

**AGENDA ITEM NO. 8/1(a)**

<b>Parish:</b>	<b>Hunstanton</b>	
<b>Proposal:</b>	<b>VARIATION OF CONDITION 1 of Planning Permission HU 1260: To remove occupancy restrictions</b>	
<b>Location:</b>	<b>113 South Beach Road Hunstanton Norfolk PE36 5BA</b>	
<b>Applicant:</b>	<b>Mr Michael John Burton</b>	
<b>Case No:</b>	<b>21/01287/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr C Fry</b>	<b>Date for Determination: 10 August 2021 Extension of Time Expiry Date: 7 September 2021</b>

**Reason for Referral to Planning Committee** – Contrary to the views of Hunstanton Town Council and Sifting Panel requires the application to be determined by Planning Committee.

**Neighbourhood Plan:** No

**Case Summary**

The application site is outside of the development boundary of Hunstanton and is contained within the Coastal Hazard Zone (Hunstanton to Dersingham).

The site comprises of a 2-storey terraced dwelling that was granted approval in 1967 subject to a seasonal occupancy condition stating that the property shall only be occupied between 1st April to the 31st October in any calendar year.

The surrounding land uses comprises of residential dwellings and holiday caravan sites.

The application seeks consent to extend the seasonal occupancy period to 11 months of the year.

**Key Issues**

Planning History and Principle of Development  
Flood Risk  
Other Material Considerations

**Recommendation**

**REFUSE**

## THE APPLICATION

The application seeks consent to extend the seasonal occupancy period at 113 South Beach Road, Hunstanton.

The occupancy of 113 South Beach Road is restricted to the 1st April to the 31st October as approved under HU 1260, granted 11th September 1967. The application seeks to extend the occupancy period to 11 months in line with other properties in the terrace, that benefit from 11 months occupancy. The applicant is prepared to vacate the property between 16th January and 15th February per calendar year.

113 South Beach Road, Hunstanton is contained within the Coastal Hazard Zone where extensions to seasonal occupancy are resisted.

## SUPPORTING CASE

The applicant has provided a brief letter with the application that states.

- For personal reasons the applicant wishes to occupy the property.
- Other properties within the terrace of 6 have 11 months occupancy.
- No. 105 and 111 have permanent residents and they vacate the properties between the 16th January and 15th February and I would do the same.
- No. 107 and no. 115 also have 11 months occupancy usage.

## PLANNING HISTORY

HU1260: Hunstanton Terrace of 6 houses at 101 South Beach Road, Hunstanton. approved 11th September 1967.

## RESPONSE TO CONSULTATION

**Town Council: SUPPORT** The plans submitted for this property fails in line with this Council's visions for the development and future plans for the town's longer-term enhancement. We cannot understand why this property has a restriction of 7 months placed upon it, when caravans and other dwellings of similar type in the same road have an 11 month occupancy/permitted use.

**Environment Agency: OBJECTION** the application is contrary to your SADMP Plan Policy DM18 and would lead to an unacceptable risk to life from flooding.

Policy DM18 states "Seasonal Occupancy will be limited to between 1st April and 30th September. Applications to remove, relax or vary (by way of an extension) any existing occupation does not occur during periods of highest flood risk. We therefore recommend that permission is refused.

## REPRESENTATIONS

**None** received

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS05** – Hunstanton

**CS08** - Sustainable Development

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

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

**DM21** - Sites in Areas of Flood Risk

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main planning considerations in regards to the application are:-

1. Planning History and Principle of Development
2. Flood Risk
3. Other Material Considerations

### **Planning History and Principle of Development**

The site has the benefit of seasonal occupancy from the 1st April to 31st October in any given year granted in 1967, Hunstanton HU1260. The proposal seeks consent to vary the seasonal occupancy period to allow 11 months occupancy of the building.

The site lies within the Coastal Flood Risk Hazard Zone (Hunstanton to Dersingham). Development within the Coastal Flood Risk Hazard Zone are restricted, because the of the risks associated with seasonality of each of the highest astronomical tides, the probability of storm surges, and wave action severity.

Policy DM18 of the Site Allocation and Development Management Policies Plan 2016 (SADMP) - Coastal Flood Risk Hazard Zone clearly states the approach to take when assessing extensions to seasonal occupancy conditions. Policy DM18 states

"Seasonal occupancy will be limited to between 1 April to the 30th September. Applications to remove, relax or vary (by way of extension) any existing seasonal occupancy condition will be resisted".

