

Parish:	Brancaster	
Proposal:	Proposed demolition of three vacant existing commercial buildings and construction of two residential dwellings.	
Location:	Sailcraft Sea School The Boatyard Main Road Brancaster Staithe	
Applicant:	Langton Homes Ltd	
Case No:	20/01955/F (Full Application)	
Case Officer:	Olivia Luckhurst	Date for Determination: 1 February 2021 Extension of Time Expiry Date: 11 January 2022

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

Neighbourhood Plan: Yes

Case Summary

The application seeks permission for the demolition of three vacant existing commercial buildings and the construction of two residential dwellings.

The site is located within Brancaster Staithe which in planning policy terms is identified as a Key Rural Service Centre within the Core Strategy and SADMP and is considered to provide basic day to day facilities and can accommodate a small amount of growth.

Brancaster has an adopted Neighbourhood Plan (including Brancaster Staithe) and in this respect the site is within the Neighbourhood Plan (NP) settlement boundary.

The entire village is within the AONB.

Key Issues

The key issues to be determined in this case are:

- Principle of Development and policy considerations
- Planning History
- Impact on Amenity
- Design and Form
- Impact on the ANOB
- Highways and
- Other Materials Considerations

Recommendation

APPROVE

PLANNING HISTORY

20/00339/F Application Refused: Proposed demolition of redundant commercial properties and construction of 2 residential dwellings and new commercial building with associated accommodation

20/01955/F: Under Consideration (to be determined by Planning Committee as 'called-in' by Cllr Lawson) Recommendation of Refusal: Proposed demolition of three vacant existing commercial buildings and construction of two residential dwellings.

19/00471/CU: Non-determined Invalid now returned: 14/03/19 - Change of use from A1 Retail to A3 Deli / Café / Restaurant

2/99/0572/F: Application Permitted: 21/06/99 - Construction of single storey building and extension of workshop

CONSULTATIONS

Town/Parish Council: OBJECT

The Parish Council provided objecting comments on the following grounds:

- A desire to keep commercial properties in preference to residential, in such a prominent and central Village location;
- The complete lack of relevant and appropriate design, given the surrounding street scene, and residential properties nearby – specifically the materials, shape, flat roof, etc. (NP Pol 2 – “Any new dwelling, redevelopment or extension to a dwelling in the area should be carefully designed to blend in with adjacent properties and areas to maintain the character of the village.”)
- The scale and density of the proposals clearly conflict with this in as stark a fashion as possible.
- Overlooking (DM15)
- Density not being congruent with adjacent properties
- Lack of a turning space if allocated car parking is used, both for residents and deliveries (this being relevant given the A149 and nearby junction – especially in busy times of year).
- We would also note that properties in this location are likely to have boats, further reducing the space, and more interference with what would then be a residential street scene.

Consultation on Amended Scheme

Following the submission of amended plans received 8th September 2021, the Parish Council noted the improvement in terms of amenity impacts and design however, still stated that the preferred use for the site would be commercial as opposed to residential.

Local Highway Authority (NCC): NO OBJECTIONS subject to standard conditions

Environment Agency: NO OBJECTIONS

Internal Drainage Board: No comments received

Norfolk Landscape Archaeology: No comments received

Environmental Health & Housing – Environmental Quality: NO OBJECTIONS

Planning Committee
10 January 2022

Norfolk Constabulary: No comments received

REPRESENTATIONS

A total of **16 OBJECTING** representations were received (from 15 individuals. The objections including the followings concerns:

- Lack of information regarding contamination onsite
- Overdevelopment
- Impact on amenity
- Non compliance with policy DM12 and DM15.
- Lack of information regarding site levels
- Design is out of keeping with the surrounding area
- Impact on AONB
- Highways and parking issues
- Preference for commercial use of site
- Lack of amenity space
- Overlooking and loss of privacy

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS09 - Housing Distribution

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

DM2 – Development Boundaries

DM9 - Community Facilities

NEIGHBOURHOOD PLAN POLICIES

Policy 1 - Appropriate Housing

Policy 2 - Design, Style and Materials

Policy 3 - Footprint for New and Redeveloped Dwellings

Policy 4 - Parking Provision

Policy 7 - Development of Shops, Workshops and Business Units

Policy 10: Protection and Enhancement of the Natural Environment and Landscape

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

Principal of Development and policy considerations

The site is located within the built environment of Brancaster Staithe. The Parish of Brancaster has an adopted (revised version) Neighbourhood Plan (including Brancaster Staithe and Burnham Deepdale). This is the most up to date document in the Development Plan, when considering policies for the area. The policies within the Neighbourhood Plan include Policy 1, Policy 2, Policy 3, Policy 4, and Policy 7 are especially relevant in the consideration of the proposed development.

