

<b>Parish:</b>	<b>Holme next the Sea</b>	
<b>Proposal:</b>	<b>VARIATION OF CONDITION 10 OF PLANNING PERMISSION 16/00323/F: Replacement dwelling</b>	
<b>Location:</b>	<b>Sandy Ridge Broadwater Road Holme next The Sea Norfolk</b>	
<b>Applicant:</b>	<b>Mr David Gray</b>	
<b>Case No:</b>	<b>17/02027/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs K Lawty</b>	<b>Date for Determination: 26 December 2017 Extension of Time Expiry Date: 12 January 2018</b>

**Reason for Referral to Planning Committee**

Previous application for amendments refused by Planning Committee and now subject to an appeal.

**Neighbourhood Plan:** No

**Case Summary**

The site comprises a triangular plot of land on the north western side of Broadwater Road, Holme-next-the-Sea. Until recently the site contained a detached dwelling of single storey height, a series of domestic outbuildings and associated garden land, but this has now been demolished in connection with the valid 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).

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).

Earlier in the year the applicant submitted an application for the variation of condition 10 of planning permission 16/00323/F to amend the previously approved drawings (ref: 17/00735/F). This was considered by the Planning Committee in July but was refused. This is now the subject of a planning appeal.

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

## **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**

Until recently the site contained a detached dwelling of single storey height, a series of domestic outbuildings and associated garden land. This site has recently been cleared, however, in connection with the development approved under ref: 16/00323/F.

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.

The proposed amended plans differ from the previous (refused) application in the following manner:-

- 1) Retain the full extent of traditional materials as shown in the original approved scheme
- 2) Reduction in the number of windows along the west facade in order to reduce the impact of the changes
- 3) Reduction in the number of rooflights and concentrating them to one area.

## **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 full list of changes proposed is:-

1. Relocation and re-orientation of the Garage to increase usable garden space

2. The approved galvanized steel plinth beams & legs replaced with brick plinth which has been extended to apply to entire main house
3. Relocation of entrance door to & the addition of back door to increase functionality & privacy
4. General internal alterations that although not a planning matter, explain changes to the fenestration
5. Reduction in size of main building by 20m<sup>2</sup> to reduce construction costs (0.5m taken from the North and East sides)
6. Increasing & relocating an approved window opening on the south facade and create a small recessed 2 person terrace
7. Replacement of overly reflective sheet glass guarding to the North terrace with delicate lightly fretted steel guarding almost imperceptible from distant views
8. Replacement of external sliding shutters with internal sliding shutters to improve functionality
9. Minor fenestration changes: addition of two small windows to the west elevation and slight adjustment of other windows
10. Change of cladding material from loose coursed cobbles with randomly course knapped flint in order to allow flint corners to be created without the need for exposed galvanised steel frames.
11. Rearrangement of Ground Floor Terrace and Log Store to rationalise design and to match first floor
12. Addition of small discrete flush roof lights with internal blinds to main roof slope to allow light and ventilation into the deep plan

## **PLANNING HISTORY**

17/00735/F – Refused - 06/07/17 - Variation of condition 10 of planning permission 16/00323/F (replacement dwelling): To amend previously approved drawings - Sandy Ridge

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

## **RESPONSE TO CONSULTATION**

### **Parish Council: Comments:-**

- i. The resubmission of this application for a variation presents drawings based on the same base as the original application confirming the ridge height as 29 feet and not 40ft as implied by the drawings on which the PC previously commented.
- ii. The Applicant has confirmed in a presentation to the PC that they have no intention to carry out landscaping on the adjoining land either alone or in conjunction with a third party.
- iii. The concessions offered in the Design Statement indicate that in order to address the concerns of the Planning Committee:
  - a. At Point (2) there will be a reduction in the number of windows on the West façade and
  - b. At Point (3) there will be a reduction in the number of roof lights and

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- iv. The concessions offered in the points above appear to conflict with the covering explanation provided in the letter dated 27/10/17 from Cowper Griffiths which indicate the addition of two further windows on the west elevation (Pt 09) and the further addition of roof lights (Pt12)
- v. The Parish Council remains concerned about the impact of this building and particularly the lighting impacts on the Dark Skies of the AONB and the nearby Little Tern colony and requests that should the BCKL&WN be minded to grant consent, the advice of the Norfolk Coast Partnership is followed in order to minimise any impacts in this respect.

