

Parish:	Holme next the Sea	
Proposal:	Demolition of existing dwelling and erection of two storey dwelling and detached garage, plus the creation of a new access	
Location:	The Poplars 42 Main Road Holme next The Sea Norfolk	
Applicant:	A.R & V. Investments	
Case No:	17/02194/F (Full Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 2 February 2018

Reason for Referral to Planning Committee – Parish Council’s observations at variance with Officer Recommendation

Neighbourhood Plan: No

Case Summary

The application site lies on the southern side of Main Road, Holme-Next-The-Sea and comprises a single storey detached dwelling.

Full planning permission is sought for the construction of a dwelling following demolition of the existing dwelling, construction of a detached garage and creation of a new access.

Holme is classified as a Smaller Village / Hamlet within the Core Strategy Settlement Hierarchy.

Key Issues

- * Principle of development;
- * Planning History;
- * Impact on Form and Character;
- * Impact on Non-Designated Heritage Asset;
- * Impact on Neighbour Amenities;
- * Impact on Highway Safety; and
- * Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site comprises a rectangular shaped parcel of land, measuring approximately 981.3 square metres. It is situated on the southern side of Main Road, Holme. The site currently houses a detached single storey timber cladded dwelling, garden land and access to the agricultural land behind.

Full planning permission is sought for a replacement dwelling, detached double garage and new access. The new dwelling is proposed to be two storeys in height, accommodating 4 bedrooms. The scale of the dwelling measures approximately 4.65m to the eaves and the overall height to the ridge is approximately 7.3m. The proposed materials include red facing brickwork, flint panels to the upper half with red brick quoins and detailing and a natural slate roof.

It is proposed to site a detached double garage to the western side of the site frontage. The garage will have a dual pitched roof presented gable-end onto the road. The eaves height measures approximately 2.3m and the overall height to the ridge measures approximately 4.6m. The garage will be constructed of red facing brickwork, flint panel with red brick quoins and plinth.

The proposed access will be located along the western boundary of the site and will serve the agricultural land to the rear for maintenance purposes. The existing access to the east of the site frontage will be utilised to serve the replacement dwelling.

A 1.6m brick wall is proposed to the west, creating a definitive boundary between the site and the new access track leading to the land behind.

SUPPORTING CASE

A Planning Statement accompanies the application and makes the following case:-

“The proposal is for the erection of a single dwelling replacing 42 Main Road and provides a new access to serve the site so that vehicles can enter and leave the site in a forward gear therefore improving highway safety. This is important because the A149 is a ‘Corridor of Movement’.

Because the site is semi-derelict it currently has an adverse impact on the adjoining Conservation Area. The proposal will include the demolition of 42 Main Road (which is in a poor state of repair). The access serving the rear land has been re-sited away from the TPO trees therefore reducing the impact of the driveway serving the rear land on the trees and improving highway safety.

The proposed use for residential is entirely in keeping with the locality and involves replacing an existing dilapidated dwelling therefore not providing a net gain.

The site has access to mains water, other utilities and water disposal. The proposal is not within 20 metres of an existing watercourse and is therefore not at any flood risk nor will the proposal create any risk of flooding elsewhere.

The proposal fits in with government and local policy in terms of its location. This seeks to promote more sustainable forms of development and requires local planning authorities to promote greater intensity of development in locations with good public accessibility and encouraging the re-use of land. Care has been taken to ensure that the replacement

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dwelling protrudes no further to the rear than properties in the vicinity. In addition, the site frontage relates well to the building line of properties in the overall vicinity.

The amount of the development is of a scale compatible with the village. The massing and bulk of the proposed dwelling is proportionate to the site and is of a scale similar to 46 Main Road. The plot is capable of meeting normal planning requirements in terms of curtilage. The street elevation plan shows that the dwelling is not out of keeping with its neighbours or the street scene in particular properties to the east which are of a similar scale and height.

The scale of the proposal is commensurate with the site. The proposal is also set back from the road and relates well to the informal building line so there is minimal impact on the street scene. In addition the bulk of the building has been broken up through design. The garage has been located to the front of the property, commensurate with others in the street. The roofline is varied and allows an interesting breaking down the bulk of the dwelling.

The existing trees are to be retained where possible and ensures that the TPO trees are unaffected by the proposal. The southern boundary of the new dwelling facing the relocated driveway serving the rear of the site will have a 1.6m soft red brick wall to help maintain the residential amenities of the residents of the new dwelling. The large tree in the rear of the plot is proposed to be retained.

The layout of the proposal is such that neighbouring amenities are not adversely affected by the proposal. There are no windows to habitable rooms facing towards either of the neighbouring dwellings in the side elevations. In addition, care has been taken through the design to ensure that the layout enhances its location affording the new residents suitable privacy.

The appearance of the new dwelling uses modern design and local distinctiveness. The appearance and scale is not out of keeping with the street scene as shown by the street elevation plan submitted with the planning application Environmental considerations and sustainable design aspects.

