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| Parish: | Old Hunstanton | |
| Proposal: | Construction of 3 dwellings following demolition of existing bungalow. | |
| Location: | The Bungalow Waterworks Road Old Hunstanton Hunstanton | |
| Applicant: | Mr D Lloyd | |
| Case No: | 18/00198/F (Full Application) | |
| Case Officer: | Mrs Jade Calton | Date for Determination: 6 April 2018 |

Reason for Referral to Planning Committee – Previous Appeal History

Neighbourhood Plan: No

Case Summary

The application site relates to a parcel of land measuring approximately 0.22 of a hectare and currently comprises a vacant bungalow and garden land. It is situated on the eastern side of Waterworks Road, Old Hunstanton.

Full planning permission is sought for the construction of three dwellings following demolition of the bungalow.

Old Hunstanton is classified as a Rural Village as identified in the Core Strategy's Settlement Hierarchy.

Key Issues

- * Principle of development;
- * Planning History;
- * Form and character;
- * Impact on AONB;
- * Impact on neighbour amenities;
- * Impact on highway safety;
- * Flood risk; and
- * Other material considerations

Recommendation

REFUSE

THE APPLICATION

The application relates to a squared parcel of land, measuring approximately 0.22 of a hectare. It comprises a vacant bungalow and garden land and is situated on the eastern side of Waterworks Work, Old Hunstanton.

Full planning permission is sought for the construction of three detached dwellings following demolition of the existing bungalow.

The proposed dwellings will be three storeys in height, comprising non-habitable accommodation, such as a gym, utility room and garage at ground floor level with living accommodation at first and second floor level.

House 1 is proposed to be a 3 bedroomed property and will front Waterworks Road with its private amenity space to the south. House 2, also a 3 bedroomed property, will be sited to the east of House 1 and is made up of three components which are angled to follow the south-eastern corner of the site. House 3 is then sited in the north-eastern corner of the site and comprises 4 bedrooms.

The proposed shared driveway will be accessed from the northern part of the site frontage which leads to each of the houses private parking and turning areas.

SUPPORTING CASE

The application is supported by a Design and Access Statement which offers the following case:-

“The main issues arising from the Proposal relate to the Inspector’s concerns about the uniform “grid” nature of the previous application.

Old Hunstanton is a “Rural Village” by virtue of policy CS02, where, “Limited minor development will be permitted which meets the needs of settlements and helps to sustain existing services in accordance with Policy CS06 Development in rural areas”.

4.3 The relevant part of Policy CS06 provides, “....In the Rural Villages, Smaller Villages and Hamlets, more modest levels of development, as detailed in Policy CS09, will be permitted to meet local needs and maintain the vitality of these communities where this can be achieved in a sustainable manner, particularly with regard to accessibility to housing, employment, services and markets, and without detriment to the character of the surrounding area or landscape”.

4.4 The relevant part of Policy CS09 provides, “....Provision will be made for at least 1,280 new dwellings in total (with allocations for at least 215 new homes) in the rural villages.....”. It goes on to address allocations, which is not relevant in this case as the Site is a “windfall site”.

4.5 Policy DM 15 provides:-Development must protect and enhance the amenity of the wider environment including its heritage and cultural value. Proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development. Proposals will be assessed against a number of factors including:

- Heritage impact;
- Overlooking, overbearing, overshadowing;

- Noise;
- Odour;
- Air quality;
- Light pollution;
- Contamination;
- Water quality and
- Visual impact.

The scale, height, massing, materials and layout of a development should respond sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings through high quality design and use of materials.

Development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.

Development proposals should demonstrate that safe access can be provided and adequate parking facilities are available.

The location, and quantum, of development is acceptable by virtue of Core Strategy policies CS02, CO6 and CS09, and this was confirmed by the Inspector.

In relation to Site Allocations and Development Management Policy DM15:-

There is no material impact on neighbouring “uses” (as confirmed by the Inspector), and the amenity of future occupiers of the appeal proposal will be good.

There is no adverse heritage impact, no overlooking, overbearing, or overshadowing of neighbouring properties, no noise issues, no odour issues, no air quality issues, no light pollution, no contamination issues, no water quality issues, and with the informal layout of the Proposal for only three dwellings, no visual impact issues; and

The scale, height, massing, materials and layout of the Proposal responds to the local setting and pattern of adjacent streets including spaces between buildings, being bespoke designed with high quality materials proposed to be used (the design of the dwellings being contemporary, with some traditional features, with careful fenestration details, and external materials being a mix of rendered panels, red brick, cedar boarding and clay pantile roofs, in a context in this part of the village of a mix of dwelling types, sizes and tenures, and materials including red brick, yellow brick, carstone, horizontal boarding and render with concrete or clay pantiles).

