

PLANNING COMMITTEE

3 June 2024

SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE PUBLICATION OF THE AGENDA AND ERRATA

Item No. 9/1(a) 22/01970/F

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Holme next the Sea Parish Council: Provided detailed response to the Officer's Report, totalling 13 pages. The document is available in full on the planning application file and for the avoidance of doubt, is summarised as follows:

- The Parish Council considers, despite the amendments to the report, that the additional documentary evidence/information in the draft Heritage Assessment has not been fully assessed.
- The statement provides an outline of the background of Brownsea and its position within Holme.
- The statement discusses the history of the site in reference to 22/00202/TREECA, stating that this loss of trees has had a significant impact on the street scene and Conservation Area and on the heritage significance of Brownsea.
- The current condition of the building has been taken into account without a professional structural survey being included with the submission with reference to Paragraph 202 of the NPPF (2023) and its provisions on deliberate neglect.
- No heritage statement was provided by the Applicant upon submission of the application as required by Paragraph 200 of the NPPF.
- The history of the houses, both in terms of architectural firms and the link to Charles Bennion have considerable historic significance which should have been given more consideration.
- The Parish Council considers the development to amount to substantial harm rather than less than substantial harm. The Parish does not agree with the heritage position and does not think the limited public benefits outweigh the harm
- Comments on the use of tree protection/replacement conditions rather than the use of Tree Preservation Orders suggested by the Arboricultural Officer.
- The proposed dwelling is over 40% larger than the existing, plus a prominent car port and it will take 20 years for vegetation to mature to the same extent as historical planting.
- Disagreement of the use of Bohm judgement and reference instead to Majski v Shropshire Council and Mond v London Borough of Camden decisions. These decisions relate to Inspectors finding that the design of buildings would not enforce local distinctiveness.
- Disagreement to the extent of fallback positions provided by the General Permitted Development Order in regard to demolition and extensions within the Conservation Area & National Landscape.
- Disagreement in the overall planning balance, raising question over the use of flood resilience and resistance measures for the existing dwelling and the sequential and exceptions tests and the lack of evidence of clear improvements to flood risk on site as a result of the proposal.

The LPA were also included in email chains between Holme Parish Council and a member of the CAAP panel, querying whether or not the application had been referred back to CAAP.

Assistant Director's Comments:

The majority of the correspondence from Holme Next The Sea Parish Council raises issues of disagreement on the conclusions of the Officer's Report in regard to planning balance, raising concern over the impact of loss of trees under 22/00202/TREECA, the scale of Brownsea's contribution to the Conservation Area and as a non-designated heritage asset, the design of the scheme and whether the public benefits of the scheme outweigh the identified harm. Some comments refer to issues already discussed in the officer report. For the avoidance of doubt, responses to main points of contest are below and are for Members to consider in determining the planning balance.

In regard to para 1.1.3, the Officer's Report outlines that the Borough Council does not maintain a Local List, and sets out other opportunities to formalise Brownsea's position as a non-designated heritage asset either through updates to their Neighbourhood Plan or via the Historic Environment Record. If the Parish Council wish to formally designate Brownsea as a designated heritage asset, this is the responsibility of Historic England. Officers have consistently referred to Brownsea as a non-designated heritage asset within the Officer's Report and have considered the application on that basis.

At 4.1.6 of their statement, the Parish Council suggests that Officers have ignored the harm caused to the street scene by 22/00202/TREECA. The loss of trees is discussed in detail within the Officer's Report, which is already with Members. The loss of trees and hedgerows was permitted by the former Arboricultural Officer and is authorised, and regard has been given to the existing situation on site within the report.

At 4.1.7, the Parish Council refers to Paragraph 202 of the NPPF which refers to deliberate neglect not being taken into account in Planning Decisions. The LPA has no evidence to ascertain that the current state of the building has been deliberately neglected by the applicants with an aim to making consent easier to gain. This is described in more detail by Para 014 of the Planning Practice Guidance, Ref ID 18a-014-20190703.

