

AGENDA ITEM NO. 8/2(a)

Parish:	Brancaster	
Proposal:	Demolition of Existing Dwelling and Construction of 5No New Dwellings	
Location:	Beersheba Town Lane Brancaster Staithe King's Lynn	
Applicant:	Client of Landles	
Case No:	19/00915/O (Outline Application)	
Case Officer:	Mrs N Osler	Date for Determination: 17 July 2019 Extension of Time Expiry Date: 2 August 2019

Reason for Referral to Planning Committee – Called in by Cllr Lawton

Neighbourhood Plan: No

Case Summary

Outline planning permission with all matters reserved is sought for the erection of five dwellings following the demolition of the existing dwelling at Beersheba, Town Lane, Brancaster Staithe.

The site lies within the development boundary for the settlement and with the Area of Outstanding Natural Beauty (AONB).

Key Issues

Principle of Development
Form and Character and Impact on AONB
Neighbour Amenity
Highway Safety
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

Outline planning permission with all matters reserved is sought for the erection of five dwellings following the demolition of the existing dwelling at Beersheba, Town Lane, Brancaster Staithe.

The site lies within the development boundary for the settlement which is classified as a Joint Key Rural Service in the Settlement Hierarchy of the Core Strategy and with the AONB.

SUPPORTING CASE

None submitted

PLANNING HISTORY

There is no recent relevant history.

RESPONSE TO CONSULTATION

Parish Council: None received at time of writing report.

Highways Authority: I cannot substantiate any objection based upon the access arrangements which are indicated to be of suitable width and benefitting from suitable visibility splays along Main Road (with the likely removal/relocation of the bt box). Whilst I have some concerns regarding the increased use associated with the additional 4 dwellings, given the existing level of development served from Town Lane, which is well over the usual threshold of 10 dwellings on a private drive, I would not seek a refusal.

Environmental Health & Housing – Environmental Quality: The land appears to have been in agricultural use before being developed for the existing residential property. Based on the information supplied, I have no objections regarding contaminated land or air quality. Due to the age of the existing property it is likely to contain asbestos materials and I therefore recommend a general informative relating to the Control of Asbestos Regulations.

Housing Enabling Officer: The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy.

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Brancaster Staithe. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council. In this instance 1 unit would be required.

However, NPPF states that affordable housing should not be sought on developments of fewer than 10 dwellings and/or 0.5ha other than in designated rural areas. On sites on 6-9 dwellings and less than 0.5ha, a financial contribution based on £60,000 per equivalent whole affordable dwelling will be sought.

As this development proposes a net gain of 4 units and the site area is less than 0.5ha, an affordable housing provision is not required.

Norfolk Coast Partnership: NO OBJECTION in principle although 5 dwellings might overcrowd the site.

Please consider appropriate materials, landscaping and lighting through condition.

Natural England: NO OBJECTION – see standing advice in relation to foul drainage.

Environment Agency: NO OBJECTION in relation to pollution of controlled waters (the site is located above a Principal Aquifer). Please append informative relation to pollution of watercourses and SuDS if permission is granted.

REPRESENTATIONS

Five letters of **objection** and **one neutral** response have been received. The issues raised can be summarised as:

- Construction noise
- Noise associated with the dwellings that are likely to be holiday homes
- Impact of increased vehicular activity on highway safety
- The properties would be affordable to the local people
- Should the monkey puzzle tree not be preserved?
- Overlooking
- Overshadowing
- Builders and future residents need to be aware that they can't park on Town Lane
- Overdevelopment
- The proposal is contrary to the Neighbourhood Plan
- It should be ensured that vehicles can leave the site in a forward gear
- An historical application (in 1984) in the vicinity of the site (Pintail, Town Lane) had to be single storey

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

NEIGHBOURHOOD PLAN POLICIES

Policy 1 - Size of Houses

Policy 2 - Design, Style and Materials

Policy 3 - Footprint for New and Redeveloped Dwellings

Policy 4 - Parking Provision

Policy 5 - Replacement Dwellings

Policy 9 - Protection and Enhancement of The Natural Environment and Landscape

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The main issues for consideration in the determination of this application are:

Principle of Development

Form and Character and Impact on AONB

Neighbour Amenity

Highway Safety

Other Material Considerations

Principle of Development

The site lies within the development boundary of a Joint Key Rural Service Centre. In such locations the principle of residential development is supported subject to compliance with other relevant planning policy and guidance.