Policy CS07 is a criteria-based policy dealing with “Development in Coastal Areas”, which states that, “The Council will seek to balance the sensitive nature of the coastal area of West Norfolk with the national and international designations including the Area of Outstanding Natural Beauty for wildlife, landscape and heritage with the need for economic and social development of the area and the effects of climate change”, going on to set out relevant considerations (most of which relate to various things that the Council says they will do); the appeal proposal does not offend any of the relevant considerations.

The Norfolk Coast Area of Outstanding Natural Beauty was designated in 1968 under the National Parks and Access to the Countryside Act 1949, and covers over 450km² of coastal and agricultural land from the Wash in the west through coastal marshes and cliffs to the sand dunes at Winterton in the east. The scale of the development, and the layout now proposed, will not in any material way be harmful to an AONB which extends to 450km²; neither will there be any impact on conserving the landscape or scenic beauty of the AONB.

Policy CS12 deals with “Environmental Assets”, including Green Infrastructure, the Historic Environment, Landscape Character, and Biodiversity and Geodiversity; most of the policy is not directly relevant, but it does provide that “...it may be necessary to secure biodiversity, geodiversity and heritage needs through planning conditions and/or obligations. This can include timing of work, section 106 Agreements, pre-application negotiations, conditions, mitigation and compensation measures”.

These bespoke-designed dwellings, using the very best materials (which can be conditioned), in this location, would not adversely affect the character and openness of the surrounding countryside, and would add to the borough's housing stock.

Summary and conclusion:

The NPPF requires local planning authorities to boost significantly the supply of housing. The new layout will avoid the uniform “grid” effect, and creates an informal ambience which addresses the appeal Inspector's sole concern.

The Proposal is clearly acceptable in principle, in the context of the NPPF and local policy.

Any doubts about the Proposal are now resolved by the layout now proposed in response to the Inspector's sole concern; conditional planning permission should therefore be granted”.

PLANNING HISTORY

16/01084/F: Application Refused by Committee: 13/01/17 - Construction of 4 new dwellings following demolition of existing bungalow - The Bungalow, Waterworks Road, Old Hunstanton, Hunstanton

Appeal Dismissed 15/11/17

15/01010/F: Application Withdrawn: 15/09/15 - Construction of 4 new dwellings following demolition of existing bungalow - The Bungalow, Waterworks Road, Old Hunstanton, Hunstanton

RESPONSE TO CONSULTATION

Parish Council: **SUPPORT** (with no reasons)

Highways Authority: Requests that the footpath extension joins with the provision at Smugglers Close and that the road is widened to 4.8m.

Environmental Quality: The proposed development will include the demolition of the existing dwelling. Given the age of the building to be demolished it is considered highly likely that there will be asbestos within the fabric of the building. Therefore it is recommended that an informative is attached to the decision.

Environmental Health & Housing – Environmental Quality:

Environment Agency: **NO OBJECTION** to this planning application because the site is currently defended and the SMP policy for this area has an aspiration for hold the line.

Finished ground floor levels have been proposed at 3.45m AOD. This is below the 0.5% (1 in 200) annual probability flood level including climate change of 6.43m AOD and therefore

Planning Committee
4 June 2018

at risk of flooding by 2.98m depth in this event. The FRA states that the ground floor is non-habitable containing a gym and utility room.

Flood resistance measures have been proposed to the first floor to a height of 6.75m AOD which is 0.32m above the 0.5% (1 in 200) annual probability flood level including climate change and 0.02m above the 0.1% (1 in 1000) annual probability flood level of 6.73m AOD.

Finished first floor levels have been proposed at 6.15m AOD with a second floor above this and therefore there is refuge above the 0.1% (1 in 1000) annual probability flood level of 6.73m AOD.

Compensatory storage is not required.

Emergency Planning Officer: Recommend that the applicants / occupants sign up to the Environment Agency's Flood Warning System and prepare an Evacuation Plan.

Norfolk Coast Partnership: This is an extremely sensitive site both for wildlife and its landscape value. It is within the AONB, close to Ramsar and SPA sites and is an important area for wildlife using the river Hun and Holme Nature Reserve. The Coast Path runs to the North East and South of the site and there is some nice views out towards the river over a distinct landscape.

This area is identified in the Integrated Landscape Character Guidance for the Norfolk Coast AONB as Drained Coastal Marshes. One of the key forces for change is 'Extension of urban/ urban fringe character around the fringes of the area and on immediately adjacent landscape types which could have a visual impact on landscape character, particularly in areas where the settlement is on elevated land overlooking the Drained Coastal Marshes. We would want to see that any new development even for a single house does not create a visual block to the landscape. Three substantial houses with a high roof line almost certainly would.