**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**

**Norfolk Coast Partnership: NO OBJECTION** but requested consideration of external lighting National Planning Policy Framework Clause 125 and Norfolk County Council's Environmental Lighting Zones Policy which both recognise the importance of preserving dark landscapes and dark skies. In order to minimise light pollution, we recommend that any outdoor lights associated with this proposed development should be:

- 1) fully shielded (enclosed in full cut-off flat glass fitments)
- 2) directed downwards (mounted horizontally to the ground and not tilted upwards)
- 3) switched on only when needed (no dusk to dawn lamps)
- 4) white light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium sources

**Countryside Access Officer: NO OBJECTION** on Public Rights of Way issues as although Holme-next-the-Sea Footpath 3 is in the vicinity, it does not appear to be affected by the proposals.

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

## **REPRESENTATIONS**

No third party comments received.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS07** - Development in Coastal 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

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

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

## **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.

However, the principle of the replacement dwelling has already been agreed and works to construct the dwelling are already underway. This application seeks only to vary the design of the proposed replacement through a series of modest changes.

### **Impact upon the AONB**

AONB's have the highest status of protection in relation to landscape and scenic beauty.

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 approved replacement dwelling is of contemporary design with an angular plan form that 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.

These proposed amendments are a series of modest changes to the approved scheme. These include fenestration changes, change in type of flint to be used (from cobbles to knapped flint), changes to the plinth of the building from metal to brick, a small reduction of the size of the main building and re-siting of the garage.

There are no changes to the scale of the approved dwelling or to the areas of walling to be flint faced.

The previous application submitted in April 2017 sought to amend the plans through a series of changes to the design. However, this application was refused due to the Planning Committee's concerns that the changes were a retrograde step through the revised fenestration, loss of traditional materials and additional rooflights which would adversely impact the darkness of the sky in this area.

The key changes proposed by this current application are:

#### **Fenestration:**

The proposed amendments to the windows are a series of window design and size changes in response to changes to the internal layout. There is no proposal to insert large areas of glazing; all of the window dimensions are relatively similar to those originally approved, just generally reconfigured.

With regard to window openings the differences between this current proposal and the previous refused application (ref: 17/00735/F) are:

North elevation – no change  
South elevation – no change  
East elevation – no change

West elevation – one less window

With regard to window openings the differences between this current proposal and the original approved application (ref: 16/00323/F) are:

North elevation – number of openings remains the same, albeit that a doorway has been changed to a window; the size of the openings is similar

South elevation – one less window; changes to the size and dimension of the other two windows

East elevation – number of windows changed from seven and one door opening to six and two door openings

West elevation – one additional window; changes to the size of the remaining seven windows.

Overall the number of windows and doors stay the same (a total of 20 No. windows and 2 No. doors) but their position and size has altered in some cases.

The previously refused application is currently under appeal. The change to the fenestration was only one area of concern and was specifically cited in the reason for the refusal of the application.

As can be seen above, the changes to the fenestration since the consideration of the previous application are modest and members will need to decide whether the changes are sufficient to overcome their previous concerns.

#### **Materials:**

These latest amendments no longer result in the loss of traditional materials as the amount of flint walling would remain the same. The type of flint is shown to change from cobbled flint to knapped flint but the elevations showing flintwork are the same.

This overcomes the previous reason for refusal in this regard.

#### **Rooflights:**

The original approved scheme showed a single rooflight.

The previous (refused) amendments showed a total of 7 rooflights.

This current application shows 4 rooflights.

Therefore whilst there would be an increase in the number of rooflights from the originally approved scheme this has subsequently been reduced in number and area of glazing. These rooflights are positioned to provide natural light and ventilation to internal corridors and stairways and therefore avoid the need for the use of electric lights during hours of daylight.

In terms of design the position of the rooflights raises no concerns.

The Norfolk Coast Partnership (NCP) has not objected to these revised plans but refers to paragraph 125 of the NPPF which states that ‘by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.’ They do not apply this reference, however, to the design of the rooflights, but to the use of external lighting.

On balance it is not considered that this proposed increase of 3 rooflights would have such a significant impact on local amenity and the dark landscape to warrant refusal of the application.