Policy 1 seeks to ensure that all residential development including new houses, replacement dwellings, conversions to homes or extensions to existing properties should be of a type and size that positively contributes to meeting the latest assessment of housing needs in general, and for smaller properties in particular.

Policy 2 focuses on design, style and materials and requires new development to be designed to a high quality that reflects and respects the character and appearance of the villages. Within the AONB and Conservation Area, sensitive design which reinforces local distinctiveness will be particularly required.

Policy 3 states that new, redeveloped and extended residential buildings should occupy no more than 50% of the plot unless the setting of a listed building, or the character and appearance of the conservation area, would be better conserved or enhanced by higher plot coverage.

Policy 4 states that new developments of two or more dwellings, a minimum of two off-road parking spaces for two-bedroom dwellings.

Policy 7 states that the development of shops, workshops and business units will be supported in appropriate locations (as defined by the Borough Council's Local Plan and by other development plan policies). The development and growth of existing businesses in the villages will also be supported.

In term of the Local Plan, the application site is located within Brancaster Staithe which is a Key Rural Service Centre within the Core Strategy and SADMP and is within the settlement

Planning Committee
10 January 2022

boundary. Policy DM2 states development will be permitted within the development boundaries of settlements provided it is in accordance with the other policies in the Local Plan. The whole of Brancaster Staithe lies within the Area of Outstanding Natural Beauty (AONB).

Policy DM15 also seeks to protect and enhance the amenity of the wider environment including its heritage and cultural value. All proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development. Proposals will be assessed against a number of factors including Heritage impact, overlooking, overbearing, overshadowing, contamination and visual impact.

Policy CS10 of the Core Strategy states that the council will seek to retain land or premises currently or last used for employment purposes (including agricultural uses) unless it can be demonstrated that continued use of the site for employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand.

Policy DM9 also seeks to encourage the retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth.

Development leading to the loss of an existing community facility will not be permitted unless it is demonstrated that either:

- a) the area currently served by it would remain suitably provided following the loss, or if not
- b) it is no longer viable or feasible to retain the premises in a community facility use.

In terms of national policy, the NPPF seeks the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (para 126).

Para 130 refers that 'planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.'

Para 134 also seeks high quality design, stating that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

The NPPF refers to development within the AONB, and states that great weight should be given to conserving and enhancing landscape and scenic beauty in these areas which have the highest status of (para 176). The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The above policy considerations will be considered in detail below.

Planning History

Planning permission was previously sought for the demolition of redundant commercial properties and construction of 2 residential dwellings and new commercial building with associated accommodation under application 20/00339/F. This was refused on the basis that the proposed dwellings would have an unacceptable impact on residential amenity along with not being able to accommodate sufficient parking, turning or private amenity space.

It was also considered that there was a lack of any parking for the commercial element and the poor parking and turning provision for the residential element would result in significant off-site parking which would lead to a severe impact on the road network and highway safety.

The proposal was considered to not function well with the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, or provide a high standard of amenity for either existing or future occupants.

The current submission has removed the proposal for a new commercial building and provided a revised design for the proposed dwellings. The current proposal has attempted to overcome the previous reasons for refusal on design and layout, although the loss of all the commercial elements is a change that also needs to be considered.

Loss of commercial facility

Policy CS10 of the Core Strategy states:

'Retention of Employment Land The Council will seek to retain land or premises currently or last used for employment purposes (including agricultural uses) unless it can be demonstrated that:

- i) continued use of the site for employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or
- ii) use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or
- iii) an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council's regeneration agenda. '

A relevant application should therefore meet one of the criteria set out above.

The application has been submitted with a supporting market statement which confirms that the site was first marketed for letting in October 2017 both privately and full market. A letting was agreed for the whole site in November 2017 however, this offer fell through due to the construction/quality/layout of the buildings and site. Multiple offers were also received for the lettings of individual units on site however, again, nothing came from these offers. The owner decided after 1.5 years of unsuccessful marketing and failed offers, to sell the site subject to planning permission to Langton Homes and it was considered that there was no reasonable prospect of a tenant for the existing use of the buildings and the site as a whole. The applicant also confirms within the statement that the site has been continued to be marketed throughout the planning process. The first criterion of CS10, and the second criterion of DM9, relating to lack of viability, are therefore considered to be met.