The scheme incorporates a number of sustainable practices in its design. Materials are also sustainable and make use of recycled materials where possible.

The proposal will provide economic opportunity for local builders and associated tradesmen in connection with the proposed dwelling. Helping to sustain the local economy and will provide a local source of employment.”

PLANNING HISTORY

18/01799/A: Pending Consideration: - Retrospective free standing sign for The Poplars Campsite - The Poplars, 42 Main Road, Holme next The Sea

17/00602/F: Application Refused: 08/08/17 - Erection of replacement dwelling with detached garage - The Poplars, 42 Main Road, Holme next the Sea

16/00312/F: Application Withdrawn: 11/07/16 - Erection of 3 no terraced two storey dwellings - The Poplars, 42 Main Road, Holme next the Sea

15/02038/F: Application Refused: 15/09/16 - Erection of replacement dwelling with detached garage and annex accommodation over - The Poplars, 42 Main Road, Holme next the Sea

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RESPONSE TO CONSULTATION

Parish Council: OBJECT to the amended plans on the following grounds:-

- Errors and omissions in the application;
- Discrepancies between boundaries;
- Third application and little has changed;
- No objection in principle to a sympathetic replacement;
- The public consultation process has been very unsatisfactory;
- Confusion over the documents to be reviewed;
- The Contaminated Land Survey, based on a site walkover, is out of date (03/02/16) and does not reflect recent unauthorised activities involving the movement of building and other waste materials of unknown specification ;
- A Tree Survey carried out in February 2018 was accepted by the responsible LPA Officer – despite the fact that the report omitted to mention either the relevant TPO'd trees (including a Veteran Oak) or the mature trees that form the boundary of the Conservation Area;
- A revised report (July 2018) shows the mature trees on the Conservation Area boundary relocated inside the Poplars site where they will lose the protection afforded by Conservation Area status;
- An email exchange between the Developer and the Officer in early July (02/07) indicated that Officers were happy to recommend approval of the amended proposals – before they had been put to re-consultation;
- Attempt to turn agricultural land into brownfield;
- Land behind 32-42 Main Road have been assembled into one ownership;
- Unauthorised campsite to the rear;
- Large sign has been erected to the front of the site advertising the unauthorised campsite;
- Contrary to SADMP Policy DM11, holiday accommodation in the AONB;
- The Highways Authority has been consulted on the basis of incorrect and potentially misleading drawings;
- The Conservation Officer has raised no objections and when the Conservation Advisory Panel was consulted on the Application in May, although they expressed regret at the loss of the distinctive Poplars building, they noted that it was of no defined historical importance;
- The Poplars bungalow is in fact The Hippisley Hut named after the scientist Richard John Baynton Hippisley who during WWI experimented with new wireless technology The “listening station” was sited on Hunstanton Cliffs and relocated to Holme after the War;
- The road frontage is presented incorrectly;
- The visibility splays are not in the correct position;
- Highway and pedestrian safety;
- Questions the use of the new access track;
- Without correct drawings it is impossible to make a properly informed judgement;
- This submission does not address the previous reasons for refusal in 17/00602/F in terms of scale, bulk, mass, design, overdevelopment, dominant built form, over prominent, incongruous within the street scene, out of keeping, harmful to visual amenity and character of adj. heritage assets, erodes the village edge causing harm to the AONB;
- Contrary to NPPF, CS08, CS12, DM3, and DM15.

Highways Authority: NO OBJECTION to the replacement dwelling subject to conditions.

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Conservation Team: NO OBJECTION

Conservation comments regarding the history of the Poplars:-

An interested party requested that a Building Preservation Notice (BPN) be served in regards to the demolition of the existing dwelling to enable further consideration of its removal and potential listing. Whilst the Conservation Officer found the story of the Hut interesting, it was decided not to serve a BPN in this instance. The reasoning for this was due to the fact that the Hut is only part of the original structure; it is out of context; and it has undoubtedly been changed inside when it was changed into a dwelling.

Conservation Area Advisory Panel: NO OBJECTION - The Panel considered the fact that the principle of the demolition of the existing building had been accepted by the Planners in the previous applications considered. The Panel regretted the acceptance of the loss of the fishing shack in the previous applications. To mitigate the loss of the Shack it was suggested that the garage be clad in dark timber. They considered that the height of the rear elevation of the dwelling should be reduced further and should also be substantially boarded.

Environmental Quality: NO OBJECTION subject to conditions relating to contamination and remediation, and an informative relating to the management of asbestos.

Arboricultural Officer: NO OBJECTION to the revised Arboricultural Impact Assessment, conditionally.