We think the site would better accommodate 1 or 2 houses as a maximum here. We would be very supportive of smaller affordable units that would better serve the local community.

The designs of the houses are visually quite confusing with lots of varying angles and size windows. We would prefer to see more vernacular elements incorporated to enhance what is a special location.

The high levels of glazing on all the houses but particularly on House 1 on the west elevation will create more light pollution at night and glare during the day. If we accept this as a principle within the protected landscape then we will be looking at a very different 'nightscape' in the AONB as more and more people take this approach to property enhancement; cumulatively lighting up our dark skies.

Dark skies are a special quality of the AONB and there is a need to conserve this quality (not just because of the effects on visual amenity and perceptual quality like tranquility but also because of potential impacts on nocturnal wildlife as a key component of what defines natural beauty).

We would also advocate using National Planning Policy Framework Clause 125 and Norfolk County Council's Environmental Lighting Zones Policy 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 fittings)

- 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.

We do not see that this current application is in line with NPPF para 115 and policy CS06 and CS09 as we believe it will detract from the character of the surrounding area. We would support 1 or 2 houses provided they consider the above points raised.

REPRESENTATIONS

SEVEN representations received from local residents OBJECTING to the proposal on the following grounds:-

- It didn't appear that a site notice was displayed;
- Local resident was not consulted;
- The revised application does not overcome the issues raised by the Planning Inspector;
- Out of character;
- Tall and imposing;
- Heights not reduced;
- Overbearing;
- Overdevelopment;
- Uniformity;
- Bulk;
- Impact on privacy;
- dominate views;
- Appears to be an old drainage channel to the south perimeter;
- Ecological damage;
- Habitat for wildlife;
- Impact on AONB;
- Number of houses should be reduced to 2;
- Wildlife corridor could be left around the south and east peripheries of the site;
- Willow tree should be protected;
- Highway safety issues;
- Lack of pavements;
- Narrow single road;
- Parking issues;
- House 2 will cause overlooking from its balcony.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS07 - Development in Coastal Areas

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

DM2 – Development Boundaries

DM17 - Parking Provision in New Development

DM18 – Coastal Flood Risk Hazard Zone (Hunstanton to Dersingham)

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 key considerations in the determination of this application are:-

- Principle of development;
- Planning History;
- Form and character;
- Impact on AONB;
- Impact on neighbour amenities;
- Impact on highway safety;
- Flood risk; and
- Other material considerations

Principle of Development

Old Hunstanton is identified as a Rural Village in the Settlement Hierarchy of the Core Strategy. The site is within the development boundary of the adopted Site Allocations and Development Management Policies Plan September 2016 (SADMP 2016). As such the principle of new residential development is generally acceptable providing it has regard for and is in harmony with the built characteristics of the locality and other relevant planning policies and guidance.

Planning History

This application is a re-submission of a previous full application; 16/01084/F, which proposed to construct 4 detached dwellings and a garage block following demolition of the bungalow. The proposed dwellings were all three storeys with 4 bedrooms and were laid out in a grid pattern on the site. They would each face into the site onto a shared access driveway which ran through the centre and lead to the garage block at the eastern end.

The application was refused at Committee in January 2017 for the following reasons:-

1. The proposed development, by virtue of the proposed design of the dwellings and the layout showing development in depth, constitutes a poor design solution and an overdevelopment of the site, contrary to the provisions of the NPPF which seeks a high standard of design, and contrary to Core Strategy Policy CS06 and Site Allocation and Development Management Policies document DM15.

2. The proposed development, through the scale of the development and the layout proposed, has a harmful impact upon the Norfolk Coast Area of Outstanding Natural Beauty (AONB), contrary to the provisions of the NPPF, which states that great weight should be given to conserving the landscape and scenic beauty of AONB's, and contrary to Core Strategy Policies CS7 and CS12.

3. The proposed development will result in undue overlooking into the neighbouring property to the north, contrary to the provisions of the NPPF which seeks a good standard of amenity for all, and policy DM15 of the Site Allocations and Development Management Policies document.

The decision was appealed with the Planning Inspectorate and was dismissed in November 2017 on grounds of reason 1 above only. The Inspector did not agree with reasons 2 and 3 therefore neglecting to dismiss the appeal on impact on the AONB and impact on neighbour amenities.

With regards to reason 1, the Inspector stated that "the replacement of the modest existing bungalow with four large detached dwellings of roughly the same height, in a formal grid layout would introduce a significant additional bulk of relatively uniform development into the Waterworks Road street scene".