Notwithstanding the conclusion on viability, with a lawful use as a commercial boat sail yard, and possible changes of use, the potential for adverse impacts on surrounding dwellings is considered high. Therefore, in applying CS10, any intensification of use of the site for employment purposes (in order to ensure its continued commercial viability) would have significant ramifications for surrounding residents, in particular the existing dwellings located either side of and to the rear of the site. The residential use of the site would allow for fewer vehicle movements, remediation of a potentially contaminated site and overall lesser adverse impacts on residential amenity. The second criterion of CS10 above is also therefore considered to be met.

Whilst the loss of a commercial use in this area is regrettable, the information provided shows a sufficient marketing exercise, over an acceptable period has been carried out and is evidence that the sites current use is no longer viable as a whole given the lack of successful offers. In addition and in any case, the second criterion relating to amenity is also considered to be met. The information provided is considered to comply with the requirements of local policy.

Form and Character

The site is currently host to 3no. commercial units constructed from painted brick and cladding with the main access positioned in the middle of the site. Given that the units have remained unused for some time, the buildings currently appear fairly rundown and tired, therefore, appearing at odds with the attractive character of the area.

Main Road and the whole of the village are located within an AONB and is characterised by detached dwellings, which are a mixture of design styles of varied heights; single, one and a half storey and two storey properties. The majority of the surrounding properties are host to low level brick walls, fencing or landscaping to the front the plots and whilst the design of the properties varies, the common design element is the traditional building materials used including brick, flint and render.

The proposed dwellings will be constructed from red brick with flint and render and will be of a modest scale. The two storey, two bed properties will be positioned in line with the neighbouring dwellings located to the west and allow for sufficient separation distances to the surrounding boundaries. A Design and Access Statement has been submitted with the application and explains how the proposed dwellings will relate well to the area. For example, the inclusion of dormer windows to the front elevation, a design feature that can be seen throughout Main Road.

The properties are set back in the site providing a parking and manoeuvring area to front with amenity space enclosed by a new boundary wall and hedging. This design and layout will contribute to the leafy and verdant character of the area and will soften the appearance of the parking area. A suitable landscaping scheme can be conditioned

Overall, the proposed dwellings are considered to be of an acceptable scale, design and form and will appear in keeping with the character and appearance of the area whilst incorporating traditional materials and common design features. The dwellings will create a sense of place and make a positive contribution to the street scene in terms of visual amenity. They are considered to meet the terms of policies 1-4 of the Neighbourhood Plan (NP), as well as other policy on design.

Impact upon the AONB

AONB's have the highest status of protection in relation to landscape and scenic beauty. In this case the site is in the Coastal Slopes landscape character area of the AONB and one of the pressures includes 'Small-scale or incremental development within villages which may be inconsistent with local built character and materials'. The site is considered to be Sui Generis use and is host to 3no. redundant commercial buildings. The site is bordered by existing residential development and is viewable from within the street scene from multiple vantage points.

The proposed dwellings will be located next to a large two storey dwelling to the east and a modest cottage to the west. The proposed properties are positioned in line with the neighbouring dwellings and are of a comparable height or smaller.

The original design for the proposed dwellings incorporated cladded elements with a 'box like' form and was considered to be at odds with the majority of the more traditional homes, therefore, eroding the specially character of the area.

Following the receipt of amended plans, the proposed cladding and excessive glazing has been removed from the dwellings and the form and design of the properties has been completely changed to create a pair of modest, traditional looking dwellings that are not considered to detrimentally impact visually on the AONB, subject to standard conditioning regarding light spillage.

Impact on Amenity

Both the NPPF and Local Plan (including the Neighbourhood Plan) seek to protect the amenity of occupiers of existing dwellings.

In this case, the application site is surrounding by residential properties with a two storey dwelling located to the east with a separation distance of 4.5m and a row of 3no. two storey dwellings positioned to the south with a separation distance of 7.8m. To the west is two storey cottage with a 3.2m separation distance. The proposed dwellings do not incorporate any first floor windows on the rear elevation that serve habitable rooms, with roof lights serving the ensuite bathrooms. The side elevations do not incorporate any windows and only a ground floor door serving the kitchen. Overall, the proposed dwellings are not considered to result in any overlooking or loss of privacy given the window placement and the separation distances from the surrounding properties. The site will also be enclosed to the front with a new brick wall with the side and rear fencing retained with new hedging planted to increase the screening of the site. The units currently positioned on the site are single storey, however, the proposed dwellings will measure only 7.5m in height and will not exceed the ridge height of neighbouring properties. Given the orientation of the site, it is considered that the proposed development will not create any overshadowing or loss of light that is considered detrimental enough to warrant refusal. Overall, the proposed dwellings are considered to be of an acceptable design, scale and form that will not have a material impact on the residential amenity of the surrounding area.

