

Parish:	Brancaster	
Proposal:	Outline Application: The erection of one additional dwelling (in addition to that granted under permission under permission 20/00055/O) with associated garaging, parking and turning areas and other associated works.	
Location:	West Lee, 19 Town Lane, Brancaster Staithe, King's Lynn, Norfolk, PE31 8BT	
Applicant:	HD Planning Ltd	
Case No:	21/01607/0	
Case Officer:	Kelly Sweeney	Date for Determination: 13/10/21 Extension of Time Expiry Date: 5/4/23

Reason for Referral to Planning Committee – It was resolved at sifting panel that the application should be determined by the Planning Committee.

Neighbourhood Plan: No.

Case Summary

The site is located down a private access, Town Lane, Bancaster and forms part of the residential curtilage of No. 19 Town Lee, a large, detached dwelling.

Outline permission is sought for the erection of one additional dwelling (in addition to that already granted permission under the ref: 20/00055/0 with associated garaging, parking and turning areas and other associated works). In this case it is only the acceptability of the access arrangement for the site being sought with all other matters such as 'Appearance', 'Landscaping', 'Layout' and 'Scale' reserved. If approved a total of 3 houses would be within the red line boundary of the site. The original house (No. 19) and two new dwellings (including the aforementioned dwelling which already has outline permission).

Indicative plans show a tandem residential development with the original dwelling fronting the road on Town Lane and two 1.5m storey dwellings located to the rear.

Key Issues

- Principle of development
- Form and Character and Impact on the Area of Outstanding Natural Beauty
- Impact on Neighbour Amenity
- Highways Implications
- Other material Considerations

Recommendation:

APPROVE

THE APPLICATION

The site lies within the development boundary for the settlement which is classified as a Joint Key Rural Service Centre in the Settlement Hierarchy of the Core Strategy, within an Area of Outstanding Natural Beauty (AONB), and within the buffer zone of a Special Site of Scientific Interest (SSSI). There is also a tree subject to a Tree Preservation Order (TPO) on the site boundary. It forms part of the residential curtilage of 'West Lee', 19 Town Lane, Brancaster which is a large, detached dwelling with a large rear garden. On the far side of the plot next to the southern boundary there is an existing static caravan.

Outline permission is sought for the erection of one additional dwelling (in addition to that granted under planning permission 20/00055/O with associated garaging, parking and turning areas and other associated works). As such a total of 3 dwellings would be located within the site boundary (the original dwelling at No. 13, a dwelling already granted outline permission and a third additional dwelling. In this case it is only the acceptability of the access arrangements for the site being sought with all other matters such as 'appearance', 'Landscaping', 'Layout' and 'Scale' reserved.

An indicative plan has been submitted which shows a tandem residential development with the original dwelling fronting the road access on Town Lane and two detached 1.5m storey dwellings with associated parking and garden space located side by side behind the existing dwelling. The indicative plan shows that parking and garden space would be retained for the existing house at No. 19.

PLANNING HISTORY

20/00055/O: Application Approved- 15/5/2020: Erection of 1No. Dwelling with garage.

RESPONSE TO CONSULTATION

Parish Council: OBJECT on the following grounds:

Consider the proposal to be an overdevelopment of the site. Concerns raised over the safety and suitability of the access road and the lack of suitable footway for pedestrians and non-car traffic.

Environment Agency: NO OBJECTION

Environmental Quality: NO OBJECTION.

Natural England: NO OBJECTION.

Norfolk Coast Partnership: NO OBJECTION.

CSNN: NO OBJECTION.

Waste and Recycling Officer: NO OBJECTION.

NCC Highways: Following the receipt of additional information, **NO OBJECTION** subject to conditions. Given that the development would represent a 4.7% increase in traffic generation to the site over and above that already granted planning permission it would not be

reasonable to object to the application or require the applicant to carry out any works to the access into the site.

Arboricultural Officer: NO OBJECTION.

REPRESENTATIONS

SIX letters of **OBJECTION** were received, commenting as follows:-

- The development would constitute an overdevelopment of the site.
- The development would lead to dangerous conditions from a highway's perspective particularly onto the A149.
- The development would lead to the erosion of green space and the AONB.
- The development would endanger pedestrians.
- Comments made with respect to the how the Council has consulted on the application.

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 9 – Protection and Enhancement of The Natural Environment and Landscape

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The key considerations in assessing this application are as follows:

- Principle of development
- Form and Character and Impact on the Area of Outstanding Natural Beauty (AONB)
- Impact on Neighbour Amenity
- Highway implications
- Other material considerations

Principle of the 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.

As previously discussed this application is a re-submission of a previously approved outline application (ref: 20/00055/O) for the development of the site to provide an additional dwelling located in the rear garden of No. 19 Town Lane to be retained. In this case a further new dwelling is proposed. As such it is proposed to retain the original house at No. 19 and build two new dwellings within the site boundary.

Form and Character and Impact on the AONB

This cannot be fully assessed due to the outline nature of the development. However indicative plans have been provided which demonstrate that two small, 3 x bedroom houses along with no. 19 can be comfortably accommodated on the site. Each dwelling would appear to have sufficient space with their own off-street parking and generous private rear garden spaces.

