the development.
- 4 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.
- 4 Reason: To ensure that existing trees and hedgerows are properly protected.
- 5 Condition: Prior to first occupation of the development hereby approved evidence of the treatment or safe removal and disposal of the asbestos containing materials at a suitably licensed waste disposal site shall be submitted to and approved by the local planning authority.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.
- 6 Condition: The development shall be carried out in accordance with the mitigation measures set out in the Protected Species Survey unless provided for in any other conditions attached to this planning permission. These measures require:-
 - Details of the position and design of bat boxes to be installed on site shall be submitted to and agreed in writing with the local planning authority. They shall be installed in accordance with the agreed details prior to occupation of the dwelling.
 - Any hedge, shrub or tree removal should be undertaken outside the main breeding bird season from 1st March to 31st August, or else be confirmed to be without nesting birds prior to the removal.
 - The site should be fenced prior to construction, to enable clearance of the site and to prevent natterjack toads from getting on to the site during construction. Such fencing may only be carried out under an EPS licence, which would need to be obtained from Natural England. Fencing should be installed in the season when natterjack toads are active, so this would indicate after mid-March and before the end of September.

- Should a great crested newt be found during construction, Natural England should be contacted to discuss the next steps.
 - During construction an exclusion zone of 5 metres from the drain is to be established from the drain for tracked vehicles to minimise potential disturbance of water voles. The vegetation should be strimmed to bare ground from a 5m buffer either side of the footing for the proposed new bridge across the drain to ensure that water voles do not take up residency in this area.
 - All excavations should be covered overnight to prevent animals from falling in.
 - Works should be restricted to daylight hours only to prevent disturbance or accidental harm to nocturnal animals such as badgers and hedgehogs. Night lighting of the site should be minimised to reduce disturbance to other nocturnal animals such as bats.
 - All building materials and waste materials should be stored above ground, such as on pallets or in skips respectively. This measure should ensure that such materials do not provide a sheltering opportunity, attractive to invertebrates, amphibians, reptiles and small mammals.
- 6 Reason: To ensure that the development takes place substantially in accordance with the principles and parameters contained with the Protected Species Survey.
- 7 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration to the dwelling house shall not be allowed without the granting of specific planning permission.
- 7 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 8 Condition: The detached garage building shall only be used for purposes incidental to the needs and personal enjoyment of the occupants of the dwelling and shall at no time be used for business or commercial purposes.
- 8 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with the NPPF.
- 9 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:
- Drawing No. 1307-200, Site Plan
 - Drawing No. 1307-301, Rev PT-02, Proposed Ground Floor Plan
 - Drawing No. 1307-302, Rev PT-01, Proposed First Floor Plan
 - Drawing No. 1307-303 Rev PT-01, Proposed Roof Plan
 - Drawing No. 1307-353 Rev PT-01, Proposed Garage Elevations
 - Drawing No. 1307-305-T01, Proposed East Elevations
 - Drawing No. 1307-307-PT-02, Proposed West Elevations
 - Drawing No. 1307-306-T-01, Proposed North Elevations
 - Drawing No. 1307-308-PT-02, Proposed South Elevations
- 9 Reason: For the avoidance of doubt and in the interests of proper planning.