REPRESENTATIONS

In light of the amended plans **TWENTY SEVEN** representations were received from local residents **OBJECTING** on the following grounds:-

- Proposed dwelling is too big for the site;
- Village needs smaller houses to sustain the village population;
- Huge proportions of extended homes are purchased as second homes;
- Too close to the road frontage affecting the street scene;
- Materials out of character with the street scene;
- Obscures the view into the Conservation Area;
- Ugly featureless brick wall and incongruous slate roof;
- Contamination from asbestos;
- Large garage to the front – a potential eyesore;
- Questions whether cars can enter the garage easily;
- Clones of Seaton House and Driftwood which are shoehorned onto their plots;
- Excessive bulk and mass;
- Detrimental effect on neighbours;
- Overbearing;
- Intrusive;
- The Block Plan is inaccurate;
- Questions whether the proposed development can fit on the site;
- Queries the planning history of the site;
- Highway safety;
- Impact of the proposed driveway on the neighbouring dwelling;
- Land to the rear being illegally used as a campsite;
- No update on the intended use to the rear;
- Precedent set for change of use of agricultural land;

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- Questions the use of the proposed access;
- The new access to the land behind could open opportunities for further development;
- Suitability of the proposed access and A149 to serve the unauthorised camp site to the rear;
- A large sign has been erected to the front of the property advertising the campsite;
- The existing trees will cause shade to the proposed development which will lead to pressure for their removal or reduction in size;
- Trees now not shown on the Arb. Plan within the Conservation Area;
- Extension of residential curtilage into the AONB countryside is likely to be harmful;
- Trees / hedgerows offer significant value for biodiversity and wildlife;
- Trees / hedgerows are less than 500m from Conservation Sites;
- Valuable habitat and breeding ground for protected species;
- The trees on-site are home to white owls and nesting birds;
- Unauthorised engineering works;
- Amended plans were not properly consulted on;
- Two week timescale for comments is too tight;
- Decision appears to be pre-determined;
- Amended plans do not address the previous concerns;
- Description being for a one-and-a-half storey house does not make sense;
- Main Road is changing by replacing homes with large town houses, brick and concrete walls and replacement access roads;
- No need for the new access given the existing access adj. To No 32;
- Trees (some of which are protected) plotted inaccurately;
- The existing bungalow once stood on the Cliffs of Hunstanton as a top-secret listening station in the first world war;
- Any replacement needs to respect its integrity and needs to blend in with the traditional form of buildings;
- Historic part of the village;
- Unnecessary additional traffic along Main Road;
- Total disregard to the area;
- Policies to protect are failing;
- This application has its own rules, following no guidelines;
- The application has been turned down time and time again.

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

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DM2 – Development Boundaries

DM3 - Development in the Smaller Villages and Hamlets

DM5 – Enlargement or Replacement of Dwellings in the Countryside

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

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 main considerations in the determination of this application are:-

- Principle of Development;
- Planning History;
- Form and Character;
- Non-Designated Heritage Asset;
- Neighbour Amenities;
- Highway Safety;
- Other Material Considerations

Principle of Development:

The application site lies within a Smaller Village / Hamlet and as such does not benefit from having a development boundary and countryside policies apply, therefore new development is restricted. However, this application seeks full planning permission for the construction of a replacement dwelling which is acceptable in principle subject to other relevant policies and material considerations.

SADMP Policy DM5 (Enlargement or Replacement of Dwellings in the Countryside) is relevant, stating that:-

“Proposals for replacement dwellings or extensions to existing dwellings will be approved where the design is of a high quality and will preserve the character or appearance of the street scene 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 application will be assessed against this policy, along with others, in the following sections of the report.

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Planning History:

This application is re-submission of two previous applications for a replacement dwelling and garage which were both refused. The first application, reference 15/02038/F was refused on grounds of scale, height, mass and harmful extension into the AONB.

The second application, reference 17/00602/F was refused for the following reasons:-

- 1 *The scale, bulk and design of the proposal would result in a dominant built form which would appear overly prominent and incongruous within the street scene. In addition the dwelling is out of keeping with the existing built character of this part of the village, poorly reflects the prevailing streetscape and is harmful to the visual amenity and character of the area as well as adjacent heritage assets.*

The resultant proposal is an overdevelopment of the plot which is harmful to the visual qualities of the street scene and fails to respond to its context or draw upon key characteristics of its surroundings. As such the proposal is contrary to Policy CS08 of the Borough Council of King's Lynn and West Norfolk Core Strategy (2011), Policies DM3 and DM15 of the Council's Site Allocations and Development Management Policies Plan (2016) and paras 61, 64 and 131-134 of the NPPF (2012).

- 2 *The development would result in an extension of the residential curtilage southward into the adjacent countryside, which would erode the village edge causing harm to the character of the area that is designated as an AONB. The proposal is therefore contrary to Core Strategy policies CS08 and CS12; Development Management policies DM2 and DM15; and to the provisions of the NPPF in particular Section 11.*

The planning history is a material planning consideration and the current scheme will be assessed against the previous reasons for refusal.

