

AGENDA ITEM NO: 8/1(d)

Parish:	Heacham	
Proposal:	Part demolition of and re-building of a detached three bedroom dwelling	
Location:	43 North Beach Heacham King's Lynn Norfolk	
Applicant:	Mr & Mrs C Upton	
Case No:	20/00478/F (Full Application)	
Case Officer:	Mr J Sheldrake	Date for Determination:

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

Neighbourhood Plan: No

Case Summary

The application involves the construction of a replacement dwelling on the west side of North Beach, Heacham.

The application site lies within Tidal Flood Zones 3a and 3b of the King's Lynn and West Norfolk Strategic Flood Risk Assessment (SFRA) Part 2, in an area of significant flood risk identified by the Wash Shoreline Management Plan (SMP). This area is covered by a Coastal Flood Risk Planning Protocol, introduced by the Environment Agency and the Borough Council, and within the Coastal Flood Risk Hazard Zone covered by Policy DM18 (Coastal Flood Risk Hazard Zone (Hunstanton to Dersingham)) of the Site Allocations and Development Management Plan (2016).

A previous application for a replacement dwelling on the site was refused for providing a level of habitable accommodation materially greater than the existing dwelling, which would result in an increase in the amount of people at risk from flooding.

The current application seeks to overcome the previous reason for refusal by proposing a smaller increase in the overall area of habitable floor space, and an internal arrangement that would prevent future subdivision of the property to create additional bedrooms.

Key Issues

The key issues identified in the consideration of this application are as follows:

- the principle of development and flood risk;
- the impact on the form and character of the area; and
- the impact on residential amenity.

Recommendation

APPROVE

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THE APPLICATION

The application involves the construction of a replacement dwelling on the west side of North Beach, Heacham. The proposed replacement dwelling will consist of concrete support pillars at ground-floor and the habitable accommodation split between first-floor and a smaller second-floor volume. The second-floor will be faced with horizontal timber boarding and the first-floor will be rendered. The balustrade around the second-floor terrace will be constructed from galvanised steel.

The application site also includes two caravans that will remain on the site. The two caravans were granted permission by 05/00121/F (Application Permitted: 15/08/06 – Retention of holiday homes). The existing house and the two caravans both have permission to remain permanently on the site, but have restricted occupancy (April to September). The status of the caravans will be unaffected by this application.

The existing two-storey dwelling consists of a flat-roof volume that rests on several 3 metre tall concrete support pillars. The existing habitable floor-space measures approximately 70 metres squared and provides 3 bedrooms for the occupants. The proposed habitable floor-space will measure slightly over 70 metres squared and will provide 3 bedrooms for the occupants, the same as the existing dwelling.

The application has been supported by a Flood Risk Assessment, habitable floor-space calculations, an engineers report detailing measures to withstand hydrostatic pressure from a potential tidal surge, and details of flood resistance and resilience measures.

Habitable accommodation is defined by Policy DM18 (Coastal Flood Risk Hazard Zone (Hunstanton to Dersingham)) of the Site Allocations and Development Management Plan (2016) as bedrooms, sitting rooms, dining rooms, kitchens and any other room designed for habitation. Rooms that are not normally used for living in, such as toilets, storerooms, pantries, cellars and garages, are not considered to be habitable. Floor-space taken up for internal stairways is not counted as habitable floor-space.

SUPPORTING CASE

A supporting statement hasn't been submitted.

PLANNING HISTORY

19/01975/F: Application Refused: 14/01/2020 - Part demolition of and re-building of a detached three bedroom dwelling

2/94/1358/F: Application Withdrawn: 07/11/94 – Retention of holiday caravan

05/00121/F: Application Permitted: 15/08/06 – Retention of holiday homes

RESPONSE TO CONSULTATION

Parish Council: OBJECTION

“The Borough Planning Committee refused the last application 19/01975/F on a number of issues including increased habitable area.

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There is no single legal definition of "habitable room", as its use and meaning is subject to context. The Lower ground floor though is designated in item 2 of the D&A statement as Non habitable, so is taken out of the equation.