Para 5.1.1 of the statement refers to the lack of a specific heritage statement being provided. The Design and Access statement document submitted with the application very briefly outlines the site. As the information regarding Shirley Harrison & Brownsea's non-designated heritage asset status was not known at the time of submission, there was no justification for the scheme to be invalidated on this basis. The consideration of this application has had significant regard to the dwelling's status as a non-designated heritage asset within the planning application process. Paragraphs 5.1.3-5.1.5 refer specifically to Charles Bennion and his family, who Shirley Harrison designed the group of four dwellings on behalf of, with the Parish Council stating that 'no consideration or weight' has been given to this link within the Officer's Report. Detailed consideration has taken place throughout the report in regard to the overall history and contribution of Brownsea to the area's history. The information within the Draft Heritage Statement has been assessed both within the updated Officer's Report and by the Conservation Officer as part of their updated consideration.

In response to classifying the scale of harm (Paras 5.1.6 to 6.1.1), the Officer's report sets out clearly the reasoning behind the Local Planning Authority considering the harm as less than substantial. References to Bohm within the Officer's Report set out that balance is required and provide a basis for assessment and consideration. This consideration must always take place on a site-specific basis.

At Para 6.1.1.iv, the Parish Council discuss whether the site would be viewed in connection with the residential properties in either direction. This is in response to comments on the impacts on

the National Landscape within the Officers Report. As one travels along Beach Road, the existence of sporadic residential properties is not entirely screened or hidden by vegetation as set out by the Parish Council, gaps between hedgerows are available and the existing of driveways and access points further allows passersby opportunity to see residential development in its setting. The construction of a replacement dwelling in such a position would not be at odds with the character of this part of the National Landscape. The screening proposed to be required via condition does not itself seek directly to remedy the impact of the authorised tree removal works, instead, the landscaping conditions seek to ensure that the proposed dwelling is appropriately softened into the street scene for visual amenity reasons.

Comments in the same section refer to the comments on a Tree Preservation Order being served and state that the Parish believe that serving a TPO has been rejected in favour of planning conditions. The serving of a Tree Preservation Order would be conducted separately from this Planning Application. The conditions (in particular condition 4) ensure that irrespective of whether or not a TPO is placed on the land, that the remaining trees are suitably protected.

At 6.1.3, the Parish Council refers to alternative Planning Inspectorate decisions in response to comments from Bohm, these decisions relate to Inspectors findings that the design of buildings would not enforce local distinctiveness. Whether or not the design reinforces local distinctiveness is a question for Members to consider.

At 6.1.4, the Parish Council refer to permitted development rights being restrict by being within the Conservation Area and National Landscape. The fallback positions provided by permitted development rights are outlined in the Officers Report. For clarity, partial demolition (demolition of parts of a building) can take place under Class A of Part 1 of Schedule 2 of the General Permitted Development, where such works could be considered an alteration as opposed to demolition. Article 3(9) of the General Permitted Development Order confirms that there is a difference between demolition and partial demolition.

Section 7 of the document refers to public benefits of the proposal, stating that flood resilience measures could be incorporated into the existing dwelling. There is no mechanism available within the Planning System to require a householder to implement flood resistance or resilience measures in an existing dwelling. Therefore, the fact that flood mitigation measures can be controlled for the lifetime of the development as part of this application for a replacement dwelling is a material planning consideration. Proposed conditions would ensure not only that resistance and resilience measures are incorporated into the design, but that the structural integrity of the dwelling is taken into account to ensure that the first-floor refuge is safe and that the dwelling is capable of withstanding the flood depths of 1.24m.

The Parish Council also reiterate concerns regarding the sequential and exception tests. This is an application for a replacement dwelling, with no net increase in the number of households at risk in the event of a flood. The controls available to be implemented as part of this application would provide improves to the flood resilience and resistance of the dwelling. This betterment was acknowledged within the Environment Agency's response.

As noted within the Officer's Report to committee, the application has not been discussed at CAAP Panel since the original submission. This is due to a lack of available meetings taking place at the relevant times to allow discussion. Previous comments from CAAP referred specifically to design concerns rather than the principal of demolition.