Form and Character:

The application site is situated on the southern side of Main Road, Holme, just outside of the Conservation Area. The Conservation Area lies beyond the eastern boundary of the site and spans across the opposite side of Main Road (north) from Aslack Way. The character of the area changes at this point, with the development to the west of the application site being mixed in scale and design, including bungalows of simple construction, chalet style dwellings (directly adjacent to the west), two storey terraced dwellings, two storey semi-detached and two storey detached (directly to the east), all with varying roof configurations and use of materials.

The southern side of Main Road is very much linear with frontage development. Beyond the application site to the east, the building characteristics become more traditional / historic in terms of their layout, scale, design, and local vernacular, with the exception of the odd large modern property.

The existing bungalow is small in scale, detached and constructed of timber. It is located towards the western side of the site with the access along the eastern boundary leading to the land to the rear which comprises disused Nissen Huts and open countryside. The entire site lies within the designated AONB.

The proposed dwelling will be two storeys in height and will comprise 4 bedrooms. It has a well-balanced front elevation with a centrally located front door, symmetrical fenestration and constructed of red facing brickwork to the lower half, flint cobbles with red brick quoin detailing to the upper half with a natural slate roof.

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The dwelling proposed previously was designed totally at odds with anything else in the area. The two wide gables to the front and low level eaves in between made the dwelling appear bulky within the streetscene. Its fenestration was simple and unbalanced, and the facades were featureless. The building formed an 'H' shape which together with its scale, footprint and its siting abutting the eastern boundary, resulted in overdevelopment of the site. The side elevations presented flat flank walls, with the entire depth at two storey and little fenestration, again, creating an excessive mass and poor design.

Efforts have been made during this application process to further address the reasons for refusal given in the previous application. Taking each reason in turn:-

Reason 1. Scale, bulk, design:

The design has been simplified but reflects a more traditional appearance, with balanced fenestration, introduction of header treatments, brick detailing and the use of local materials. The roof is pitched with the ridge line running parallel to the road. The roof proportions, window sizes and arrangements, together with the detailing and use of two different materials on the front elevation helps to break up the solid mass and bulky appearance of the building.

To further reduce the mass of the dwelling, the roof configuration has been broken up by forming a gabled rear projection. The ridge line and eaves level of this rear projection has been lowered compared to the main front part of the dwelling and cat-slide dormers inserted at eaves height to negate the previous mass of depth at two storeys. This rear element has also been inset from the eastern side to reduce its bulk.

The second two storey rear projection shown on the previous scheme has been reduced significantly and is now single storey with a flat roof and roof lantern.

The proposed footprint has been reduced in depth and brought forward within the site compared to the previous refusal, meaning that it is more in line with the neighbouring dwellings to east and west. This also helps to reduce the amount of encroachment southwards into the countryside.

Whilst the height of the proposed dwelling is only approximately 200mm lower than the previous scheme and the scale is still relatively generous, when taking the abovementioned amendments together, it is considered that the bulk and mass of the resulting dwelling has been effectively reduced, lessening its dominance. Its overall scale is therefore more in keeping with the existing built character.

There are other examples of 'larger' properties in the immediate vicinity which have similar footprints, height, width, depth as that proposed.

The proposed garage has been reduced in scale over the course of the amended applications and pushed as far back within the site as practicable to help minimise any visual impact on the street scene. This will also provide adequate space between the garage and front boundary for planting, which will help soften the appearance of the garage.

Furthermore, there are other examples in the area of garages and outbuildings to frontages, therefore it is not considered to result in an incongruous feature within the street scene.

The application was presented to the Conservation Area advisory Panel, which is not standard procedure for sites outside or adjacent to the CA, but they raised no objection to the scale, mass, design or appearance of the proposed dwelling.

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It is the officer's opinion that the amended design has adequately addressed the first reason for refusal. It relates adequately to the constraints of the site in which it will sit, having regard for local context and no longer conflicts with the distinctive character of this part of Holme and thus would not appear overly dominant or incongruous within the street scene. The proposal therefore accords with the provisions of the NPPF, Core Strategy Policy CS08 and SADMP Policies DM5 and DM15.

On this basis the proposed development would not adversely impact on the historic setting of the adjacent Conservation Area or cause significant harm to the landscape quality of the AONB, in accordance with the provisions of the NPPF and Core Strategy Policy CS12.

Reason 2. Extension into the countryside:

In assessing the proposed scheme against the second reason for refusal in the previous application, a balanced judgement has to be taken with regards to the harm an extension of residential curtilage would cause to the character of the countryside and intrinsic value of the AONB.

Nationally, an AONB has the highest status of protection in relation to landscape and scenic beauty. The design of new development should be sensitive to the surrounding area. Proposal should protect and enhance the landscape character, biodiversity and geodiversity and should not detract from the inherent quality of the environment.

At the time of the site visit there was no clear delineation on site as to where the garden curtilage ends and the open countryside begins. Holme is now categorised as a 'Smaller Village / Hamlet' within the Core Strategy Settlement Hierarchy and as such it has no village envelope / development boundary. This makes it difficult to establish what extent of the application site is actually residential garden curtilage.

