

**PLANNING COMMITTEE**  
**3<sup>rd</sup> July 2017**

**SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE  
PUBLICATION OF THE AGENDA AND ERRATA**

**Item Number 8/1(a) Page Number 8**

**Third Party:** TWO letters of OBJECTION – the matters raised can be summarised as follows:

- Not enough space for the parking of cars and boats;
- Noise nuisance arising from air source heat pumps;
- Queries the arrangements for upgrading the electricity supply for the air source heat pumps.
- Ever increasing parking problems in Brancaster Staithe need to be highlighted and a permanent solution found.
- The proposed development of 12 more houses on a site behind the Close will certainly increase the problem.

**CORRECTION**

Amend Condition 2 to the following:

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 5F GA
- 1506 Brancaster Staithe BS Plot 6G GA
- 1506 Brancaster Staithe BS Plot 7G GA
- 1506 Brancaster Staithe BS Plots 8-9 F GA-1
- 1506 Brancaster Staithe BS Plots 8-9 F 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

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 28 March 2017. 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.

**Item Number 8/2(b) Page Number 31**

**Agent:** Submitted Amended Plan Dwg 1307-201-T-01-Proposed Site Plan on 28<sup>th</sup> June in order to correct an error with the drawing title block.

**Amended condition**

As a result of the submission of the amended plan cited above, Condition 9 requires amendment:

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. 1307-201-T-01, Proposed 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

**Item Number 8/2(c) Page Number 57**

**Assistant Director's comments:** An Appeal Decision for 97 South Beach Road, Hunstanton (APP/V2635/W/17/3172987), the adjoining site to 99 South Beach Road, was received on 29<sup>th</sup> June 2017 and is directly relevant to this application (attached to Late Correspondence).

The Inspector notes that the site is located in the Coastal Hazard Zone (CHZ) and that there is an agreed protocol between the Council and the Environment Agency for the CHZ to prevent inappropriate development, adopting a precautionary approach. Specifically the Inspector confirms the stance of Policy DM18 that "new dwellings will not be allowed, with replacement dwellings only permitted where seven criteria are met, including that the dwelling would only be occupied between 01 April and 30 September in any year".

Further, at paragraph 11, that the site is located in the Coastal Hazard Zone and that the zone was established by a modern up to date plan which seeks to prevent inappropriate development in areas of high risk of flooding.

Whilst the appeal was for a new dwelling, the principles of conforming to a restrictive policy apply. In relating this appeal to the application site, it is clear that to allow 12 months occupancy at 99 South Beach Road would not comply with the strict criteria of Policy DM18 and would not represent sustainable development.

**Item Number 8/2(e) Page Number 77**

**Agent:** Submitted Amended Plan Dwg 160658/10/10 Rev E showing the demarcation of parking bays using granite setts and detail. Sleeper logs will be used to the area around the Horse Chestnut so that there is minimum impact to the Root Protection Area (RPA).

**Arboricultural Officer:** On receipt of further information regarding the parking area for the above application, confirms that a 'no-dig' parking area is no longer required.

**Conservation Area:** No objection to provision of granite setts (verbal comments).

**Amended Condition**

As a result of the submission of the amended plan cited above, Condition 2 requires amendment:

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

- Location Plan and Block Plan drawing no. 160658/10/10 Rev E.
- Proposed Elevations and Sections drawing no.160658/10/12 Rev A.
- Extensions Plans as Proposed drawing no. 160658/10/13 Rev A.
- Floor Plan showing areas drawing no. 160658/10/14 Rev A.

**Item Number 8/2(f) Page Number 88**

**Agent:** Submitted Amended Plan Dwg 160658/10/10 Rev E showing the demarcation of parking bays using granite setts and detail.

**Item Number 8/2(g) Page Number 94**

**Arboricultural Officer:** Tree Preservation Order 2/TPO/00564 regarding 3 Lime Trees to the site frontage along Rudham Road was served on 21<sup>st</sup> June 2017.



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# Appeal Decision

Site visit made on 19 June 2017

**by Jonathan Hockley BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 29 June 2017**

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**Appeal Ref: APP/V2635/W/17/3172987**

**97 South Beach Road, Hunstanton PE36 5BA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Justin Wing against the decision of King's Lynn and West Norfolk Borough Council.
  - The application Ref 16/01555/F, dated 23 December 2016, was refused by notice dated 23 January 2017.
  - The development proposed is the erection of new residential dwelling with integral double garage and associated external works.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this case is whether the site is suitable for housing, having regard to the provisions of the development plan and flood risk.