Other Comments

At the previous meeting, Cllr de Whalley requested additional clarity to be included within the report relating to flooding and the escape plan for Bedroom 3.

The existing dwelling has three bedrooms at ground floor and therefore, in combination with the floor level raises, the provision of only one bedroom at ground floor for the proposed dwelling is an improvement in regard to sleeping accommodation below predicted flood depth. Condition 17 requires the development to be carried out in full accordance with the Flood Risk Assessment, and this includes the occupiers registering for flood warnings and creating an Emergency Evacuation Plan. Further control of the building's structural ability to withstand flooding is available via Condition 18.

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Applicant: Amended plan submitted identifying extent of blue land and a Supporting Statement (summarised in part for clarity – full statement available on online file) submitted as outlined in italics below:

“Since a pre- application for this scheme was submitted in April 2023, and a subsequent planning application was submitted in June 2023, the scheme has undergone several amends in response to consultee comments as well as changes to certain policies which occurred over the course of this last year.

Comments received and items addressed by the present scheme over the course of the application:

Pre-application Stage

Advice was sought at Pre-application stage which concluded Possibility of Approval with Amendment. The suggested amends related to parking and scale were undertaken. Pre-application Reference 22/00142/PREAPP.

Application Stage

CONSERVATION

Following comments received from the Conservation Officer, in agreement, the amended scheme incorporated these comments as follows:

Scale

- The cross wing which forms an L-shape ‘extension’ to the main body of the house has been shortened by a third, reducing the overall footprint and sense of scale of the proposed dwelling. Being narrower on plan the cross wing has a lower ridge and is thereby more subservient to the main body, both of which are particularly modest in scale when compared to the barns directly opposite which, rightly, are of a considerably larger scale.*
- The ridge height of the reconstructed Cottage element has been lowered by reducing the pitch to 40° (the same pitch as the existing cottage) and is only increased when compared to the existing to allow for modern standards of construction and building regulations. (Refer to attached scale comparison diagram).*

Design

- All modern design and detailing to the south elevation has been changed to traditional design elements and detailing thus maintaining a more consistent theme throughout. This includes replacing the more modern large glazed openings with traditional timber casement windows and*

French windows, thereby significantly reducing the amount of glazing proposed, something which we note the Parish Council were conscious of.

- A traditional brick chimney has replaced the stainless steel flue.*
- Traditional brick and flint walling has replaced the timber fencing on the road side.*
- The previously proposed black clay pantiles have been replaced with traditional red clay pantiles.*
- Photos of proposed traditional brick and flint construction and detailing are attached to this document. The photos are examples of newly constructed brick and flint walling by the same craftsmen the project will employ.*
- Burnham Market Neighbourhood Plan. The Parish Council rightly noted that this is now in force, the amended scheme therefore endeavours to comply with each policy within.*

REPLACEMENT/RECONSTRUCTION

The existing building will be replaced by a new traditional dwelling, close to the existing design but improving on the quality of construction.

ECOLOGY

The Ecology Officer has requested further information relating to the proposed plans:

- Please refer to the Biodiversity Net Gain Report submitted in relation to this amended scheme (ref.CC01622c)*

BURNHAM MARKET NEIGHBOURHOOD PLAN

The Case Officer has suggested that a statement showing how the scheme responds to the Burnham Market Neighbourhood Plan and the Burnham Market Design Guidance and Codes would be useful. We note that at the time of submission, the Neighbourhood Plan was not in force. Below we detail how the proposed plans sit alongside each policy:

Policy 1: Housing Mix

The proposed dwelling provides three bedrooms, thereby complying with this policy.

Policy 2: Affordable Housing

Being a single unit replacement dwelling, this policy unfortunately does not apply.

Policy 3: Second Homes and Furnished Holiday Lets

This dwelling is not a new market dwelling, therefore this policy does not apply. This dwelling, restored to its original purpose, will be a vital part of the functioning of the wider farm, Burnham Farm.