For the purposes of this application it would be reasonable to use the Holme Inset Map from the expired Local Plan (1998) which shows the old village envelope before it was removed and was based on established curtilages at that time.

That said, over time there have been gradual encroachments from a number of properties on the southern side of Main Road and some have erected formal boundaries around extended areas of land. On this basis, a view has to be taken as to the degree of material harm the current application will cause when considering other similar cases adjacent.

It appears from measuring the Inset Map and using the mapping system 'QGIS' that the depth of the residential curtilage along its eastern boundary measures approximately 31 metres and along its western boundary measures approximately 27 metres, when measured from the front of the site (back edge of the footpath) to the village envelope line.

The red line shown on the submitted Location Plan does not represent the current 'residential curtilage' but demarcates the extent of the proposed garden extension. The red line has been reduced during the application process as shown in the most recent set of amended plans (Drg. No. 1979.1g). The red line proposes a site depth of approximately 41 metres, meaning that the extension into the countryside would be approximately 10 metres.

Based on the same maps, the previously refused application proposed to extend the 'garden curtilage' by approximately 18m southwards into the countryside. The current application has clearly significantly reduced the extent of the garden extension.

Furthermore, the proposed dwelling has been reduced in depth and moved forward within the site, from that previously refused, to accommodate the entire footprint within the 'established curtilage' as shown on the Inset Map. Permitted Development Rights can be removed to prevent extensions to the dwelling and outbuildings being constructed without prior approval, in order to control the amount of built form in what was originally open countryside.

Whilst the measurement of 10m has been taken from our most reliable sources of mapping information, the fact that those old boundary lines have evolved over time has to be considered. In this case, it is considered that the proposed modest extension of residential curtilage into the countryside would be acceptable and would not result in any significant harm to the character of the area or AONB.

Non-Designated Heritage Asset:

It has come to light that The Poplars bungalow is one of two huts which were known as 'The Hippisley Hut' (listening station) named after the scientist Richard John Baynton Hippisley. During WWI he experimented with new wireless technology to successfully track Zeppelin airships flying from Germany to drop their bombs on the East of England. The "listening station" was sited on Hunstanton Cliffs and relocated to Holme after the War.

In light of this, it was requested by a third party that a BPN is served to delay development and to allow for a formal assessment to be carried out.

The Council's Conservation Team gave this full consideration but the decision was taken that it was not appropriate to serve a BPN in this instance given that the hut is only part of the original structure, it has been moved from its original location, thereby out of context and has undoubtedly been altered when converted into a dwelling.

The third party was advised that they could approach Historic England to see if they think it is worthy of being listed, but nothing on this basis has been submitted to date.

A Heritage Statement was submitted by the Agent which questions whether or not the buildings at No.42 are in fact the genuine Hippisley Hut. It is argued that the bungalow structure has been altered considerably over the years as a result of its conversion to a dwelling and is now outside its historical context on Old Hunstanton cliffs. In addition there is no evidence in the interior of its former use. Indeed, a request to serve a Building Preservation notice has been turned down by the Borough Council. The applicants have indicated their willingness to allow the buildings to be removed if desired by any interested party.

The LPA would welcome the re-siting of The Poplars, known historically as 'The Hippisley Hut', but cannot exercise control over this. Third parties would need to liaise with one another.

Given the suggested history of the building, it would be reasonable to consider it as a Non-Designated Heritage Asset (NDHA). Paragraph 197 of the NPPF states that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

That said, as has been explained above, the building is only part of the original structure; has been moved from its original location; and has been altered internally and externally, therefore it is considered that the degree of significance has been compromised. As the

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property lies just outside of the Conservation Area it has not been identified as a locally 'Important Unlisted Building' within the LPA's Conservation Area Character Statement which confirms that it has little significance.

It is considered that the replacement dwelling offers a high quality design with use of vernacular materials, taking into account the context and character of the area and therefore the scale of any harm resulting from the total loss of the NDHA, which has limited significance, would not be detrimental to the inherent quality of the locality. Thereby, the proposal accords with the provisions of the NPPF, particularly paragraph 197.

Neighbour Amenities:

The neighbouring dwellings directly to the east and west (Nos. 40 and 46) of the application site would be most affected by the proposed development. The replacement dwelling is proposed to be relocated further towards the eastern boundary of the application site in order to allow space for the proposed new access along the western boundary.

The proposed dwelling has been pulled away from the eastern boundary by approximately 1.5m from that in the previous application. Although the dwelling is relatively close to this boundary, when assessing the street scene, it creates a more evenly spaced built form due to the spacing of no.46 from the site boundary and in turn the gap between the proposed dwelling and No.40.