The other changes to the scheme, including re-siting of the garage, changes to terraces and their appearance, use of delicate metal railings instead of reflective glass, the use of internal shutters instead of external and incorporation of a brick plinth instead of metal are considered acceptable in design terms and were not specifically raised as matters of concern during Member's consideration of the previous application.

Although not formally objecting, the Parish Council notes the claims of the applicant with regard to the reduction in number of windows and rooflights as conflicting with the other submitted information which lists the changes since the original approved scheme. However, as can be seen above, the amendments sought still result in changes to the windows and three additional rooflights, but not as many as previously proposed.

As referred to above, the replacement dwelling has been approved and is currently under construction. The reinstatement of the flint walling to the key elevations is seen as a significant improvement and the reduction in the number and area of glazing through rooflights is also seen as compromise solution.

In this case the scale of the proposed dwelling remains unchanged and the proposed amendments to the fenestration and external materials are considered appropriate; the areas of flint walling will remain the same as the approved scheme. 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 Ipa 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 some additional rooflights to the main roof slope.

Although no longer objecting, the Parish Council refers to the impact of this building and particularly the lighting impacts on the Dark Skies of the AONB and the nearby Little Tern colony. They request that the advice of the Norfolk Coast Partnership (NCP) is followed in order to minimise any impacts in this respect. As referred to above, whilst NCP raise no concern regarding light spillage from the windows of the property, they do make recommendations about the use of outdoor lighting.

The proposed dwelling will result in a similar number of window openings to that previously approved; no significantly larger areas of glazing are proposed as part of this application.

It is recognised that light spillage can have a harmful effect upon wildlife. However, given that the dwellinghouse already has planning permission with a similar amount of glazing, it is not considered the impact of light spillage from this resulting design would have any greater impact than the consent already in place. Accordingly there is no reason to prevent the approval of consent in this regard.



The NCP's request to control the use of outdoor lighting is noted and although a condition was not previously imposed on the earlier consent, it is considered that the introduction of a condition which limits the type of outdoor lighting to be used would go some way to alleviating unnecessary light spillage.

### **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.

The proposed changes to the fenestration raise no new significant neighbour amenity issues in terms of overlooking. Similarly 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**

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 principle of a replacement dwelling has been established. The former bungalow has now been demolished and the site is currently under construction.

The approved replacement dwelling has a modern, contemporary, bespoke design to fit the shape and features of the site. A previous application to amend the plans was refused due to concerns that the proposed amendments were a retrograde step, particularly regarding changes to fenestration, a reduction in the loss of flint walling and the increase in amount of rooflights.

In response to these concerns these latest amendments have now retained the amount of flint walling, reduced the number of additional rooflights and modified the fenestration. The remaining proposed changes, including re-siting of the garage, changes to terraces and their appearance, use of delicate metal railings instead of reflective glass, the use of internal shutters instead of external and incorporation of a brick plinth instead of metal are considered acceptable in design terms.

These proposed amendments 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 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 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

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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 Environmental Statement unless provided for in any other conditions attached to this planning permission.
- 6 Reason: To ensure that the development takes place substantially in accordance with the principles and parameters contained with the Environmental Statement.
- 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. 201 PT-01 Proposed Site Plan
  - Drawing No. 301 PT-01 Ground Floor Plan
  - Drawing No. 302 PT-02 First Floor Plan
  - Drawing No. 303 PT-01 Roof Plan
  - Drawing No. 305 PT-01 East Elevation
  - Drawing No. 306 PT-01 North Elevation
  - Drawing No. 307 PT-02 West Elevation
  - Drawing No. 308 PT-01 South Elevation
  - Drawing No. 353 PT-01 Garage Elevations
- 9 Reason: For the avoidance of doubt and in the interests of proper planning.
- 10 Condition: Prior to the installation of any external lighting to the site, details shall be submitted to and agreed in writing by the Local Planning Authority, and only lighting so agreed shall be installed on the site. Such lighting shall be kept to a minimum for the purposes of security and site safety, and shall prevent upward and outward light radiation. The lighting shall be fully shielded (enclosed in full cut-off flat glass fittings), directed downwards (mounted horizontally to the ground and not tilted upwards), switched on only when needed (no dusk to dawn lamps) and use white light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium sources

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