The existing plans of the Upper Ground floor (area) is 69.7sqm.

The Proposed plans the Upper Ground floor has been decreased to 61.06sqm (so smaller footprint) BUT! They then put a structure for a bedroom and en-suite, on the first floor of 17.27sqm making a proposed total floor area of 78.33sqm, an increase of 8.63sqm in area or an increase of just over 11%.

We note that in the revised plan the stairs have been relocated but no fresh floor plan has been submitted, which could impact on the 'habitable' area on the first floor.

Our objection is an increase of floor space and the Flood risk Zones 3a & 3b as per the original refusal."

Highways Officer: NO OBJECTION

Public Rights of Way Officer: NO OBJECTION

"We have no objection in principle to the application but would highlight that access to the site is via a Public Right of Way, known as Heacham Byway Open to All Traffic 3. There is no responsibility upon the Highway Authority to maintain the route to facilitate private vehicular access. It would be expected that any damage caused to the Public Right of Way by the exercise of the private rights remains with the private rights holders to repair.

The full legal extent of this PROW must remain open and accessible for the duration of the development and subsequent occupation."

Environment Agency: NO OBJECTION

"National Planning Policy Framework Flood Risk Sequential Test

In accordance with the National Planning Policy Framework (NPPF) paragraph 158, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

Review of Flood Risk Assessment (FRA)

We have reviewed the Flood Risk Assessment (FRA) submitted and find the details acceptable. However, to reduce the risk of flooding to the development and future occupants in extreme events, your authority may wish to consider applying a condition to any subsequent permission to ensure the implementation of proposed mitigation measures.

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures outlined in the FRA, by Geoff Beel Consultancy, Ref: GCB/Anglian Building Consultants, dated September 2019 are implemented in full unless otherwise agreed

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by the planning authority. The mitigation measures shall be fully implemented prior to occupation or in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

The EA does not need to be consulted on any matters related to this condition. It should be noted that the submitted FRA states that:

- The finished first floor level will be set at a minimum of 7.32m above Ordnance Datum;
- No ground floor habitable accommodation;
- The dwelling will only be occupied between 1st April and 30th September in any one year.

Advice to LPA

With regard to the second part of the Exception Test, your Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access such buildings to rescue and evacuate those people.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authority to formally consider the emergency planning and rescue implications of new development in making their decisions.

We strongly recommend that your Emergency Planner is consulted on the above issues.”

Emergency Planning Officer: NEUTRAL COMMENT:

“As this site lies within policy area DM18 I have no objections assuming the seven criteria are ultimately satisfied:

- A Flood Risk Assessment (FRA) must be undertaken for the development; All habitable accommodation will be provided above ground floor level (habitable accommodation would usually include bedrooms, sitting rooms, dining rooms, kitchens and any other room designed for habitation. Rooms that are not normally used for living in, such as toilets, storerooms, pantries, cellars and garages, are not considered to be habitable);
- The dwelling will only be occupied between 1st April and 30th September in any one year;
- The dwelling will incorporate flood mitigation and resiliency measures in accordance with
- the Department for Communities and Local Government publication: “Improving the flood performance of new buildings, flood resilient construction” (2007);
- The building must be appropriately designed to withstand and be resilient to hydrostatic pressure resulting from a breach/overtopping of the tidal defences;
- A flood warning and evacuation plan will be prepared for the property and retained on site;
- The level of habitable accommodation provided by the new dwelling would not be materially
- greater than that provided by the original dwelling. Proposals should not result in an increase in the number of bedrooms over and above the number in the original dwelling.”

Environmental Quality Officer: NO OBJECTION (with informative):

“Based on the information supplied, I have no objections to make regarding contaminated land or air quality.