The Planning Inspector went on to explain how when viewed from Waterworks Road, the gable ends of proposed houses 1 and 2 would be tall and imposing with proposed houses 3 and 4 and the proposed garage building in the background. Through combined scale and uniform appearance the proposed development would dominate this section of Waterworks Road.

It was concluded that the proposal would be visually at odds with and would be harmful to the pleasant varied, rural character and appearance of the area.

Whilst the Inspector found the design, layout and scale of the proposed development to be detrimental to the character and appearance of the area, it was not considered that it would be harmful to the AONB, as per reason 2 of the planning decision. It was considered that views of the houses across the countryside would be seen against the wider built up area of Old Hunstanton and their appearance in the landscape would be softened by the existing and proposed landscaping.

With regards to reason 3, the Inspector disregarded this stating that “there would be no harm to the living conditions of the occupants of the neighbouring property to the north with particular regard to privacy”. The reasons given were due to the windows being high level; reasonable distance from shared boundary; trees and shrubs providing natural screening and screening to the proposed balcony.

The proposed application has been submitted in an effort to address the reasons for refusal and the Inspectors concerns. The number of dwellings has been reduced to three; the footprints of dwellings 1 and 2 have been reduced slightly and are now 3 bedroomed properties; the layout of the development has changed and house 1 fronts onto Waterworks Road.

Form and Character

Waterworks Road comprises a variety of dwelling types of different scale and design and are mostly set within spacious plots. The topography of the area changes considerably, with the western side sitting at higher and uneven levels whereas the eastern side, where the site is situated, lies at a lower and more even level.

With the exception of the building directly to the north of the site, the majority of the dwellings within the immediate vicinity of Waterworks Road are relatively low level, comprising chalet style bungalows and low level two storey dwellings with accommodation within the roof space.

The modest bungalow, which sits in the south-west corner of the site, will be replaced with three, 3 storey dwellings with large footprints that will utilise the whole depth of the plot.

House 1 and 2 have been reduced in footprint slightly from the previous scheme but are still of significant size. House 3 remains the same as previously proposed.

All four dwellings within the previous scheme were very similar in style, comprising a solid mass and appearing bulky. The new scheme has changed the design of the dwellings and attempted to break up the mass of the elevations by using more ‘offshoots’ at slightly varying heights. In particular House 2, which is located in south-east corner of the site, has been broken down into angled components.

The traditional materials proposed within the previous scheme, such as the stone panels and red brick quoins have been replaced with red facing brick work at ground floor level and horizontal timber boarding at first floor level. The fenestration is much simpler this time but varies in size and proportion, making it appear at odds on some elevations. There are large expanses of blank brickwork / timber cladding which emphasises the height and poor design solutions.

The ‘grid layout’ has been altered in the current scheme with House 1 fronting onto Waterworks Road and Houses 2 and 3 staggered behind consuming the whole depth and width of the plot.

Although the proposed development has attempted to address the ‘formal grid layout’ referred to by the Planning Inspector, the layout would still introduce a significant additional bulk of development into Waterworks Road street scene due to its depth and overall scale. Of particular concern, when traveling north, the views of the development from the south would not only appear cumbersome because of the accumulative mass, but also tall and imposing. It is therefore considered that the previous issue of overdevelopment and poor design has not been satisfactorily overcome.

Impact on AONB

The second reason for refusal on the previous application was on grounds of harmful impact upon the AONB by virtue of the proposed scale of the development and its layout.

The Planning Inspector failed to dismiss the appeal on those grounds as, whilst the proposed dwellings would be visible from the countryside and the footpath to the north east, they would be viewed against the wider built up area of Old Hunstanton and their appearance in the landscape would be softened by existing and proposed planting.

The appeal concluded that the proposed development would not conflict with relevant policies which seek to protect the landscape character of the AONB.

Whilst it is the officer's opinion that the proposal would represent overdevelopment of the site, given its bulk and depth and would be harmful to the character and appearance of the street scene by virtue of its scale and poor design, given the Inspectors decision, it is not considered reasonable to recommend refusal on grounds of impact on the AONB.

Neighbour Amenities

The third reason for refusal on the previous application was on grounds of overlooking to the property to the north. However, the Planning Inspector disregarded this due the distance of the proposed dwelling to the shared boundary and screening.

Two of the four houses were sited adjacent the northern boundary in the previous application and House 1, which was to the front of the site, had a balcony facing north.

The current scheme has addressed this firstly by only one dwelling being sited adjacent to the northern boundary and secondly by carefully designing the internal layout and position of windows facing the neighbouring dwelling. Two windows are proposed on the north elevation, however, one is a high level narrow window which will serve a kitchen and the other is a small en-suite window which could be obscurely glazed. There are no windows or balcony proposed on the northern elevation at second floor level.