There is a first floor window on the eastern elevation of the proposed dwelling which serves a bedroom. It is not considered that this window would adversely affect the privacy of the neighbouring residents at No.46 to the detriment of their living conditions given the separation distance between dwellings. Also there are no windows on the side elevation of the neighbouring property and the trees along the eastern boundary will provide partial screening. The other two windows within the dormer serve a bathroom and en-suite and so can be conditioned to be obscurely glazed to minimise any potential impact.

The first floor window in the western elevation of the proposed dwelling serves a landing which is a non-habitable room and so together with the separation distance between the new dwelling and neighbouring property, any outlook would cause no material impact on the privacy of the adjoining residents.

Due to the orientation of the proposed dwelling in relation to the directly adjoining properties, to the east and west, together with the direction of the sun, there will be no overshadowing to neighbouring residents as a result of the development.

The proposed access track serving the land to the rear of The Poplars will run along the western boundary of the application site. The existing access to the east of the site frontage is proposed to be utilised to serve the new dwelling. There is some vegetation; small garden trees and such like, along with the proposed 1.6m wall to the western boundary which will help to reduce any impact of vehicular movements, in terms of noise and from headlights. This, together with the nature of its proposed use (for maintenance purposes) and separation distance from the dwellinghouse at No.40, on balance, it is not considered that the new access would cause significant harm to the living conditions of the neighbouring residents. Furthermore, a condition can be imposed requesting details of the surface materials to be used in order to control noise and disturbance to the neighbour.

In summary, the separation distance between the proposed dwelling and the neighbouring properties means that there would be no material harm to the amenities of the adjoining residents, in terms of overlooking, overshadowing or overbearing impact. The application is

considered to accord with the provisions of the NPPF, Core Strategy Policy CS08 and SADMP Policy DM15.

Highway Safety:

The existing access to the east of the site currently serves The Poplars bungalow and the agricultural land behind. The land to the rear was once used as a small scale licensed caravan site (limited to 5 caravans) but the use ceased in approximately 2012. However, in recent months a commercial campsite has started operating from that land on a scale which is over and above the criteria for a licensed site. This is unauthorised development and as such an enforcement notice has been served. The existing access to the east of the site currently serves the unauthorised campsite.

It is proposed to shift the replacement dwelling over to the eastern side of the application site, thus cutting off the access to the land behind. However, the existing access will still serve the replacement dwelling but a new access will be created to the west of the site in order to continue maintenance of the land to the rear.

It is not certain as to whether the proposed access will be used to serve the unauthorised campsite but as it is not yet in place, and the campsite does not have planning permission at this moment in time, it is reasonable for the purposes of this application to take it at face value and assess it as presented. Therefore, at this stage the new access will be considered for the purposes of serving maintenance / agricultural vehicles (tractors and such like). The assessment is not based on the intensity of the use of the proposed access associated with a commercial campsite. This will be considered in the Enforcement Appeal.

The Local Highway Authority raises no objection to the replacement dwelling and the new access. There is adequate visibility at the existing site access to serve the new dwelling and at the point of the new access, on the basis this is used for maintenance purposes only. There is sufficient parking and turning provision on-site.

The revised layout, and in particular the position of the proposed garage, is more cramped and on-site turning is subsequently more contrived but it is still technically acceptable to the Highway Authority.

With regard to the unauthorised use of the land to the rear as a campsite, The LHA are aware that that the Borough Council are undertaking enforcement action, in respect of this. The LHA confirmed that the current access arrangements are not suitable for an increased use, however, until this enforcement case is closed, the use of the land remains in question, awaiting determination.

Once determined, the LHA will have a base point to assess the future use of the access and any proposals which may come forward, until that time, the LHA remain restricted on assessing the application, as presented.

With regard to the current application, the LHA have carried out a number of site visits, assessed the visibility envelope and concluded that the visibility splays are achievable within the extents of the highway.

Other Material Considerations:

Crime and Disorder:

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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.

Representations:

All third party and statutory consultees are taken into consideration in the determination of the application. Some of the objections raised by the Parish Council and local residents have been addressed above in the report. Any outstanding concerns will be considered accordingly:-

Plans inaccurate / discrepancies between boundaries; These comments were noted and the agent was therefore asked to carry out another site survey and provide a revised block plan to show the true boundaries as they appeared on the ground. The amended plan is more accurate, however, it is reasonable to allow a 5 – 10% difference in accuracy due to the thickness of lines etc. It appeared that the block became a little distorted when taking the image from the OS map and pasting it into another piece of software.

The block plan has been thoroughly checked against the LPA's Uniform and QGIS mapping systems which take their images from Ordnance Survey. When measuring the width of the site at three different points; front, middle and rear, the maximum difference between the block plan and the OS maps is approx. 700mm (the block plan being up to 700mm wider). This is well within the 5 -10% discrepancy allowance.

The amount of difference between the block plan and the OS map will not affect the development from being built out. Both plans have sufficient space to accommodate the replacement dwelling and the new access.