Highways

The site will utilise an existing access off of Main Road and allows for 2no. parking spaces per dwelling which accords with adopted standards for the two bedroom dwellings. Given the sites previous commercial use, it is clear that the site access is capable of accommodating numerous vehicle movements. Overall, the site provides adequate parking and is not considered to result in any detrimental impacts on the highway.

Landscaping

The site is currently fairly open to the front with a white picket fence enclosing the site to the north. As shown on drg no. D2.6-04003, soft landscaping consisting of hedging (Laurel) will be planted to the front and rear of the site with close boarded timber fencing to the sides along with a new brick and flint wall to the front of the site. The hard and soft landscaping is considered to appear in keeping with the surrounding area which is host to a variety of enclosure types and planting. The hedging will soften the appearance of the driveway whilst the new brick wall will appear in keeping with the traditional materials seen throughout Main Road.

Other Material Considerations

Ecology

Natural England had no objections to make on the application. Whilst the site is located within a SSSI Impact Zone, the site is within the built extent of the village within a site that has already been developed and would have minimal if any impact on the SSSI.

Contamination

The application was supported with a contamination proforma document which was made publicly viewable on the Councils website. A consultation response was received from the Environmental Health Officer regarding the possibility of chemical residues from boat maintenance over the years as result of the sites current use, therefore, more information was requested. The applicant has provided a statement explaining how the existing uses were carried out and the measures put in place to avoid contamination. The Environmental Health Officer was reconsulted on the statement and provided further comments confirming that due to the previous commercial use, there is a possibility of unsuspected contamination, and it is likely that buildings on site contain asbestos materials. A condition will be added to ensure that 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. The asbestos issue will be dealt with by an informative on any permission.

Crime and Disorder

There are no specific crime and disorder applications associated with this application.

Drainage

The application will use soakaways as a form of drainage, and will connect to mains drainage.

CONCLUSION

Whilst the application site currently falls under a commercial use, the retention of which is favoured by the Parish Council, DM9 of the Site Allocations and Development Management Policies Plan and Policy CS10 of the Core Strategy states that the council will seek to retain land or premises currently or last used for employment purposes (including agricultural uses) unless it can be demonstrated that continued use of the site for employment purposes is no longer viable. It is the opinion of the Local Planning Authority that sufficient evidence has been provided to prove that the site is no longer viable for its current use, therefore, the principle of development is acceptable. Notwithstanding this the site could also be used for a range of commercial uses, which it is considered may not be particularly appropriate in an area surrounded by residential development.

Following the receipt of amended plans, it is considered that the proposed dwellings are now of an acceptable scale, design and form that incorporate materials that respect the character and appearance of the area and the AONB. It is believed that the character of the street scene will be maintained and the development will contribute to the varied street scene of Main Road.

The majority of the issues raised by third parties and the Parish Council are considered to have been overcome by the revised drawings, with the proposal no longer expected to detrimentally impact upon the residential amenity of surrounding properties or appear out of keeping.

The site can evidence a sufficient amount of parking with the acceptable utilisation of an existing access along with a safe turning area for its users.

Overall, and given the above, the proposed development is considered to comply with the overarching aims of the NPPF, Core Strategy policies CS1, CS2, CS08, CS09, CS10, CS11, CS12, CS13, Site Allocations and Development Management Policies Plan policies DM1, DM2, DM15, and DM17, and the relevant policies from the Brancaster Neighbourhood Plan, especially Policy 1, Policy 2, Policy 3, Policy 4, and Policy 7.

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 drawing nos:

D3-9-04003 Proposed Floor Plans Received 08/09/2021
D3-9-04003 Proposed Floor Plans Received 08/09/2021
D2-6-04003 Site & Location Plans Received 08/09/2021
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-

Planning Committee
10 January 2022

enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

- 3 Reason: In the interests of highway safety.
- 4 Condition: Prior to the first occupation of the development hereby permitted the proposed on-site car parking/turning/waiting area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 4 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 5 Condition: Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 5 Reason: To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development.
- 6 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 6 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 7 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 current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

- 7 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.
- 8 Condition: Prior to the first occupation of the development hereby approved, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the

orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.

- 8 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.