The existing dwelling that occupies the site is of no particular architectural merit and it is therefore considered that the principle of its loss is acceptable.

Form and Character and Impact on AONB

It is considered that the size of the site, when compared to equivalent developments on either side, could accommodate five dwellings without being of detriment to the form and character of the locality or the visual amenity of the wider AONB. In this regard the Norfolk Coast Partnership raises no objection to the proposed development on the grounds of its impact on the AONB although they do raise concerns that 5 dwellings may 'overcrowd the site'. Your officers agree that the current indicative layout of five detached dwellings is cramped, and any reserved matters applications should address this issue. For example the units could be smaller if they are to remain detached, or the scheme could include a mix of detached and semi-detached units.

Neighbour Amenity

It is considered that any material overlooking, overshadowing or overbearing issues could be designed out; these aspects would be fully considered at the reserved matters stage.

Highway Safety

Access is also a reserved matter although an indicative access to serve all five properties is shown from Town Lane. It should be noted the Local Highway Authority does not raise an objection to the principle of development of the site with an additional four properties in terms of highway safety. It will however be down to the applicant to prove that safe access is achievable, and this will be fully considered at the reserved matters stage.

Other Material Considerations

Given the location of the site, above controlled waters, foul and surface water drainage details will be conditioned if permission is granted.

The Neighbourhood Plan has a number of policies that relate to the proposed development. Whilst these would be fully considered at the reserved matters stage, it is considered appropriate to include an informative if permission is granted. The informative will highlight:

- Limitation on the number of bedrooms (no dwelling shall have more than three bedrooms) (Policy 1)
- No more than 50% of the site shall be occupied by built form (Policy 5)
- The footprint of each dwelling shall not occupy more than 50% of their individual plots (Policy 3)
- Each dwelling shall have at least two parking spaces (Policy 4).

The proposal is CiL liable. Collection of CiL will be covered under the relevant legislation.

The Habitat Mitigation Fee (£50 / dwelling) will be collected when reserved matters are approved in the normal way.

As per the Housing Enabling Officer's comments above, no affordable housing contribution is required.

In relation to third party comments not covered above your officers comment as follows:

- Construction noise – construction noise is not a reason to preclude development. The development will also be subject to control under the Environmental Protection Act should noise be a particular problem.
- Noise associated with the dwellings that are likely to be holiday homes – noise from residential uses is not generally considered to be a 'nuisance' neighbour
- Should the monkey puzzle tree not be preserved? – Discussions with the Arboricultural Officer have confirmed that the tree is not considered worthy of a TPO
- Builders and future residents need to be aware that they can't park on Town Lane – this is a civil matter
- Historical permission restricted to single storey – every application has to be considered on its own merits

Crime and Disorder

There are no specific crime and disorder issues arising from the proposed development.

CONCLUSION

The proposed development is for residential use within the development boundary of a Joint Key Rural Service Centre the principle of which complies with national and local planning policy. No objections have been received from statutory consultees to the principle of the development (which is all that is being sought by the current application for outline permission with all matters reserved). It is considered that neighbour amenity issues could be designed out at the reserved matters stage.

It is therefore recommended that the application be approved subject to the following conditions.

RECOMMENDATION:

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

- 1 Condition: Approval of the details of the means of access, layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 1 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition: Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Condition: The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 5 Condition: The development hereby permitted shall comprise of no more than five residential properties.
- 5 Reason: For the avoidance of doubt and to ensure the development is not of detriment to the amenity of the locality in accordance with the NPPF and Development Plan.
- 6 Condition: No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.

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29 July 2019

- 6 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.