## Reasons

3. The appeal site lies towards the southern end of South Beach Road, which as its name suggests, heads south close to the beach from the edge of the town centre. The area is characterised by ribbon development of various types of accommodation, with caravans largely located on the west side of the road, between the street and the beach, and dwellings on the east side. Behind these dwellings are further caravans. The site lies behind a block of 4, 2 storey buff brick terraced units, and is accessed by a track which is sited between this block and a further block of 5 terraced red brick 2 storey units. The access track serves the site, that of 99 South Beach Road and a further dwelling just to the south.
4. No 99 currently houses a single storey bungalow, set at an angle. There is no dispute between the parties that the appeal site used to house a similar bungalow, sited to as to face towards the entrance track. There remains a concrete slab with brick sides and a partial previous wooden floor, but the walls and roof of the bungalow have been fully demolished. The remainder of the site consists of roughly cut grass and cleared land, and aside from the entrance corner, is bordered by a close boarded fence separating the site from the rear of the houses to the west and caravans to the north and east. Evidence states that services remain connected to the site in the form of capped pipes.

5. No 99 has been granted permission for a replacement dwelling; the design of which is the same (but handed) for the proposal in this case. The Council have no objections to the proposed design, and based on all that I have read and seen I have no reason to disagree with this view.
6. The site lies within the Coastal Flood Risk Hazard Zone (CHZ), as defined by the Site Allocations Plan<sup>1</sup>. Policy DM18 of the Plan explains how the Council and the Environment Agency have agreed a planning protocol for the area to prevent inappropriate development, adopting a precautionary approach. The policy states that new dwellings will not be allowed, with replacement dwellings only permitted where seven criteria are met, including that the dwelling would only be occupied between 01 April and 30 September in any year.
7. The site also lies outside the settlement boundary for Hunstanton; policy CS06 of the Core Strategy<sup>2</sup> and Policy DM2 of the Site Allocations Plan together state that land outside development boundaries will be treated as countryside where new development will be restricted, and that in the rural areas the countryside will be protected for its intrinsic character and beauty.
8. As described above, no walls or roof of the former bungalow now remain, with only a concrete slab and partial wooden floor present. Evidence states that the former bungalow was fire damaged between November 2010 and March 2011, around 6-7 years ago. There is also no dispute between the parties that the site has not been occupied since late 2010.
9. The appellant states that the site was previously owned by a member of their family and that they had proposed to rebuild the bungalow but were unable to do so due to financial circumstances, and so sold the site to the appellant in July 2015. However, I have little evidence on this period between late 2010 and 2015; there does not appear to have been any approach to the Council to rebuild the site prior to the pre-application inquiry in 2016. Given the length of time that has elapsed since late 2010, and the condition of the 'structure' – in that only the base in effect survives I consider it reasonable to conclude that the residential use of the site has been abandoned and that the proposal would constitute a new dwelling. Accordingly Policy DM5 of the Site Allocations Plan, which concerns replacement dwellings or extensions to existing homes in the countryside, does not apply.
10. The site does however constitute previously developed land, and the design of the scheme would have some benefits in tidying up and enhancing an unkempt site, joining the proposal up with No 99 in a coherent whole, providing some benefits in a pair of modern dwellings, which due to the design of the schemes with non-habitable rooms at ground floor level would be flood resilient to a certain degree. Given such issues, I am not convinced that the proposal would breach the overall purposes of Policies CS06 or DM2; the site is surrounded by other development and could not be considered as isolated, and consider that in isolation the circumstances of the site could outweigh the conflict with the development plan in this sole respect.
11. However, critically the site also lies within the CHZ. This zone was established by a modern up to date plan and constitutes a significant change in the circumstances of the site since the former bungalow burnt down. The point of

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<sup>1</sup> Site Allocations and Development Management Policies Plan, September 2016.

<sup>2</sup> King's Lynn & West Norfolk Borough Council Local Development Framework- Core Strategy July 2011

the CHZ is to prevent inappropriate development and the National Planning Policy Framework (the Framework) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The supporting text to the policy notes that the part of the coastline that the appeal site falls in is considered to be very high risk with only a 1 in 50 year standard of flood protection. The proposal, in seeking a new dwelling would be contrary to this policy and to the Framework.

12. I note that the Town Council state that they support the proposal as new flood resilient development helps to prolong the season; however notwithstanding the above, policy DM18 states that replacement dwellings which are permitted can only be occupied for 6 months of the year – from April to September.
13. I am referred to other examples which the appellant considers are relevant. In the East Hertfordshire case I note that the Inspector found that there had always been a clear intention to rebuild the property, and in the Shropshire case it appears that significantly more of the structure of the dwelling remained than is the case in this appeal. Furthermore, each case must be considered on its own merits.
14. To build a new dwelling on the site would be contrary to Policy DM18 and could not therefore be considered sustainable development. I therefore conclude that the site is not suitable for housing, having regard to the provisions of the development plan and flood risk. Whilst I note and have considerable sympathy with the circumstances of the case, I do not consider that in totality they outweigh the conflict of the scheme with the up to date development plan.
15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jon Hockley*

INSPECTOR