It is therefore not considered that the current proposal would give rise to overlooking, overshadowing or have an overbearing impact to the any neighbouring residents for the reasons set out above.

Highway Safety

The Local Highway Authority observed that a footway is proposed which is welcomed but its position indicated would only allow for the existing road width to be retained and would result in the edge being kerbed. It was evident from their visit to the site that this frontage is used regularly for passing and parking and the verge has worn accordingly. At a road width of only 3.5m such a use would be removed and the road would not be of appropriate width. It is therefore recommend that the development incorporates widening of the carriageway to achieve 4.8m in addition to the footway provision. It is also noted from the previous highway recommendation that the footway requirement is needed to join with the existing provisions around Smugglers Close which needs to be indicated.

The applicant is willing to carry out the necessary works to the carriageway; if the outcome of the application was positive this is something that could be conditioned.

Flood Risk

The site lies within Tidal Flood Zone 3. The application has therefore been supported by a Flood Risk Assessment. The Environment Agency raises no objection to the proposed development because the site is currently defended and it has been demonstrated that there will be no habitable accommodation at ground floor level. Appropriate flood resistant and resilient measures have also been proposed.

Other Material Considerations

Crime and Disorder:

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 before the Committee will not have a material impact upon crime and disorder.

Ecology:

A number of statutory designated sites are located within 5km of the site. Most notably, a section of The Wash and North Norfolk Coast SAC network falls within 400 metres of the site. This section of the SAC network also comprises parts of both The Wash SPA/SSSI and North Norfolk Coast SPA/SSSI.

The application has been supported by an ecological appraisal. A desk study, Phase 1 habitat survey and building assessment for roosting bats were undertaken to meet that requirement.

The report confirms that the development site comprises an area of semi-improved grassland close to house, merging into an area of marshy grassland towards the centre and eastern edge of the site, with wet ditches along the northern, southern and eastern boundaries of the site.

The ecology report states that 'The area of marshy grassland/fen meadow is considered to be of district importance, and loss of this habitat will incur an intermediate negative impact on the district resource with a certain probability. Compensatory measures are expected to reduce this impact to a minor negative.'

Under the previous application the applicant proposed a contribution of £50,000 towards a project for the restoration of The Valley Mire at NWT Roydon Common as a compensatory priority habitat organised by Norfolk Wildlife Trust. This was secured through a Section 106 agreement.

A S.106 has not been submitted with this application. As the scheme is less dense, by the omission of one dwelling, and ecology was did not form a reason for refusal on the previous application, members may wish to consider if this is still relevant should the application be determined in a positive manner.

Whilst the Planning Inspector did not fully consider ecology within the previous appeal decision, it was noted that there was a willingness to make contributions towards habitat monitoring and mitigation. The Inspector stated that "even if they were to find these contributions are required, they would not outweigh the harm identified" and as the appeal was dismissed for other reasons the Inspector chose not to address this point any further.

Third Party Representations:

Third Party comments are taken into consideration when determining any planning application. The following have been raised and addressed accordingly:-

The site notice was displayed on the lamp post opposite the application site on the 14th February 2018.

Only neighbouring residents that physically adjoin the boundary of the application site will be individually consulted.

Unfortunately there is no 'right to a private view' that the planning system should protect. The Planning System is in place to protect the public interest. Therefore the loss of a view is not a material planning consideration.

The site plan shows the root protection zones of the trees on site. As a Tree Report and Method Statement was not required on the previous application, it would be unreasonable to strictly request one with the current application.

Other issues raised have been addressed in the report above.

CONCLUSION

It is your officer's opinion that the current scheme does not fully address the previous reason for refusal. Taking on board the Planning Inspector's comments, the proposal still represents development in depth, resulting in a mass and bulk that would result in overdevelopment of the site. This, together with the excessive height and poor design of the proposed dwellings, overall the proposal would be harmful to the character and appearance of the area, and in particular to this section of Waterworks Road street scene.

Consequently, the proposal is contrary to the principles of the NPPF, Development Management Policy DM15 and Core Strategy Policies CS06 and CS08 and therefore it is recommended that the application is refused for the following reason.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The proposed development, by virtue of its depth and bulk would result in overdevelopment of the site and this, together with its excessive scale and poor design would be harmful to the character and appearance of the street scene. Consequently, the proposal is contrary to the principles of the NPPF, Development Management Policy DM15 and Core Strategy Policies CS06 and CS08 which seek to maintain and protect local character and achieve good quality design.