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However, due to the age of the existing dwelling, I would recommend the following informative:

The proposed development will include the refurbishment of the existing building which could contain asbestos materials. The Control of Asbestos Regulations 2012 (CAR 2012) require that suitable and sufficient assessment is carried out as to whether asbestos is or is liable to be present before demolition or other work is carried out. CAR 2012 requires that a suitable written plan of work must be prepared before any work is carried out and the work must be carried out in accordance with that plan. If asbestos is not managed appropriately then the site may require a detailed site investigation and could become contaminated land as defined in Part 2A of the Environmental Protection Act 1990.”

Natural England: NO OBJECTION.

REPRESENTATIONS

None.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 – Development in Rural Areas

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

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

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The key issues identified in the consideration of this application are as follows:

- the principle of development and flood risk;
- the impact on the form and character of the area; and
- the impact on residential amenity.

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The Principle of Development and Flood Risk

The proposed development involves the replacement of an existing dwelling within the Coastal Flood Risk Hazard Zone covered by Policy DM18 (Coastal Flood Risk Hazard Zone (Hunstanton to Dersingham)) of the Site Allocations and Development Management Plan (2016). The proposal is not required to pass the sequential test as it involves the construction of a replacement dwelling, not the construction of a new dwelling.

Policy DM18 of the Site Allocations and Development Management Policies Plan (2016) states the following:

“Replacement dwellings will only be permitted in Tidal Flood Zone 3 where all of the following seven criteria are satisfied:

- A Flood Risk Assessment (FRA) must be undertaken for the development;
- All habitable accommodation will be provided above ground floor level (habitable accommodation would usually include bedrooms, sitting rooms, dining rooms, kitchens and any other room designed for habitation. Rooms that are not normally used for living in, such as toilets, storerooms, pantries, cellars and garages, are not considered to be habitable);
- The dwelling will only be occupied between 1st April and 30th September in any one year; The dwelling will incorporate flood mitigation and resiliency measures in accordance with the Department for Communities and Local Government publication: “Improving the flood performance of new buildings, flood resilient construction” (2007);
- The building must be appropriately designed to withstand and be resilient to hydrostatic pressure resulting from a breach/overtopping of the tidal defences;
- A flood warning and evacuation plan will be prepared for the property and retained on site;
- The level of habitable accommodation provided by the new dwelling would not be materially greater than that provided by the original dwelling. Proposals should not result in an increase in the number of bedrooms over and above the number in the original dwelling.”

The submitted FRA is considered acceptable by both the Local Planning Authority and the Environment Agency ; all habitable accommodation is above ground-floor and above the maximum predicted flood level; a condition has been imposed restricting the occupancy period; the dwelling will be constructed with flood resilience and resistance measures; the submitted engineering details demonstrate the ability of the proposed replacement dwelling to withstand and be resilient to hydrostatic pressure resulting from a breach/overtopping of the tidal defences; and a condition has been imposed requiring the submission of a flood warning and evacuation plan prior to the first occupation of the replacement dwelling.

The previous application for a replacement dwelling on the site (19/01975/F: Application Refused: 14/01/2020 - Part demolition of and re-building of a detached three bedroom dwelling) was refused for providing a level of habitable accommodation materially greater than the existing dwelling, which could have resulted in an increase in the amount of people at risk from flooding. The second-floor element of the previous application was large enough to be subdivided so that the replacement dwelling could provide 4 bedrooms (I.e. an increase of 1 from the current dwelling).

The proposed replacement dwelling has reduced the extent of habitable floor-space compared with the previous scheme so that the second-floor area cannot be subdivided to create an additional bedroom and so that overall increase in habitable floor-space compared with the existing dwelling is negligible (approximately 2 metres squared if the internal stairway between the first and second-floor is discounted). The proposed first-floor area is also smaller than the

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existing dwelling, so it couldn't be subdivided to create an additional bedroom. The level of habitable accommodation is not considered materially greater than the existing dwelling.

The proposed replacement dwelling meets the requirements of Policy DM18, so the principle of development is considered acceptable.

The Impact on the Form and Character of the Area

Along the Snettisham, Heacham and Hunstanton coastline there is a wide mixture of different height dwelling and different architectural styles. North Beach is characterised by a mixture of different height dwellings, both modern and more traditional, and the proposed replacement dwelling will add to this mix. The combination of materials (render, timber boarding, steel balustrades) is found in several of the modern dwellings along coastline and is typical of modern coastal dwelling.