In this regard the current occupancy restriction, is for a longer period than what is allowed under Policy DM18 and thus to extend the occupancy of 113 South Beach Road, would be contrary to policy DM18 and expose more risk to life from flooding.

### **Flood Risk**

Paragraphs 170-173 of the National Planning Policy Framework relates to development within Coastal Change Management Areas and how the local authority will approach the determination of such applications in these areas, specifically identifying what development would not be appropriate in such areas.

Policy DM18 of the SADMP makes it very clear that seasonal occupancy should only be between the months of 1st April to 30th September.

Extending the occupancy restriction of 113 South Beach, would expose people to storms, tides and wave actions that could potentially threaten their lives.

Whilst no Flood Risk Assessment was submitted with the Application, it is considered that if one were to be submitted, there would be no FRA able to adequately address the risk to life.

It is worth noting, that the risks associated with flooding go beyond merely whether the property itself will flood. For example, someone stranded in the event of a flood event will still need to be rescued which would put rescuers at unacceptable and unnecessary risk.

It is noted that Hunstanton Town Council supports the application, as it adds to the Regeneration objectives of the town, but it is considered that extending the period of occupancy at no.113 during a very vulnerable time of the year would not provide a wider sustainability benefit that would outweigh the risk to life.

The Environment Agency objects to the proposal too as it is contrary to adopted policy.

### **Other Material Considerations**

Whilst the applicant's correspondence refers to other properties on this part of South Beach Road, no. 101,107,111 and 115 benefiting from longer occupancy periods, those properties were granted extensions to their seasonal occupancy in the mid-1990s. The merits of extending the occupancy of those properties would have been subject to the policies at the time and thus pre-dating Policy DM18 and the designation of the Coastal Flood Risk Hazard Zone.

It is also worthy of note that 109 South Beach Road, which forms part of this terraced block, was refused an extension to its occupancy period in 2009, on the grounds of risk to life in the event of flooding.

Furthermore, since the adoption of the Site Allocation and Development Management Plan Policy DM18, two appeals have been dismissed, one a new dwelling and another for an extension of a seasonal occupancy condition by virtue of the sites being contained in the

Coastal Flood Risk Hazard Zone. Both of which evidence consistency in dealing with proposals in the Coastal Flood Risk Hazard Zone and the weight attached to the seasonal occupancy between 1st April and 30th September.

In particular, Appeal no/v2635/W/17/3169623 (LPA ref. no. 16/02089/F) at Ocean View, 1F, South Beach Road, Heacham, Kings Lynn for permanent occupancy without complying with condition 2 (restricted occupancy), the Inspector commented that “season occupancy of development should be restricted and that inappropriate development in vulnerable areas be avoided.” The appeal decision is attached for reference.

Notwithstanding, that there has been no flooding at the address since 1953, the work carried out by the EA and the Borough Council in recent years to protect this part of the coastline, does not reduce the risk of life. The work carried out on an annual basis is to the shingle ridge and sands maintains the status quo.

The applicant's personal circumstances (financial issues), are noted but offer limited weight given the fundamental increase in risk to life as a result of extending the occupancy period.

The proposal, to increase the occupancy period of the site, does not affect any of the European statutory designated sites, hence no consultation was sought with Natural England in regard to the application.

## **CONCLUSION**

Fundamentally the proposal is contrary to DM18 of the Site Allocation and Development Management Policies Plan. The policy is very clear that applications to remove, relax or vary (by way of extension) any existing seasonal occupancy will be resisted.

Little evidence has been put forward by the applicant as to why the development should not be determined in accordance with the development plan policy. That aside, even if the applicant were to provide evidence that would add weight to the material consideration of boosting tourism and the economy, through the extended occupancy of 113 South Beach, it would be difficult to envisage how such information would outweigh the consideration of flood risk and the potential loss of life through this form of development in the Coastal Flood Risk Hazard Zone.

Accordingly the proposal is recommended for refusal for the following reason;

## **RECOMMENDATION:**

**REFUSE** for the following reason:

1. The site is located within Flood Zone 3 of the Local Authority's Strategic Flood Risk Assessment Maps, the Environment Agency's Tidal / Breach Hazard Area, and with the Local Plan's Coastal Hazard Zone. New development within these areas is restricted at national and local level, and the extension of seasonal occupancy conditions is specifically resisted by Local Plan Policy DM18. To approve the application would put people at unnecessary and unacceptable risk and would be contrary to the NPPF in general and specifically to Chapter 14 of the NPPF, and Local Plan Policies CS1, CS7, CS8 and DM18.