The adjoining neighbour to the west is concerned that the development will impact upon their boundary position and that there has been false information given as the agreement between the interested parties on the legal position of those boundaries. These comments are noted. The LPA has done all it can within the remits of Planning Control to resolve the boundary discrepancy issue, anything beyond this will become a civil matter between the neighbour and the applicant.

Public consultation process was unsatisfactory; Negotiations were taking place for some time between the agent and the LPA over the scale and design of the proposed dwelling. Whilst the amended plans were submitted and uploaded to the website separately and the formal consultation was carried out once the final amended had been submitted, the correct procedure was followed.

Contaminated Land Survey; The Local Authority's Environmental Quality Officer assessed the application and raises no objection subject to conditions. It is evident from a site visit that Asbestos containing material is present on-site and therefore a condition for a site characterisation is recommended for the approval of the LA.

Second homes; This is not a material planning consideration at this stage. When Holme's Neighbourhoods Plan is adopted there may policies in which to exert some control over this concern but at this stage it would be unreasonable to refuse the application based on the presumption that the property may become a holiday home.

Ecology / Protected Species; The application has been assessed against the Standing Advice offered by Natural England but does not call for an Ecology Survey or Protected Species Survey in this case.

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Tree Survey omitted trees; A revised Arboricultural Report was requested in light of this which the Local Authority's Arboricultural Officer has assessed and raises no objection to. There is a slight discrepancy between the first and revised tree plans where one shows the line of leylandii Cypress on the eastern Conservation boundary and the other shows them just outside of the Conservation Area. The block plan does not indicate the removal of those trees. However, the Arboricultural Report states that they are in poor condition and do not play a significant role in the local landscape so, if required, their removal may be acceptable for the purposes of the development.

It is difficult to tell on site if the Leylandii trunks are on the Conservation Area boundary or just outside. Because of their species and their condition, it is not be considered that their removal would result in significant harm to visual amenities of the area.

It is proposed to remove seven moderate trees from the site to enable the construction of the proposed dwelling, the garage and new access. These trees are not considered to be of such significant amenity value that replacement trees cannot mitigate against. A condition will be imposed for the development to be carried in accordance with the revised AIA, paragraph 9.1 which states the replacement trees will be heavy standard.

Furthermore, a separate condition will be imposed requesting a planting scheme to the site frontage in front of the proposed garage to help soften its appearance within the street scene.

Pre-determination; These comments are noted, however amendments were sought during the application process and the correct procedure was followed during the consultation process.

Unauthorised campsite to rear; At the time the planning application (for the replacement dwelling) was submitted the camping activities on the land behind The Poplars were not taking place. It wasn't until a few months into the application process that these became apparent. The Authority are currently dealing with this issue having served an Enforcement Notice (Ref: 18/00319/UNAUTU) on the 9th October 2018 for the following alleged breach of Planning Control:-

"Without planning permission, the material change of use of a caravan site approved by an exempted organisation under the provisions of The Caravan Sites and Control of Development Act 1960 to a mixed use for storage of two steel containers and building materials and a permanent recreational camping and caravan site with the additional associated infrastructure namely shower and toilet blocks, electric hook ups, fire assembly points and wo tents".

The applicant lodged an appeal against the enforcement notice on the 20th November 2018 on grounds A (that planning permission should be granted for what is alleged on the notice); C (that there has not been a breach in planning control); and D (that at the time the enforcement notice was issued it was too late to take enforcement action against the matters stated in the notice). It has been accepted that the appeal will be dealt by way of an Informal Hearing.

The LPA are awaiting instruction from the Planning Inspectorate as to when the appeal process will start. Affected third parties will then be notified of the appeal and given the opportunity to make representations.

It should be noted that this matter is separate from the current planning application and should not affect the decision for the replacement dwelling.

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Advertisement Board; An application for Advertisement Consent has been submitted to the LPA in relation to the sign to the site frontage advertising the unauthorised campsite. This is still pending decision but will be determined on its own merits and does not affect the decision of this application put before the Planning Committee for the replacement dwelling.

Local Highway Authority consultation; The concerns relating to the incorrect boundary lines on the submitted plans were noted and attempts have been made to try and correct these. In light of this, the Highway Authority's Officer re-visited the application site to measure the existing and proposed accesses on the ground to check that adequate levels of visibility could be achieved. The Highways Officer confirmed that he was happy with the proposed arrangements which could be physically accommodation on site with no risk to highway safety.

No need for the access given the access adj. to No. 32; Notwithstanding the fact that the land behind the application site can potentially be served by an existing access adjacent to no.32 Main Road, the proposed access is replacing the link to rear that currently exists on the application site but will be lost due to the position of the replacement dwelling. This is considered to be a reasonable request.

CONCLUSION:

It is politely requested that Members separate the issues associated with the unauthorised campsite to the rear of the application site and consider the application as presented for a replacement dwelling, detached garage and new access on its own merits.