Policy 4: Replacement Dwellings

The proposed replacement dwelling is on a one for one basis and the proposals have been amended to show 100% traditional detailing. It is considered therefore that the replacement dwelling will enhance and improve its surrounding landscape, building on the existing habitat and ecology. It will restore its once connected relationship with Crow Hall, serving as a cottage of lesser and proportionate scale to the Hall and its surrounding barns which are directly opposite.

Policy 5: Extensions, Outbuildings (including Garages) and Annexes

This policy does not apply.

Policy 6: Design

*The subject site does not lie in any of the demarked areas of the plan: • CA1- Conservation area
• CA2- Southern Cluster • CA3- Modern Estate • CA4- Edge Development*

In regard to the Design Code items, being a replacement dwelling which is largely mirroring the existing building, the proposals are considered to meet and exceed the plan's design expectations. Detailed design amendments made in response to specific design issues raised in regard to the scheme have been addressed earlier in this statement. It is considered therefore that the proposals thereby comply with this policy.

Policy 7: Residential Parking Standards

This policy requires that 3 bed properties provide two car parking spaces. It also advises that if possible, parking should be to the side of the property and incorporated into the landscape to reduce the impact on the street scene. This is reflected in the plans. The proposals therefore comply with this policy.

Policy 8: Biodiversity and Green Corridors

The scheme aims to provide over and above the 10% required Net Gain. Please refer to the Biodiversity Net Gain Report.

Policy 9: Local Green Spaces

This policy does not apply to the proposed scheme.

Policy 10: Protection of Important Local Views

The dwelling will not be visible from any of the protected views. Being a replacement dwelling, any views will remain largely unchanged. Increasing only modestly in scale as previously mentioned. In addition to this, the amended scheme has replaced modern glazing to the south, with traditional casement windows, further reducing the impact (if any) on any views.

Policy 11: Dark Skies

Similarly, Dark skies will not be negatively impacted by the proposals, which adhere to each of the requirements. Smaller windows on the south side as part of the most recent amendments, together with traditional internal shuttering proposed, further reduce any impact on dark skies at night.

Policy 12: Surface Water Management

The proposed scheme does not introduce any new impermeable surfaces and is not in a flood risk area. The proposals will incorporate the use of Sustainable Drainage Systems including planting, permeable parking area and driveway and rainwater harvesting. The proposed scheme therefore complies with this policy.

Policy 13: Protection of Community Facilities

This policy does not apply to the proposals.

Policy 14: Implementing Walking and Cycling Routes

This policy does not apply to the proposals.

Policy 15: Burnham Market Conservation Area

The application site lies outside of the Conservation area, however, the amended scheme and its design is considered to comply with each and every point set out by this policy.

Burnham Market Design Guidance and Codes

It is considered that the proposals, now amended, adhere to the design guidance and codes Burnham Market have set out, in its entirety, and the resulting scheme will enhance and improve on the existing character and setting of its landscape. We are happy to answer any questions if any more detail is required.

Conclusion

Although it is not necessarily a planning matter, we would like to note that, with this property being in the same ownership as Burnham Farm in which it is located, this planned reconstruction has every intention to wholly enhance the local character, landscape and community. Having undertaken the necessary amends, we now view the proposals as going above and beyond to contribute positively to the ambitions and long-term intentions of local policy. Please feel free to contact us for further information.”

Assistant Director’s Comments:

Condition 2 is amended to reflect the updated location plan showing land in ownership within the blue line for completeness.

Amended Condition: As a result of the submitted amended location plan Condition 2 is required to be amended below:

2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:

- * PROPOSED SITE AND BLOCK PLAN, Drawing Number: 101 PL4, Received: 26 March 2024.
- * PROPOSED PLANS ELEVATIONS AND SECTIONS, Drawing Number: 102 PL3, Received: 26 March 2024.
- * Location Plan, Drawing Number: 001 PL2, Received: 24 May 2024.

2 Reason: For the avoidance of doubt and in the interests of proper planning.