The immediate surrounding area comprises of similar sized detached houses to that proposed on the indicative plans submitted and set with similar sized plots. To the northeast of the site along Town Lane there are five detached dwellings each set with a relatively small plot which are similar in size to the plot sizes proposed in this case. Further north off the A149 there is a residential area where the density of dwellings is greater than the application site and dwellings are located much closer together. Further west along the A149 there are also examples of houses set in a tandem layout with a house fronting the main road and further houses located behind. One such example can be seen at 'Brambles', 'Field Cottage' and 'Iper Cottage'. This reflects the layout proposed under this current application.

It is noted that when application ref:20/00055/O was initially submitted it included indicative plans for 3 x new dwellings plus the existing dwelling retained at No. 19. As such originally it was proposed that a total of four dwellings would be on the site.

Following negotiations with the Case Officer the indicative plans were amended to show only one, new large 4 bedroom dwelling (instead of 3) with an associated garage, car port and parking leaving much of the southern end of the site open and undeveloped.

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3 April 2023

This current outline application differs from the previously approved 2020 application in that it is now proposed to provide two new dwellings (one more than that previously approved under the 2020 application) along with the retention of No. 19. The indicative plans show two proposed houses, and each would be much smaller in footprint than the previously approved 4 bedroomed house. Each of the proposed houses would also have 3 bedrooms rather than 4 bedrooms. It is considered that this new layout is more reflective of the prevailing character and pattern of development of the area as described above

It is noted that Norfolk Coast Partnership, Environment Agency, Environmental Quality or Natural England have objected to the development.

The proposal complies with Policy DM15 of the Site Allocations and Development Management Policies Plan.

Impact on Neighbour Amenity

This cannot be fully considered at this time given the outline nature of the proposed development. However, it is considered that any material overlooking, overbearing or overshadowing issues could be designed out; these aspects would be fully considered at the reserved matter stage. The indicative plans demonstrate that the two additional dwellings can be positioned side by side meaning that any habitable room windows can potentially be located to the front and rear elevations avoiding any overlooking or loss of privacy. The indicative plans show that sufficient distance can be preserved between the proposed new houses and No. 19 to avoid any overshadowing or loss of outlook.

The proposal complies with Policy DM15 of the Site Allocations and Development Management Policies Plan.

Highway Implications

Several objections have been received with respect to the pedestrian and highways implications of the development.

The Highway Authority has assessed the proposals in full as the access arrangements are not a reserved matter in this case. They have concluded that whilst the development would lead to a greater intensification of the access into the site which would benefit from some improvements, given that the development in this case would represent only a 4.7% increase in vehicle movements into and out of the access it would not be reasonable to refuse the application on highways grounds or to request that the application enter into a legal agreement to make improvements to the existing access.

It is also noted that the red line plan submitted with the application surrounds the entirety of Town Lane. Relevant Planning Practice Guidance requires a red line plan to identify a suitable point of access to allow for the development to be carried out. Town Lane is an existing access road. It is not proposed to construct a new access as such it was not necessary for Town Lane to be included within the application site boundary.

No objections or concerns have been raised with respect to the layout of the development which would provide an appropriate level of parking for both the existing and proposed houses as well as sufficient manoeuvring and turning space.

Overall it is considered that the development would be acceptable from a highway and pedestrian safety perspective in accordance with Policy CS11 of the Core Strategy and DM17 of the Site Allocations and Development Management Policies.

Other material considerations

Foul and surface water drainage shall 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 number of bedrooms (the dwellings shall have no more than three bedrooms)(NP Policy 1)
- The footprint of the dwellings shall not occupy more than 50% of the site (NP Policy 3)
- Each dwelling shall have at least two parking spaces (NP Policy 4).

Specific Comments:

A Shadow Habitats Risk Assessment (SHRA) is required. It is considered that every new dwelling created within Norfolk has the potential to cause significant recreational impacts when considered in combination with all other developments brought forward with the Local Plan. The Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) allows the developer to pay into a collective county pot which administers the funds to implement mitigation measures at impacted Habitats Sites.

A SHR assessment has been carried out and concludes that a contribution of £371.86 would be required. It also concludes that provided this financial contribution is made the development would not result in adverse effects on the integrity of internationally designated wildlife sites in relation to recreation. The proposed development is of a nature and scale that there are no additional recreation implications beyond those being mitigated by the Norfolk GIRAMS. This contribution will need to be paid when the Reserved Matters application is submitted.

The proposal is CIL Liable. Collection of CIL will be covered under the relevant legislation.

There are no specific Crime and Disorder issues arising from the proposed development. The Arboriculture Officer raised no objection to the previously approved application on the grounds of the impact on the TPO tree subject to a condition requiring its protection prior to works commencing on site.

CONCLUSION

Overall the outline application is considered to be acceptable in terms of its access arrangements including any highways or pedestrian safety matters. The development would be acceptable in principle and any other matters would be dealt with as part of a separate reserved matters application. Overall it is considered that this application is acceptable and is in accordance with Policy CS11 of the Core Strategy and DM17 of the Site Allocations and Development Management Policies. Approval of the application is therefore recommended.

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 two new 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.
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 issues that needs to be planned for and agreed at the start of the development.
7. Condition: No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor

shall any excavations be made without the written approval of the Local Planning Authority.

7. Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
8. Condition: Prior to the commencement of the use hereby permitted the vehicular access shall be upgraded in accordance with the Norfolk County Council residential access construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway 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.
8. Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement'.
9. Condition: Prior to the first occupation of the development hereby permitted the proposed on-site car parking/servicing/loading/unloading/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.
9. Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.