Consideration should be given as to whether or not the reasons for refusal in the previous application (17/00602/F) have been sufficiently addressed in the scheme presented to the Planning Committee.

It is your officer's opinion that the scale, mass, bulk and design of the replacement dwelling have been significantly improved. A more traditional façade has been designed using vernacular materials and good use of different roof configurations with varying eaves and ridge heights. As such it is considered that the proposed development is now commensurate to the site and in keeping with the mixed building characteristics of the locality, having regard for the adjacent Conservation Area and inherent quality of the AONB.

The proposed garage has been scaled down and moved as far back within the site frontage as far as practicable. It is not considered that it would result in an incongruous feature within the street scene given that there are other similar garages and outbuildings to frontages within the immediate vicinity.

The extension of the residential curtilage southwards into the countryside has raised concerns and forms the second reason for refusal in the previous application, in terms of its impact on eroding the AONB. The proportion of land proposed has been significantly reduced since the previously refused scheme. Careful consideration has been given to this and, on balance, it is your officer's opinion that the amount of land required for garden curtilage would not cause significant harm to the landscape quality of the AONB. A condition will be imposed to remove PD Rights for extensions and outbuildings to retain control over further built form.

With regards to the existing building; The Poplars, it was accepted that it would be considered as a Non-Designated Heritage Asset given its suggested history. However, in light of the fact that the historic features of the building have been undermined, its significance as a NDA is limited. Taking this into account when weighing its loss against the

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benefits and qualities of the replacement dwelling, it is considered that there will be no resulting considerable harm. Therefore it is not considered that its demolition or removal from the site should warrant refusal of the application.

In assessing the proposal as presented, the Local Highway Authority does not consider that the proposed development, including the new access, would be detrimental to highway safety. Conditions have been recommended in relation to the position of access gates etc.

In conclusion, it is your officer's opinion that the proposed development accords with the provisions of the NPPF, Core Strategy Policies and SADMP Policies, and the application should therefore be approved subject to conditions.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans, as amended; Location Plan 1979.1c; Block Plan 1979.2g; Proposed Elevations 1 1979.4f; Elevations 2 1979.5f; Proposed Floor Plans 1979.6e; Garage Details 1979.10d; and West Boundary Walls 1979.12.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building(s), garage, and boundary wall hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 3 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition: Prior to the first use of the development hereby permitted the new vehicular access shall be provided and thereafter retained at the position shown on the approved plan (drawing number 1979.2g) in accordance with the highway specification (Dwg. No. TRAD2). Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 4 Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- 5 Condition: Prior to the first occupation of the development hereby permitted the proposed access /on-site car parking & turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

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- 5 Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 6 Condition: Prior to the first occupation of the development hereby approved, any access gates, bollards, chain or other means of obstruction shall be hung to open inwards, set back by at least 5m in relation to the domestic access, and set back by 8m in regards to the agricultural access, from the near channel edge of the adjacent carriageway, and retained thereafter as such.
- 6 Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened.
- 7 Condition: Prior to the first occupation of the development hereby approved, full details of the surface materials to be used in the construction of the new access to the west of the site shall be submitted to and approved in writing by the Local Planning Authority. The access shall be finished in accordance with the approved details before it is brought into use and maintained thereafter as such.
- 7 Reason: In the interests of protecting the amenities of the neighbouring residents, in accordance with the provisions of the NPPF.
- 8 Condition: The development hereby approved shall be carried out in strict accordance with the revised Arboricultural Impact Assessment and Method Statement prepared by A. T. Coombes Associates, dated July 2018. The replacement planting on site shall be carried in accordance with paragraph 9.1 in the revised AIA.
- 8 Reason: In the interests in protecting the retained trees on site and the visual amenities of the locality, in accordance with the provisions of the NPPF.
- 9 Condition: Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - * human health,
 - * property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - * adjoining land,
 - * groundwaters and surface waters,
 - * ecological systems,
 - * archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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- 9 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 10 Condition: Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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 the land after remediation.
- 10 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 11 Condition: The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 11 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 12 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10 above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11 above.

- 12 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 13 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, D and E 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 of a dwelling house, the enlargement of a dwelling house consisting of an addition or alteration to its roof, the erection or construction of a porch outside any external door of a dwelling house, or the provision within the curtilage of a dwelling house of any building, enclosure, swimming or other pool, shall not be allowed without the granting of specific planning permission.
- 13 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.
- 14 Condition: Prior to the occupation of the development, a scheme for new planting on the land between the garage hereby approved and the site frontage (northern boundary) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details in the next available planting season or to a schedule to be agreed in writing. Any trees, shrubs or hedges that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.
- 14 Reason: In the interests of visual amenities of the locality, in accordance with the provisions of the NPPF.
- 15 Condition: The new access hereby approved to the west of the site shall be used to serve the agricultural land to the rear of The Poplars for maintenance purposes only.
- 15 Reason: In the interests of highway safety.