The proposed dwelling will be more prominent than some of the surrounding dwellings, but it will add to the wide mixture of different style houses in the vicinity. Its scale and height is not considered excessive and will match other dwellings along the road and the visual massing will be broken up by the slim galvanised steel balustrade and the horizontal cladding at first-floor. The overall extent of glazing is not considered excessive and the combination of materials will work well together.

Overall, the proposal won't be unduly prominent in the street-serene and won't cause significant harm to the wider form and character of the area.

The Impact on Residential Amenity

The proposed replacement dwelling will be set significantly away from neighbouring dwellings, which will prevent significant overshadowing, loss of daylight or overbearance.

The existing dwelling allows significant overlooking of the neighbouring dwelling to the south from both the existing terrace and the windows on the south elevation, and both the neighbouring dwelling to the south and the neighbouring dwelling to the north are significantly overlooked from the Public Right of Way running along the sea wall to the west of the site. There will be a slight increase in overlooking from the roof terrace and balcony; however, the level of overlooking is not considered significantly greater than currently exists. Given the separation distance to the neighbouring dwellings and the current level of overlooking, the overall level of overlooking is considered acceptable.

CONCLUSION

The principle of development is acceptable, and the flood risk implications of the proposed development is considered to comply with Policy DM18 and the provisions of the NPPF, and the proposal won't cause harm to the form and character of the area or neighbour amenity.

The proposal is therefore considered to comply with Policies CS01, CS02 and CS08 of the Borough Council of King's Lynn and West Norfolk's Core Strategy (2011), Policies DM15 and DM18 of the Site Allocations and Development Management Policies Plan (2016), and the provisions of the National Planning Policy Framework (2019).

RECOMMENDATION:

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

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- 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:
- 19-1878-1 Location plan;
19-1878-4 A Proposed site plan;
19-1878-5 A Proposed floor-plans; and
19-1878-6 A proposed elevations, roof plan, and site section (25th of March 2020).
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition The replacement dwelling, hereby approved, shall be constructed in accordance with the flood resistance and resilience measures dated the 22nd of May 2020 (drawings AJ 19-210A, AJ 19-210B, and AJ 19-210C).
- 3 Reason: To protect the replacement dwelling and its occupants from the significant flood risks of the site, particularly hydrostatic pressure during a tidal surge, and to comply the requirements of Policy DM18 and the NPPF (2019).
- 4 Condition Occupancy of the replacement dwelling shall be limited to the period from 1st April to 30th September in any calendar year.
- 4 Reason: To reduce the risk of flooding to occupants of the development in accordance with the NPPF (2019) and to comply the requirements of Policy DM18.
- 5 Condition Prior to the first occupation of the replacement dwelling, an evacuation plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall include:
- a) actions to take on receipt of the different flood warnings levels;
b) evacuation procedures e.g. isolating services, taking valuables etc.; and
c) evacuation routes.
- 5 Reason: To ensure an appropriate evacuation plan is in place prior to the first use of the replacement dwelling in the interests of reducing the risks associated with flooding in accordance with the NPPF and Local Plan.
- 6 Condition The development, hereby approved, shall be carried out in full accordance with the submitted Flood Risk Assessment (FRA) prepared by Geoff Beel, dated September 2019, and retained thereafter in perpetuity. In particular, the FRA states that:
- The finished first floor level will be set at a minimum of 7.32m above Ordnance Datum;
 - No ground floor habitable accommodation; and
 - The dwelling will only be occupied between 1st April and 30th September in any one year.
- 6 Reason: In the interests of protecting life and property in the event of a flood, in accordance with the provisions of the NPPF.

- 7 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 the dwelling house of any building or enclosure, swimming or other pool, shall not be allowed without the granting of specific planning permission.
- 7 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the above mentioned Order, and to prevent an increase in the amount of people at risk from flooding by restricting the level of habitable accommodation.